Open Meeting of the Federal Trade Commission March 17, 2022

Public Submissions

- 1. Anthony Dang
- 2. Brian Bennett
- 3. Brian Bennett 2nd comment
- 4. Darrion Jackson
- 5. Genevieve Prieto
- 6. Genevieve Prieto 2nd comment
- 7. George Harrison
- 8. George McCartney
- 9. Hemant Mistry
- 10. Imran Sohail
- 11. John Harrison
- 12. John Lennon
- 13. John Lennon 2nd comment
- 14. Josephus Oracoy
- 15. Matthew Myers
- 16. Meredith Berkman
- 17. Nathaniel Counts
- 18. Patrick Pespas
- 19. Robert Jackler
- 20. Ryan Greenfield
- 21. Sherri Jefferson
- 22. Sherri Jefferson 2nd comment
- 23. Syed Arshad Ali
- 24. Teira Doom
- 25. William Bird

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Sunday, March 13, 2022 11:38:03 AM

Submitted on March 13, 2022 | 11:37AM

Submitted by: Anonymous

Submitted values are:

First Name

Imran

Last Name

Sohail

Affiliation

None

Full email address

Telephone

FTC Related Topic

FTC Operations

Register to speak during meeting

Yes

Link to web video statement

None

Submit written comment

I have some questions and information about how to perform better by grass route level by checking their system more accurately

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 4:55:00 PM

Submitted on March 15, 2022 | 4:54PM

Submitted by: Anonymous

Submitted values are:

First Name

Anthony

Last Name

Dang

Affiliation

Tonny

Full email address

Telephone

FTC Related Topic

Competition

Register to speak during meeting

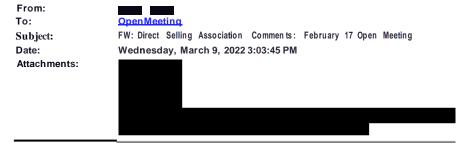
Yes

Link to web video statement

Sarawak

Submit written comment

Collek



Hello,

I noted these comments were not submitted as part of the record for the open meeting.

Additionally, I am trying to access written comments via the link provided and it does not work. Please advise.

Best Regards,



Brian Bennett

Senior Vice President, Government Affairs & Policy



Visit DSA @ www.dsa.org



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From: Brian Bennett

Sent: Tuesday, February 15, 2022 5:45 PM

To: openmeetings@ftc.gov

Subject: Direct Selling Association Comments: February 17 Open Meeting

Hello,

Please find attached the comments of the Direct Selling Association for the February 17 open meeting. I would respectfully request you confirm receipt of these comments. Thank you.

Best Regards,

I:51 DIRECT SELLING ASSOCIATION

Brian Bennett

Senior Vice President, Government Affairs & Policy





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Register tor these upcoming PSA Events Today





Friday, March **n**

REGISTER TODAY





February 15, 2022

Federal Trade Commission 600 Pennsylvania Avenue, NW Washington, DC 20580

Re: Advanced Notice of Proposed Rulemaking Concerning Earnings Claims

Dear Federal Trade Commission:

Thank you for the opportunity to comment on the Advanced Notice of Proposed Rulemaking to address deceptive earnings claims. Our association represents more than 7.7 million active direct sellers and 41.6 million preferred customers and discount buyers that contributed \$40.1 billion dollars to the United States economy in 2020.1

For more than a century, the Direct Selling Association (DSA) has served as the national trade association for companies that offer entrepreneurial opportunities to independent sellers who market and sell products and services, typically outside of a fixed retail establishment.

We share the goals of the Federal Trade Commission (FTC) that any earnings claims made by businesses, including direct selling companies and their independent salesforce members should not be deceptive or misleading to ensure potential and current business participants have a reasonable expectation of income that can be earned. There are adequate laws, rules, guidance, and supervisory requirements that prohibit such practices and protect consumers.

If the FTC decides to go forward with a rule, it should balance the goal of protecting consumers without disrupting the ability of millions of micro-entrepreneurs in the United States to establish their own small businesses and provide beneficial products and services to those consumers.

Income Earned in Direct Selling

Direct selling provides a low cost path to starting a flexible, part time business in the United States. Practically any individual can start a business for an average of \$82.50.² 75% of individuals that engage in direct selling are women. This enables them to grow a small business on their own terms. In certain direct selling businesses, individuals that want to share the business with their friends, family and customers can do so.

