



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

AMVETS	Army Aviation Association of America
Blue Star Families	High Ground Veterans Advocacy
Iraq and Afghanistan Veterans of America	Ivy League Veterans Council
Jewish War Veterans of the USA	Military Chaplains Association
Military Child Education Coalition	MVPVets
National Military Family Association	The Retired Enlisted Association
Service Women's Action Network (SWAN)	Tragedy Assistance Program for Survivors
U.S. Coast Guard Chief Petty Officers Association & Enlisted Association	
Veterans Education Success	Veterans for Common Sense
Veterans Student Loan Relief Fund	Vietnam Veterans of America

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as “any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers.”

Your comment expresses support for this enforcement action, and makes two recommendations to modify the proposed order. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order’s injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission’s final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media’s future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

We share your goal in preventing and addressing unfair and deceptive acts that target servicemembers, veterans, and their families. The Commission bases many of its investigations on complaints from consumers and consumer advocacy groups and appreciates the information provided in your comments.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission’s website at <http://www.ftc.gov>. It helps the Commission’s analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Charles Ciccolella  
State of Georgia

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Ciccolella:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that you work with Victory Media, and you have not observed the conduct alleged in the complaint. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Daniels  
State of California

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your experience with Victory Media has been positive and that consumers can verify the information Victory Media provides by using other sources. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the orders in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



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FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Dennis DeMolet  
State of Ohio

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. DeMolet:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

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Donald S. Clark  
Secretary





Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Edward Dunn  
State of New Jersey

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Dunn:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that you work with Victory Media, and you have not observed the conduct alleged in the complaint. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Fretwell  
State of California

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices identified above. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment states that the Commission should consider imposing fines based on Victory Media's conduct that is the subject of our enforcement action, and that the proposed order may not deter Victory Media from making deceptive claims, including about the methodology behind its "Military Friendly" designation. The Commission's complaint alleges violations of Section 5(a) of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. The Commission's proposed consent order does, however, include strong injunctive relief to prevent future violations. In addition, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Mark Glassen  
State of Arizona

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Glassen:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

The Commission appreciates your service as an Army Education Counselor, and we share your interest in helping servicemembers and veterans obtain accurate and useful information about educational opportunities. Your comment suggests that Victory Media enter into an agreement with the Army to provide for review of Victory Media's publications before they are printed and distributed. Although the Commission does not play any role in determining which publications the Army makes available to servicemembers, we do take action to stop unlawful conduct, including deceptive claims made to military consumers, as we allege occurred here. The proposed order would remedy the alleged deception. As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Guerra  
State of California

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that you work with Victory Media, and you have not observed the conduct alleged in the complaint. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

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The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

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Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Rodney Hackstall  
State of North Carolina

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Hackstall:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

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Donald S. Clark  
Secretary



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UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

David Halperin  
Washington, D.C.

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Halperin:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

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Your comments express support for this enforcement action, and make two recommendations to modify the proposed order. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

We share your goal in preventing and addressing unfair and deceptive acts that target servicemembers, veterans, and their families. The Commission bases many of its investigations on complaints from consumers and consumer advocacy groups and appreciates the information provided in your comments.

Accordingly, having carefully considered your comments, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



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FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Robert Healy  
State of New York

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Healy:

We would like to thank you for commenting on the Federal Trade Commission's (FTC) proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment indicates that you have taken part in Victory Media's survey of schools and have not paid the company to be designated as "Military Friendly." We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Hendricks  
State of Texas

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses general support for this enforcement action, and suggests that the Commission consider obtaining compensation from Victory Media for veterans and servicemembers potentially harmed by Victory Media's conduct. The Commission considers a number of factors in determining whether to seek redress for consumers, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary





Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Rontario Hicks  
State of Alabama

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Jeffrey Huffman  
State of Missouri

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Huffman:

We would like to thank you for commenting on the Federal Trade Commission's (FTC) proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment discusses a school that has been designated as Military Friendly by Victory Media and states that the school has not paid VM for the designation. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Nic Naccarato  
State of Washington

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Naccarato:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Donald Nemchick  
Commonwealth of Pennsylvania

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Nemchick:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that you work with Victory Media, and you have not observed the conduct alleged in the complaint. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary





Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Robert Neve  
Commonwealth of Pennsylvania

