

FTC Blankets Companies With Warning Letters Over Endorsements and Reviews (2021 #3)

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As we have noted in earlier posts, in the wake of the Supreme Court's holding that Section 13(b) of the FTC Act does not allow for monetary restitution, the Federal Trade Commission has been attempting to creatively utilize other provisions of the Act in order to obtain money from the companies and individuals it prosecutes. One threat it seems the FTC is now making good on is the use of the FTC's long dormant Penalty Offense Authority, found in Section 5(m)(1)(B) of the Act.