The opportunities offered by direct selling companies allows individuals to engage in their own business as much or as little as they want depending on their schedule and individual financial goals.

¹ All data mentioned in this report is from the DSA 2021 Growth & Outlook Study unless otherwise noted. It can be accessed at https://www.dsa.org/statistics-insights/factsheets

² DSA 2018 Evolving Marketplace Study, https://www.dsa.org/docs/default-source/research/dsa-ipsos-2020-consumerattitudesinfographic2-27.pdf?sfvrsn=68ddfa5_2

2020 resulted in record sales and people involved in the industry. DSA is also forecasting between 4%-7% growth in 2021. For the 7.7 million direct sellers, 6.8 million only work the business part time to earn a modest extra income on the side.

Consumer Protection and Self-Regulation

For 40 years, the DSA Code of Ethics, in alignment with FTC guidance, has said that earnings claims made by member companies and their independent salespeople must be truthful, accurate, and presented in a manner that is not false, deceptive, or misleading. Additionally, the Code of Ethics requires that independent salespeople are provided with sufficient information to enable a reasonable evaluation of the opportunity to earn income and that information is substantiated. The provisions of the Code of Ethics have been updated to remain consistent with regulatory guidance and received substantial substantive updates in 2015.

The DSA's organizational structure supports our Code of Ethics. For example, in 2019, the Direct Selling Self-Regulatory Council was launched as a self-regulatory program administered by the BBB National Programs. The program monitors the entire direct selling industry in the United States and articulates clear standards on issues such as product and earning representations.

We also continually adapt our association to facilitate compliance with FTC guidance on income and lifestyle disclosures. For example, to further assist the direct selling industry and set practices, in 2020, the DSSRC released Earnings Claims Guidance in alignment with FTC guidance.⁴

In 2021, DSA also launched the Direct Selling Compliance Professional Certification Program for individual member executives. Hundreds of executives have become certified through the program, which has sharpened the industry's understanding of key concepts related to company compliance programs. A major aspect of the program is education of current laws, regulations and guidance related to earnings claims. Likewise, to further information sharing and collaboration amongst our member executives and to ensure good compliance practices in the marketplace, the DSA Board of Directors approved establishment of the Compliance Officers Council within the association last year.

Consistency with Current Federal Trade Commission Guidance and Regulation

The FTC has provided clear guidance relating to earnings claims. The 2018 Business Guidance Concerning Multi-Level Marketing, for example, offered specific direction about statements made by direct sellers and has been important as direct sellers ensure the accuracy of representations about the business made to current and prospective participants. If a new rule is proposed, we respectfully urge that it is consistent with earlier direction. We hope the FTC will not place unreasonable burdens on the millions of small, independent contractor direct selling businesses in the United States.

³ DSA Code of Ethics, Section A(8), <a href="https://www.dsa.org/docs/default-source/code-of-ethics/dsa-co

⁴ https://bbbnp-bbbp-stf-use1-01.s3.amazonaws.com/docs/default-source/dssrc/dssrc guidanceonearningsclaimsforthedirectsellingindustry 2020.pdf?sfvrsn=4ecfcd36 8

Further Collaboration on Earnings Claims Rule

DSA has enjoyed our collaboration with the FTC over many years to ensure current and prospective salespeople as well as consumers are protected. As we engage with the Commission, we would support careful consideration of whether a new rulemaking is needed, and in any event an approach that preserves the ability of millions of American small businesses who provide great products to consumers and billions in economic impact.

Sincerely,

Joseph N. Mariano

President

Direct Selling Association

SIM. n.

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Sunday, March 13, 2022 8:05:40 AM

Submitted on March 13, 2022 8:05AM

Submitted by: Anonymous

Submitted values are:

First Name

Dan-ion

Last Name

Jackson

Afflliation

Tba

Full email address

Telephone

FTC Related Topic

FTC Operations

Register to speak during meeting

Yes

Submit written comment

I need help because i was set up by people that Was friends and family

From: To:

OpenMeeting

Subject: Open Meeting

Open Meeting 3/17/22-Submission of Comments

Date: Thursday, March 17, 2022 1:42:29 PM

There were some technical difficulties and I was not able to get in to the room to speak at todays open meeting. Below is my submission.

My name is Genevieve Prieto. I was a franchisee of I Heart Mac & Cheese.

