

UNITED STATES OF AMERICA
Before the
FEDERAL TRADE COMMISSION
Washington, D.C. 20507

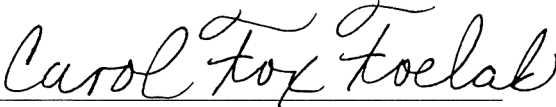
RULE MAKING PROCEEDING
Project No. P214504

RULE ON THE USE OF CONSUMER REVIEWS : ORDER
AND TESTIMONIALS : March 4, 2024

The Federal Trade Commission (FTC) commenced this proceeding with a Notice of Proposed Rulemaking, *Rule on the Use of Consumer Reviews and Testimonials*, 88 Fed. Reg. 49364 (July 31, 2023) (NPRM). The FTC appointed the undersigned Administrative Law Judge to preside over the informal hearing in the proceeding, *Rule on the Use of Consumer Reviews and Testimonials*, 89 Fed. Reg. 2526 (Jan. 16, 2024) (Hearing Notice). A hearing session was held on February 13, 2024, at which the following interested persons appeared: Fake Review Watch; the Interactive Advertising Bureau (IAB); a group of academic researchers (The Researchers); and the FTC Bureau of Consumer Protection (BCP). After consideration of arguments made at the hearing session and further briefing, the undersigned designated as a disputed issue of material fact: “Whether the compliance costs for businesses will be minimal.” *Rule on the Use of Consumer Reviews and Testimonials*, Order (A.L.J. Feb. 23, 2024) (Feb. 23 Order). The undersigned ordered: the hearing session on the designated disputed issue will commence on March 6, 2024; and IAB and BCP must provide notice concerning their witness[es] and any proposed exhibits by March 1, 2024. *Rule on the Use of Consumer Reviews and Testimonials*, Order (A.L.J. Feb. 28, 2024) (Feb. 28 Order).

In response to the Feb. 28 Order, IAB provided notice of its witness (Mr. Tiffith) and stated that he would “present additional evidence of compliance costs gathered from IAB’s member companies.” IAB did not provide any proposed exhibits, as noted by BCP. If IAB intends to offer exhibits, it must provide them by March 5, 2024. For example, if IAB plans to discuss the survey responses provided by its member companies, those responses must be provided by March 5. IAB is reminded that testimony by its attorney about survey responses is hearsay and will be weighed accordingly.

IT IS SO ORDERED.



Carol Fox Foelak
Administrative Law Judge