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Neve:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment states that the Commission should consider imposing fines based on Victory Media's conduct that is the subject of our enforcement action. The Commission's complaint alleges violations of Section 5(a) of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. The Commission's proposed consent order does, however, include strong injunctive relief to prevent future violations. In addition, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Gerald Oborn  
State of California

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Oborn:

We would like to thank you for commenting on the Federal Trade Commission's (FTC) proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment states that the Commission should consider imposing fines based on Victory Media's conduct that is the subject of our enforcement action. The Commission's complaint alleges violations of Section 5(a) of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. The Commission's proposed consent order does, however, include strong injunctive relief to prevent future violations.

Your comment also states that Victory Media continues to recommend particular companies, and that its notices that these companies paid for the promotion are made via asterisks and footnotes and are not prominent. The proposed order requires Victory Media to make clear and conspicuous disclosures where consumers may not expect to encounter paid promotional content. As noted above, Commission staff will closely monitor Victory Media's compliance with the order. Importantly, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Denton Poe  
Commonwealth of Pennsylvania

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Poe:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Mark Takano  
United States House of Representatives  
Washington, DC 20515

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Representative Takano:

We would like to thank you for commenting on the Federal Trade Commission's (FTC) proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material

connections as “any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers.”

Your comment expresses support for this enforcement action and makes two recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order’s injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission’s final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media’s future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission’s website at <http://www.ftc.gov>. It helps the Commission’s analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Bryan Rocks  
State of Ohio

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Rocks:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Matthew Rosebaugh  
State of Ohio

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Rosebaugh:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Tammy Baldwin  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Baldwin:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Richard Blumenthal  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Blumenthal:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Sherrod Brown  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Brown:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Benjamin L. Cardin  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Cardin:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Thomas R. Carper  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Carper:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Richard J. Durbin  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Durbin:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Gillibrand:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Margaret Wood Hassan  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Hassan:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

The Honorable Elizabeth Warren  
United States Senate  
Washington, DC 20510

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Senator Warren:

We would like to thank you for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your interest in this issue generally and your feedback in this matter in particular.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses support for this enforcement action, and makes certain recommendations. We appreciate your support, and we address your recommendations below.

Regarding compensation for affected servicemembers, the Commission considers a number of factors in determining whether to seek consumer redress, such as the amount of pecuniary harm suffered by consumers (in the aggregate and individually). In this case, based on our evidence and allegations, and considering the fact that consumers do not pay Victory Media for its publications, we have determined that the proposed consent order's injunctive relief will serve to remedy the alleged violations of the FTC Act and deter future violations. Importantly, Victory Media will be subject to the Commission's final order for twenty years, and, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comment also suggests that the Commission compel Victory Media to forfeit certain trademarks and require Victory Media to redirect certain online traffic to government-administered websites. After careful consideration, we have determined that the relief obtained in the proposed settlement is appropriate to remedy the violations alleged in this matter.

Lastly, you encourage the Commission to continue investigating the alleged conduct of other actors engaging in deceptive and unfair marketing practices targeting servicemembers, veterans, and their families, particularly through the use of military-branded websites and publications. Protecting the military community is of utmost concern to the Commission, and we will continue to prioritize our enforcement efforts in that respect.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from Members of Congress, and we thank you again for your comment and your support of the Commission.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

Dahn Shaulis  
State of New Jersey

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comments on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comments suggest that the Commission should consider imposing fines or penalties based on Victory Media's conduct that is the subject of our enforcement action. The Commission's complaint alleges violations of Section 5(a) of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. The Commission's proposed consent order does, however, include strong injunctive relief to prevent future violations. In addition, if Victory Media violates this order in the future, it could be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). As is the case with all Commission orders, Commission staff will closely monitor Victory Media's future activities to determine whether any violations occur.

Your comments also encourage the Commission to investigate other alleged conduct by Victory Media, and other businesses whose conduct affects veterans and servicemembers. The Commission cannot comment on our non-public investigations, but we can share that in all our matters, we carefully consider the evidence and law when alleging specific conduct in complaints, and we will continue to work to protect military consumers. Additionally, we note that the Commission bases many of its investigations on complaints from consumers and consumer advocacy groups and appreciates the information provided in your comments.