On August 17, 2017 the franchisor emailed me a document titled "Confidential Business Plan Summary" that included projected profit and loss statements covering four levels of weekly revenue with expenses.

With that I was interested enough to visit them in Fort Lauderdale, FL. On September 1, 2017 I met with franchise representatives at their flagship location. I was not presented with a FDD. The chef who created the franchise told me that the location was grossing \$14,000 per week. He also told me the operations "were so simple a monkey could do it". I was told build outs were running below \$200,000.

On October 13, 2017 I received the FDD. Four days later I signed the franchise agreement and overnighted it, along with my \$30,000 franchise fee, to the franchisor. I did not realize that the FDD omitted multiple material disclosures, including lawsuits, failed businesses, an eviction of the flagship location, and the founder's bankruptcy.

I carefully budgeted my funds to cover the stated initial expenses up to \$271,000. The actual buildout alone was over \$373,000. My location in Oklahoma was the first franchised location and opened April 16, 2018. Popular at first, weekly sales then dropped 85% until I was forced to close on December 31, 2018. I posted a net operating loss of \$318,000.

Desperate I Heart Mac & Cheese franchisees reach out to me, telling me their similar stories. They ask me, when will we have justice? When will the FTC investigate? They file complaints with the FTC and wait. To date there are less than 20 locations open, 12 locations have permanently closed. Over 150 agreements signed but outlets not open since 2019. Left unchecked, I believe this franchise could be the next Burgerim.

I do not intend to be another cautionary tale in franchising. Rather, I intend to be a loud voice in support of franchise reform, holding franchisors, their principals, and attorneys accountable. I ask that you investigate these complaints. Thank you.

Genevieve Prieto RQ Management, LLC fdba I Heart Mac & Cheese Yukon, OK

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Monday, March 14, 2022 9:35:27 AM

Submitted on March 14, 2022 | 9:34AM

Submitted by: Anonymous

Submitted values are:

First Name

Genevieve

Last Name

Prieto

Affiliation

RQ Management, LLC FDBA I Heart Mac & Cheese

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Cc: Subject:

Webform submission from: Speaker Registration and Public Comment Submission Form for February 17, 2022

Open Commission Meeting

Date: Wednesday, March 2, 2022 11:15:10 AM

Submitted on March 2, 2022 | 11:14AM

Submitted by: bacree

Submitted values are:

First Name

George

Last Name

Harrison

Affiliation

Dixisset

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

No

Link to web video statement

Oratione

Submit written comment

Huius, Lyco, oratione locuples, rebus ipsis ielunior. Duo Reges: constructio interrete. Sed haec in pueris; Sed utrum hortandus es nobis, Luci, inquit, an etiam tua sponte propensus es? Sapiens autem semper beatus est et est aliquando in dolore; Immo videri fortasse. Paulum, cum regem Persem captum adduceret, eodem flumine invectio? Et ille ridens: Video, inquit, quid agas;

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 8, 2022 3:53:58 PM

Submitted on March 8, 2022 | 3:53PM

Submitted by: bacree

Submitted values are:

First Name

George

Last Name

McCartney

Affiliation

Oratione

Full email address

Telephone

FTC Related Topic

Competition

Register to speak during meeting

Yes

Link to web video statement

Loremipsum

Submit written comment

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Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Saturday, March 12, 2022 1:07:45 PM

Submitted on March 12, 2022 | 1:07PM

Submitted by: Anonymous

Submitted values are:

First Name

Hemant

Last Name

Mistry

Affiliation

Hospitality

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Yes

Submit written comment

Franchisee protection on name of stander imposing commission agenda, no involvement in policy, only agenda is making money does not matter what's the impact on franchisee.

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for February 17, 2022 Open

Commission Meeting

Date: Wednesday, March 2, 2022 12:57:14 PM

Submitted on March 2, 2022 | 12:57PM

Submitted by: bacree

Submitted values are:

First Name

John

Last Name

Harrison

Affiliation

Loremipsum

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Yes

Link to web video statement

Loremipsum

Submit written comment

Lorem ipsum dolor sit amet, consectetur adipiscing elit. Negat esse eam, inquit, propter se expetendam. Primum Theophrasti, Strato, physicum se voluit; Id mihi magnum videtur. Itaque mihi non satis videmini considerare quod iter sit naturae quaeque progres sio. Quare hoc videndum est, possitne nobis hoc ratio philosophorum dare. Est enim tanti philosophi tamque nobilis audacter sua decreta defendere.

