



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

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Adrienne Eliza Houghton
c/o Mr. Steven Grossman
Untitled Entertainment



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Houghton:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your October 2, 2018 Instagram post endorsing Teami tea:



Ms. Adrienne Eliza Houghton

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram post includes the disclosure “#teamipartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response

¹ The influencer guidance document is available at: https://www.ftc.gov/system/files/documents/plain-language/1001a-influencer-guide-508_1.pdf.

² The business guidance document is available at: <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-endorsement-guides-what-people-are-asking>.

Ms. Adrienne Eliza Houghton

March 5, 2020

Page 3

to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdelorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Alexa PenaVega
c/o Adam Kaller, Esq.
Hansen, Jacobson, Teller, Hoberman, Newman, Warren, Richman, Rush & Kaller, LLP



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. PenaVega:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your July 10, 2018 Instagram post endorsing Teami tea:



Ms. Alexa PenaVega

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram post includes the disclosure “#teamiartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Alexa PenaVega

March 5, 2020

Page 3

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Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdeLorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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Washington, D.C. 20580

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Brittany Renner



Subject: **Warning to Prominently Disclose Paid Endorsements**

Dear Ms. Renner:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your July 30, 2018 and September 24, 2018 Instagram posts endorsing Teami tea:



You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram posts include the disclosure “#teampartner,” the disclosures was not visible to followers viewing the posts in their Instagram feeds unless they clicked “more.” Thus, they were not clear and conspicuous. In addition, there was no disclosure in the video in the September 24, 2018 post. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging an advertiser in the photo) or in the first few lines of a photo caption, you should disclose any material connection above the “more” button. There are many ways you could make a disclosure in a caption, including through the use of hashtags such as “#Ad,” “#Sponsored,” and “#{Brand}_Partner.”

In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Brittany Renner

March 5, 2020

Page 3

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdeLorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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Washington, D.C. 20580

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Belcalis Marlenis Almánzar
c/o Ms. Stephanie Paciullo
Creative Artists Agency



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Almánzar:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your November 23, 2018 Instagram post endorsing Teami tea:



Ms. Belcalis Marlenis Almánzar

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

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Although the above Instagram post includes the disclosure “#teamiartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response

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Ms. Belcalis Marlenis Almánzar

March 5, 2020

Page 3

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Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdeLorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices

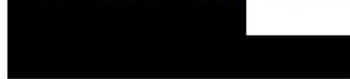


United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Darnell Nicole Thibodeaux



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Darnell Nicole Thibodeaux:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your August 21, 2018 Instagram post endorsing Teami tea:



18,237 likes

darnellnicole I started another round of my
@teamiblends 30 day detox a few weeks ago
and LISTENNN up this tea is my... more

Ms. Darnell Nicole Thibodeaux

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram post includes the disclosure “#teamipartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging an advertiser in the photo) or in the first few lines of a photo caption, you should disclose any material connection above the “more” button. There are many ways you could make a disclosure in a caption, including through the use of hashtags such as “#Ad,” “#Sponsored,” and “#{Brand}_Partner.”

In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. If you are endorsing a product or service in an Instagram video, you should disclose any material connection in the video itself, and not just the text portion of your post. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Darnell Nicole Thibodeaux

March 5, 2020

Page 3

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Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdelorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Jenicka Lopez



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Lopez:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your February 4, 2019 Instagram post endorsing the Teami Green Tea Detox Mask. The screenshot below displays the post as it appeared when viewed on a desktop computer, and not in the Instagram feed of one of your followers.



Ms. Jenicka Lopez

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

When followers view your posts in their Instagram feeds, only the first two or three lines of text are visible without the need to click “more.” Although the above Instagram post includes the disclosure “#teamipartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Jenicka Lopez

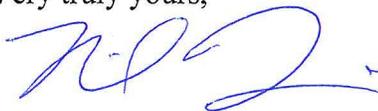
March 5, 2020

Page 3

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

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Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



United States of America
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Washington, D.C. 20580

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Jordin Sparks
c/o Ms. Stephanie Paciullo
Creative Artists Agency



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Jordin Sparks:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your August 28, 2018 Instagram post endorsing the Teami Green Tea Detox Mask:



Ms. Jordin Sparks

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

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In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. If you are endorsing a product or service in an Instagram video, you should disclose any material connection in the video itself, and not just the text portion of your post. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Jordin Sparks

March 5, 2020

Page 3

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Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdelorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Katya Elise Henry



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Katya Elise Henry:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your August 16, 2018 Instagram post endorsing Teami tea:



Ms. Katya Elise Henry

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram post includes the disclosure “#teamiartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response

¹ The influencer guidance document is available at: https://www.ftc.gov/system/files/documents/plain-language/1001a-influencer-guide-508_1.pdf.

