



United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Mary K. Engle
Associate Director

September 6, 2017

{*Name and Address*}

Dear {*Name*}:

As you may recall, I wrote to you in March regarding one of your Instagram posts endorsing {*product or products*}. As I said in my earlier letter, if you are endorsing a brand and have a “material connection” with the marketer (that is, a connection or relationship that might affect the weight or credibility that your followers give the endorsement), then your connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the endorsement. Material connections could consist of a business or family relationship, or your receipt of payment, free products or services, or other incentives to promote the brand.

{*Number*} of your other Instagram posts, attached to this letter, [has/have] recently come to our attention. {*Description of post or posts.*} [In the picture, you tagged {*description.*}] [The FTC staff believes that tagging a brand is an endorsement of the brand. Accordingly, if you have a material connection with the marketer of a tagged brand, then your posts should disclose that connection.] [None/neither of these posts discloses/This post does not disclose] whether you have material connections with the [brands and businesses] endorsed in the post[s].

[In another post, you {*description*} and you wrote, “Thank you ...” As my earlier letter explained, a simple “thank you” is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of your relationship; consumers could understand “thank you” simply to mean that you are a satisfied customer.]

[In a ... post, you {*description of post*}. Although you acknowledge {*connection to the brand*} that does not appear until line[s] {*number(s)*} of your post. As my earlier letter explained, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click “more,” and many consumers may not click “more.” Therefore, you should disclose any material connection above the “more” button.]

Please provide a written response to this letter by September 30, 2017 advising the FTC staff of whether you have a material connection with each of the brands or businesses that you endorsed in these posts: {*brands and businesses*}. If you have a material connection with [any of them], please describe what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

{Name}

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Please direct your correspondence to Michael Ostheimer or Mamie Kresses of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. Kresses at (202) 326-2070 or mkresses@ftc.gov. Thank you.

Very truly yours,

Mary K. Engle
Associate Director
Division of Advertising Practices