Subject:

Speaker Registration and Public Comment Submission Form for February 17, 2022 Open Commission Meeting

Date: Wednesday, March 2, 2022 12:59:14 PM

Submitted on March 2, 2022 | 12:59PM

Submitted by: bacree

Submitted values are:

First Name

John

Last Name

Lennon

Affiliation

Dixisset

Full email address

Telephone

FTC Related Topic

FTC Operations

Register to speak during meeting

No

Link to web video statement

Oratione

Submit written comment

Huius, Lyco, oratione locuples, rebus ipsis ielunior. Duo Reges: constructio interrete. Sed haec in pueris; Sed utrum hortandus es nobis, Luci, inquit, an etiam tua sponte propensus es? Sapiens autem semper beatus est et est aliquando in dolore; Immo videri fortasse. Paulum, cum regem Persem captum adduceret, eodem flumine invectio? Et ille ridens: Video, inquit, quid agas;

Subject: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open Commission Meeting

Date: Tuesday, March 8, 2022 3:55:18 PM

Submitted on March 8, 2022 | 3:55PM

Submitted by: bacree

Submitted values are:

First Name

John

Last Name

Lennon

Affiliation

Dixisset

Full email address

Telephone

FTC Related Topic

Competition

Register to speak during meeting

No

Link to web video statement

Loremipsum

Submit written comment

Quae cum dixisset, finem ille. Quamquam non negatis nos intellegere quid sit voluptas, sed quid ille dicat. Progredientibus autem aetatibus sensim tardeve potius quasi nosmet ipsos cognoscimus. Gloriosa ostentatio in constituendo summo bono. Qui-vere falsone, quaerere mittimus-dicitur oculis se privasse; Duarum enim vitarum nobis erunt instituta capienda. Comprehensum, quod cognitum non habet? Qui enim existimabit posse se miserum esse beatus non erit. Causa autem fuit huc veniendi ut quos dam hinc libros promerem. Nunc omni virtuti vitium contrario nomine opponitur.

Subject: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open Commission Meeting

Date: Sunday, March 13, 2022 4:34:38 PM

Submitted on March 13, 2022 | 4:34PM

Submitted by: Anonymous

Submitted values are:

First Name Josephus

Last Name Oracoy

Affiliation

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

No

Link to web video statement

Bukidnon

Submit written comment

hope i can earn more money here

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 6:30:51 PM

Submitted on March 15, 2022 | 6:29PM

Submitted by: Anonymous

Submitted values are:

First Name

Matthew

Last Name

Myers

Affiliation

Campaign for Tobacco-Free Kids

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 11:45:40 AM

Submitted on March 15, 2022 | 11:45AM

Submitted by: Anonymous

Submitted values are:

First Name

Meredith

Last Name

Berkman

Afflliation

Parents Against Vaping £-cigarettes

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Monday, March 14, 2022 2:41:19 PM

Submitted on March 14, 2022 | 2:40PM

Submitted by: Anonymous

Submitted values are:

First Name

Nathaniel

Last Name

Counts

Affiliation

Mental Health America

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 3:29:37 PM

Submitted on March 15, 2022 | 3:29PM

Submitted by: Anonymous

Submitted values are:

First Name

Patrick

Last Name

Pespas

Affiliation

Elara Pictures

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 3:40:04 PM

Submitted on March 15, 2022 | 3:39PM

Submitted by: Anonymous

Submitted values are:

First Name

Robert

Last Name

Jackler

Affiliation

Stanford University. Stanford Research Into the Impact of Tobacco Advertising

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Subject: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open Commission Meeting

Date: Friday, March 11, 2022 1:30:02 PM

Submitted on March 11, 2022 | 1:29PM

Submitted by: Anonymous

Submitted values are:

First Name

Ryan

Last Name

Greenfield

Affiliation

CBO

Full email address

Telephone

FTC Related Topic

Competition

Register to speak during meeting

No

 From:
 OpenMeeting

 To:
 OpenMeeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 6:19:35 PM

Submitted on March 15, 2022 | 6:18PM

Submitted by: Anonymous

Submitted values are:

First Name

Sherri

Last Name

Jefferson

Affiliation

African American Juvenile Justice Project

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Yes

Link to web video statement

https://t.co/eH1leOFno8

Submit written comment

On behalf of the African American Juvenile Justice Project, we thank the FTC for an opportunity to address the sales and marketing of e-cigarettes, with a particular focus on the use of these products by youth.

