



IfrahLaw

Strategic Defense in
Federal Investigations

FTC Prosecution of Affiliates for Advertising Claims

January 11, 2011, Affiliate Summit West 2011

WHO WE ARE

IFRAH LAW: A Focus on Government Investigations And E-Commerce



TODAY'S PRESENTATION OVERVIEW

- Insider's Understanding of the FTC
- Real-life Examples & What They Mean to You
- Staying Out of the Government's Cross-hairs
- Critical Advice "*in the event...*"



FEDERAL TRADE COMMISSION



- **WHO?**
- **WHAT?**
- **WHY?**
- **HOW?**

FTC PRIORITIZES AFFILIATE MARKETERS

*“Anyone in the chain between
a seller and the ultimate
consumer.”*

- David Vladeck, Director FTC Bureau of Consumer Protection



So, WHAT DOES IT ALL MEAN...

- What is UNFAIR?
- What is DECEPTIVE?



GUIDANCE FROM THE FTC



AND THAT MEANS...



REVISED ENDORSEMENT GUIDES



SOCIAL MEDIA & PAID BLOGGERS



FTC V. REVERB COMMUNICATIONS

HOME PAGE	TODAY'S PAPER	VIDEO	MOST POPULAR	TIMES TOPICS
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The New York Times **Business Day**

Technology

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Charges Settled Over Fake Reviews on iTunes

By MIGUEL HELFT
Published: August 26, 2010

SAN FRANCISCO — Discerning Internet users know that glowing



TEMPORARY RESTRAINING ORDER AGAINST AFFILIATES

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

ONE OR MORE UNKNOWN PARTIES
MISREPRESENTING THEIR
AFFILIATION WITH THE MAKING
HOME AFFORDABLE PROGRAM,

Defendants.

Civil Action No. 09-894 (CKK)

TEMPORARY RESTRAINING ORDER
(May 15, 2009)

Plaintiff, Federal Trade Commission ("FTC" or "Commission"), has filed a complaint seeking a permanent injunction and other equitable relief, pursuant to Section 13(b) of the Federal Trade Commission Act ("FTCAc"), 15 U.S.C. § 53(b), and a motion for a temporary



HOW TO STAY OFF THE FTC'S RADAR



CRITICAL ADVICE “*IN THE EVENT...*”







FOOD FOR THOUGHT

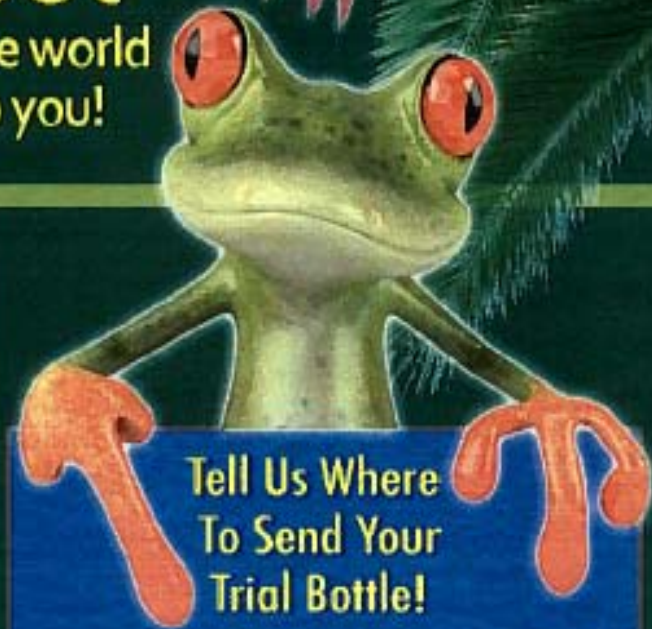
Discover the Weight Loss Secrets of the Rainforest

Acai is the number one superfood in the world
and now we're making it available to you!



Why Use Acai Total Burn?

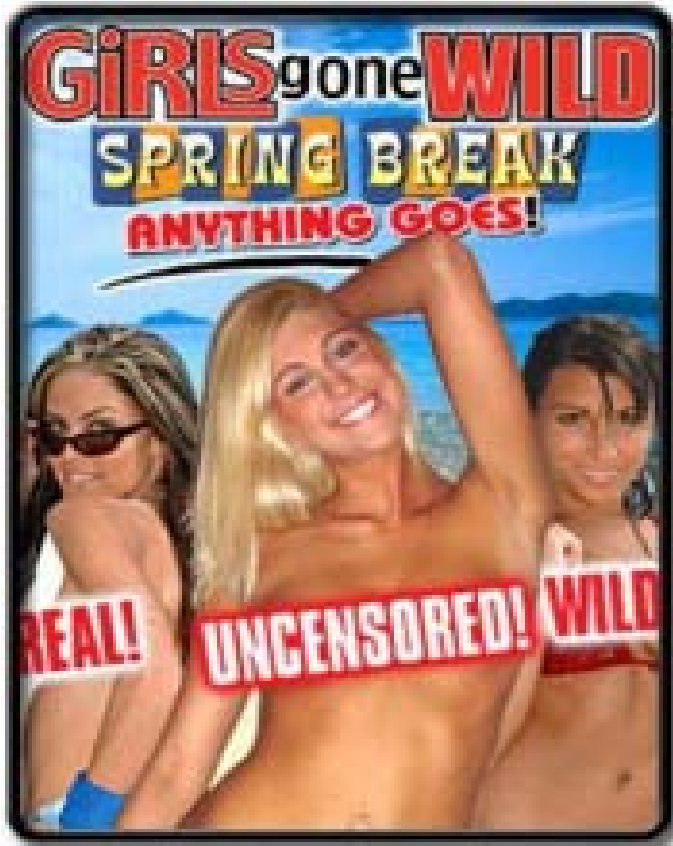
-  *Highest Antioxidants of any Food!*
-  *#1 Weight Loss Supplement of 2008!*
-  *Oprah and Rachel Ray Approved*
-  *Helps Increase Your Metabolism.*
-  *Fight Fatigue & Increase Energy*



**Tell Us Where
To Send Your
Trial Bottle!**

First Name	<input type="text"/>
Last Name	<input type="text"/>
Email Address	<input type="text"/>
Address 1	<input type="text"/>
Address 2	<input type="text"/>
City	<input type="text"/>

FTC PROSECUTION OF GIRLS GONE WILD



“ Monthly Preview Program. 30-day money back guarantee if not completely satisfied. Additional title \$19.99 + \$4.99 shipping and handling. Cancel Anytime.”





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