Accordingly, having carefully considered your comments, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Singh  
State of California

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

Jared S. Lyon  
President and CEO  
Student Veterans of America

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4620*

Dear Mr. Lyon:

We would like to thank you for commenting on the Federal Trade Commission's (FTC) proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission is committed to protecting consumers, including veterans and servicemembers, from deceptive or other unlawful practices, so we greatly appreciate your feedback in this matter.

The complaint here alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Your comment expresses general support for this enforcement action and encourages the Commission to investigate other businesses offering employment and educational advice to veterans and servicemembers. While we cannot comment on non-public matters, we can assure you that we will continue to work to protect military consumers. The Commission bases many of its investigations on complaints from consumers and consumer advocacy groups and appreciates the information provided in your comment.

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of the Secretary

January 11, 2018

James Verschueren  
Commonwealth of Virginia

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. Verschueren:

We would like to thank you for your military service and for commenting on the Federal Trade Commission's proposed consent order in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). Your comment states that your dealings with Victory Media have been positive. We greatly appreciate your feedback in this matter, and below we describe the specific allegations in the complaint and the proposed order.

The complaint in this matter alleges that Victory Media, in its print and online content, encouraged readers to use "School Matchmaker," described as an online tool that would search post-secondary schools designated by Victory Media as "Military Friendly." According to the Commission's Complaint, Victory Media included only schools in School Matchmaker that paid to be included, regardless of whether they had been designated as "Military Friendly" or not. Thus, the "School Matchmaker" tool included some schools that had *not* been designated by Victory Media as "Military Friendly." Accordingly, the complaint alleges that Victory Media's claim that the "School Matchmaker" tool searched "Military Friendly" schools was false or misleading, and violated Section 5 of the FTC Act.

The complaint additionally alleges that, in certain articles, emails, and social media posts, Victory Media made deceptive endorsement claims. Specifically, the Commission alleges that Victory Media endorsed certain schools, and that readers were misled into believing that those schools were selected independently, when in fact they were selected because they paid to be promoted. The complaint also alleges that when recommending these schools, Victory Media failed to disclose that many of the schools paid to be recommended.

The proposed order bars the alleged deceptive practices. It prohibits Victory Media from making any misrepresentation, expressly or by implication, regarding the scope of the search conducted by any search tool, regarding any material connection between Victory Media and any school, or that paid commercial advertising is independent content. It further requires Victory Media, in connection with an endorsement of any post-secondary schools, to disclose all material connections between the endorser and the schools. The proposed order defines material connections as "any relationship that materially affects the weight or credibility of any endorsement and that would not be reasonably expected by consumers."

Accordingly, having carefully considered your comment, along with the others submitted in this proceeding, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

January 11, 2018

William C. MacLeod, Esq.  
Kelly Drye & Warren LLP  
Washington Harbour, Suite 400  
3050 K Street, NW  
Washington, DC 20007

Re: *In the Matter of Victory Media, Inc.*  
*File No. 162 3210, Docket No. C-4640*

Dear Mr. MacLeod:

We are in receipt of your comment regarding the Federal Trade Commission's proposed consent order in the above-referenced proceeding. Your comment is submitted on behalf of the Respondent in this matter, Victory Media, Inc. (Victory Media). The Commission has placed the comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the agency's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

Your comment states that other comments received by the Commission in connection with this matter are potentially harmful to Victory Media. You further request that the Commission "rebuke" certain commenters, adopt procedures to "review comments" before posting them, and consider "whether the complaint and order warrant final entry."

The FTC seeks public comment on its proposed consent orders to assist the agency in deciding whether they are in the public interest. The FTC posts the public comments it receives to be transparent about the information and views it receives and considers. In making its decisions, the Commission considers the relevancy, reliability, accuracy, and persuasiveness of the information and views expressed. Members of the public who object to the information or views can submit a comment articulating these objections, as Victory Media has done. We decline to adopt procedures for reviewing and selectively posting comments or to rebuke those who have submitted such comments based on the information or views conveyed in them.

As to your final request, your comment does not claim any inaccuracy in the FTC's complaint and does not challenge any provision in the FTC's proposed order.

Accordingly, having carefully considered your comment, along with the others submitted in these proceedings, we conclude that the public interest would best be served by issuing the order in this matter in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>.

By direction of the Commission.

Donald S. Clark  
Secretary