According to data by the Center for Disease Control, although e-cigarettes usage amongst youth has decreased in 2020; an estimated 3.6 million youth are still using or purchasing. AAJJP is greatly concerned about the purposeful and intentionally marketing of these products to Black/African-American youth.

From offering scholarships as reported by the Associated Press, to online solicitation via social media by companies like JUUL, to the sponsorship of youth-related activities like Spring Break, Summer Music Festivals and other events to offering diverse flavors to influence use without sharing the dangers, our communities are inundated with marketing targeting our youth.

Respectfully, many retailers do not require ID and/or limit the number of e-cigarettes sold.

The FDA and ATF do little to monitor sales in urban and rural communities. Moreover, the solicitation tactics in suburban communities are impacted, too.

More investment is necessary in public schools K-12 about the health effect of e-cigarettes and more televised and digital PSAs are required.

Social media platforms should also be required to expend their Ad budget to promote awareness about the dangers associated with e-cigarettes.

Together, the power of the Ps (parents pastors principals, physicians, politicians and the press) must engage in a health awareness campaign, that would include Posters at airports and bus terminals, schools, libraries, chain stores both online and campus.

These are some of the issues and solutions that can deter and curtail e-cigarette usage.

From:

To:

OpenMeeting;
Subject:

Statement for the March 17, 2022 Meeting
Date:

Tuesday, March 15, 2022 6:22:43 PM

March 15, 2022

Re: E-Cigarette Meeting - March 17, 2022

On behalf of the African American Juvenile Justice Project, we thank the FTC for an opportunity to address the sales and marketing of e-cigarettes, with a particular focus on the use of these products by youth.

According to data by the Center for Disease Control, although e-cigarettes usage amongst youth has decreased in 2020; an estimated 3.6 million youth are still using or purchasing.

AAJJP is greatly concerned about the purposeful and intentionally marketing of these products to Black/African-American youth.

From offering scholarships as reported by the Associated Press, to online solicitation via social media by companies like JUUL, to the sponsorship of youth-related activities like Spring Break, Summer Music Festivals and other events to offering diverse flavors to influence use without sharing the dangers, our communities are inundated with marketing targeting our youth.

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These are some of the issues and solutions that can deter and curtail e-cigarette usage.

By Sherri Jefferson African American Juvenile Justice Project https://t.co/eH1leQFno8

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 4:51:47 AM

Submitted on March 15, 2022 4:51AM

Submitted by: Anonymous

Submitted values are:

First Name

Syed

Last Name

Arshad.Ali

Afflliation

Age Khan madical services

Full email address

Telephone

FTC Related Topic

FTC Operations

Register to speak during meeting

Yes

Link to web video statement

Whatup

Submit written comment

New job details

Dynamark international Pvt ltd Karachi Pakistan

National sales manager Pakistan

 From:
 OpenMeeting

 To:
 OpenMeeting

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 1:04:27 AM

Submitted on March 15, 2022 | 1:03AM

Submitted by: Anonymous

Submitted values are:

First Name

Teira

Last Name

Doom

Affiliation

no affiliation

Full email address

Telephone

FTC Related Topic

Consumer Protection

Register to speak during meeting

Yes

Link to web video statement

California

Submit written comment

I am having issues with Facebook and how they are planning to lock me out of my account on March 17th if I don't use Facebook protect. They are saying I have the "potential" to be hacked and if I don't use it, I will be locked out of my account which does not have all public postings, even though they already have a protection known as a code generator...I have requested my data, but they have as of this writing have not gotten access, which I am entitled to have access to. They are trying to say that my contacting them may be a hack and unless I use Facebook protect I cannot have my data. I have back up documents to support the issues I am having with Facebook...On Mar 12, they send me an email saying I have 3 days before I am locked out, on March 14, they say I have 1 day before I am locked out of my account...I tried to contact them by phone, but they are not accepting calls...

Subject: Speaker Request: Speaker Registration and Public Comment Submission Form for March 17, 2022 Open

Commission Meeting

Date: Tuesday, March 15, 2022 5:59:26 PM

Submitted on March 15, 2022 | 5:58PM

Submitted by: Anonymous

Submitted values are:

First Name

William

Last Name

Bird

Affiliation

Consumer

Full email address

Telephone

FTC Related Topic

Competition

Register to speak during meeting