

FTC Releases New Guide for Influencers

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Yesterday, the FTC released a new [guide and video](#) designed to help influencers understand when and how they should disclose the relationships they have to the brands they endorse. The guidance doesn't break new ground, and readers of this blog shouldn't find too many surprises, but it does summarize the key requirements in an easy-to-read format.

Here are some key points:

- The term "endorsement" should be read broadly. For example, simply tagging a brand, without anything more, can be an endorsement. (If there are any surprises here, it's the idea that a "like" can be an endorsement. It's not clear how the FTC expects companies to make disclosures when they "like" a brand.)
- The term "relationship" should be read broadly, as well. If an influencer receives payments or free products, that's obviously a relationship that should be disclosed. But even if an influencer just receives a discount or "other perks," that could also trigger a disclosure requirement.
- Disclosures should be hard to miss. For example, they should appear up-front, in conjunction with the endorsement, and in a manner that makes it likely that consumers will see them. The guides give some examples of how disclosures can be made in different platforms and media.
- Disclosures should be made in clear language. If an influencer uses a hashtag, it should be something that consumers are likely to understand. For example, the FTC encourages influencers to avoid abbreviations and shorthand. Unfortunately, influencers may not be able to rely on platform tools to make disclosures.
- Endorsements should be truthful and not misleading. For example, influencers shouldn't talk about their experiences with products they've never used or praise products they don't actually like. Similarly, they shouldn't make claims that the advertiser can't substantiate.

Although the guidance is directed to influencers, brands should also pay attention to the guides and ensure they communicate these requirements when they engage influencers to speak on their behalf.