² The business guidance document is available at: <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-endorsement-guides-what-people-are-asking>.

Ms. Katya Elise Henry

March 5, 2020

Page 3

to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdelorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices

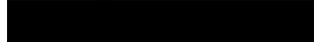


United States of America
FEDERAL TRADE COMMISSION
Washington, D.C. 20580

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Leyla Milani-Khoshbin



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Leyla Milani-Khoshbin:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your July 24, 2018 Instagram post endorsing Teami tea-infused facial oil. The screenshot below displays the post as it appeared when viewed on a desktop computer, and not in the Instagram feed of one of your followers.



You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

When followers view your Instagram posts in their feeds, only the first two or three lines of text are visible without the need to click “more.” Although the above Instagram post includes the disclosure “#teamipartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. In addition, there was no disclosure in the video. Because the video could be viewed without anyone seeing a disclosure, you should disclose any material connection in the video itself, and not just the text portion of your post. There are many ways you could make a disclosure in a video, such as by saying that, “{Brand} sponsored this post” or “I’m partnering with {Brand}.”

If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging a brand in the photo), the same rule applies: the disclosure must be above the “more” button. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

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Ms. Leyla Milani-Khoshbin

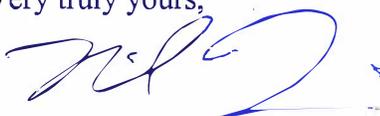
March 5, 2020

Page 3

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdeLorme@ftc.gov. Thank you.

Very truly yours,



Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices



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

Richard A. Quaresima
Acting Associate Director

March 5, 2020

Ms. Princess Mae Sacayanan



Subject: Warning to Prominently Disclose Paid Endorsements

Dear Ms. Princess Mae Sacayanan:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers and endorsers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.

I am writing regarding your June 15, 2018 Instagram post endorsing Teami tea:



Ms. Princess Mae Sacayanan

March 5, 2020

Page 2

You were paid by Teami, LLC (“Teami”) to create this post. In a federal court complaint filed today, the Federal Trade Commission alleged that the post was deceptive because it lacked a clear disclosure that you were paid to promote Teami products. I am enclosing a copy of the news release that will announce the FTC’s case against Teami.

The FTC’s Endorsement Guides state that if there is a “material connection” between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Examples of material connections include a business, family, or personal relationship; monetary payment; or the provision of free products or services to the endorser.

When you endorse a product on social media, you should make obvious your financial or other relationship with the brand by clearly and conspicuously disclosing any material connection in the same post that you make the endorsement. “Clear and conspicuous” means you should use unambiguous language and the disclosure must stand out. Consumers must be able to see the disclosure without having to click to expand additional text.

Although the above Instagram post includes the disclosure “#teamipartner,” the disclosure was not visible to followers viewing the post in their Instagram feeds unless they clicked “more.” Thus, it was not clear and conspicuous. If you are endorsing a product or service in a photo you post to Instagram (such as by prominently featuring a branded product in the photo or by tagging an advertiser in the photo) or in the first few lines of a photo caption, you should disclose any material connection above the “more” button. There are many ways you could make a disclosure in a caption, including through the use of hashtags such as “#Ad,” “#Sponsored,” and “#{Brand}_Partner.”

In addition, you should put a disclosure in each and every social media post and not assume that consumers will see and associate multiple posts. A disclosure should not be hidden among multiple tags, hashtags, or Instagram handles. If you are endorsing a product or service in an Instagram video, you should disclose any material connection in the video itself, and not just the text portion of your post. I would strongly recommend that you review the attached FTC staff publications, *Disclosures 101 for Social Media Influencers*¹ and *The FTC Endorsement Guides: What People Are Asking*.²

Individual influencers who fail to make adequate disclosures about their connections to marketers are subject to legal enforcement action by the FTC. Please provide a written response

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Ms. Princess Mae Sacayanan

March 5, 2020

Page 3

to this letter by March 30, 2020, describing what actions you are or will be taking to ensure that your social media posts endorsing brands and businesses with which you have a material connection clearly and conspicuously disclose your relationships.

Please direct your correspondence to Michael Ostheimer or Christine DeLorme of my office. If you have any questions, contact Mr. Ostheimer at (202) 326-2699 or mostheimer@ftc.gov or Ms. DeLorme at (202) 326-2095 or cdelorme@ftc.gov. Thank you.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'R. Quaresima', with a stylized flourish at the end.

Richard A. Quaresima
Acting Associate Director
Division of Advertising Practices