

Disclosure Initiatives at Federal Agencies



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Agencies with active interest in disclosure policy include:

- Federal Trade Commission
- Food and Drug Administration
- OMB/OIRA (Office of Information and Regulatory Affairs)

Federal Trade Commission

- Endorsement Guides
 - First issued 1980; reissued 2009
- Disclosure required when endorser has a material connection to seller (e.g., receives a commission)
- FTC now working to apply this principle to internet commerce/affiliate marketing
- See June 2010 “Facts for Business: The FTC’s Revised Endorsement Guides – What People are Asking”

Food and Drug Administration

- Currently reviewing information and analysis on Front-of-Package labels
 - Comments requested in April; submitted in July
- Initiative launched after “Smart Choices” label was introduced and withdrawn in late 2009
- Various proposals submitted during the comment period
 - IOM Report issued October 13
 - GMA/FLI initiative announced October 27

OMB/OIRA

- Issued June 2010 memorandum entitled “Disclosure and Simplification as Regulatory Tools”
- Memorandum identifies 7 principles for disclosures:
 - Agencies should identify their goals
 - Disclosures should generally be simple and specific
 - Disclosures should be accurate and in plain language
 - Disclosures should be properly timed and placed
 - Disclosures using ratings or scales should be meaningful
 - If possible, agencies should test in advance and monitor over time the effects from disclosure requirements
 - Agencies should identify and consider the likely costs and benefits of disclosure requirements