



March 14, 2024

Via Electronic Filing

Presiding Officer Foelak
c/o Federal Trade Commission
Office of the Secretary
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

Re: Reviews and Testimonials Rule (16 CFR Part 465) (Project No. P214504)

Presiding Officer Foelak:

The Interactive Advertising Bureau (IAB) respectfully submits this response to the letter submitted by the Bureau of Consumer Protection (BCP Staff) on March 14, 2024. IAB requests that the Presiding Officer deny BCP Staff's request that the materials submitted with IAB's post-hearing brief not be considered. First, BCP Staff raised a variety of new criticisms of IAB's surveys at the March 6, 2024 hearing—including in particular about the Initial Survey—which IAB had submitted more than two weeks previously. IAB's submission simply seeks to respond to BCP Staff's criticisms, which they raised for the first time at the hearing session on March 6, 2024. Second, and importantly, this is an *informal* hearing proceeding. There are no rules of evidence, nor has BCP Staff cited any such rules. The Presiding Officer is thus permitted to consider materials that would help her reach an informed conclusion. *See* 16 C.F.R. § 1.13(d) ("The presiding officer will make a recommended decision based on their findings and conclusions as to all relevant and material evidence.") (emphasis added).

Sincerely,

A handwritten signature in black ink, appearing to read "Lartease M. Tiffith", with a long horizontal flourish extending to the right.

Lartease M. Tiffith, Esq.
Executive Vice President for Public Policy
Interactive Advertising Bureau