

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION

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<b>In the Matter of</b>	)	<b>AGREEMENT CONTAINING</b>
	)	<b>CONSENT ORDER</b>
<b>Craig Brittain, individually</b>	)	
	)	
	)	
	)	

The Federal Trade Commission (“Commission”) has conducted an investigation of certain acts and practices of Craig Brittain, individually (“proposed Respondent”). Proposed Respondent is willing to enter into an agreement containing a consent order resolving the allegations contained in the attached draft complaint. Therefore,

**IT IS HEREBY AGREED** by and between Craig Brittain, individually, and counsel for the Federal Trade Commission that:

1. Proposed Respondent Craig Brittain owned and operated the website [www.isanybodydown.com](http://www.isanybodydown.com) and has his principal office or place of business in Colorado Springs, CO 80920.
2. Proposed Respondent neither admits nor denies any of the allegations in the draft complaint, except as specifically stated in this order. Only for purposes of this action, proposed Respondent admits the facts necessary to establish jurisdiction.
3. Proposed Respondent waives:
  - A. any further procedural steps;
  - B. the requirement that the Commission’s decision contain a statement of findings of fact and conclusions of law; and
  - C. all rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.
4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint, will be placed on the public record for a period of thirty (30) days and information about it publicly released. The Commission thereafter

may either withdraw its acceptance of this agreement and so notify proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34 of the Commission's Rules, the Commission may, without further notice to proposed Respondent, (1) issue its complaint corresponding in form and substance with the attached draft complaint and its decision containing the following order in disposition of the proceeding, and (2) make information about it public. When so entered, the order shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery of the complaint and the decision and order to proposed Respondent's address (provided by document dated November 12, 2014 to a representative of the Commission) as by any means specified in Section 4.4(a) of the Commission's Rules shall constitute service. Proposed Respondent waives any right he may have to any other manner of service. The complaint may be used in construing the terms of the order. No agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or contradict the terms of the order.
6. Proposed Respondent has read the draft complaint and consent order. Proposed Respondent understands that he may be liable for civil penalties in the amount provided by law and other appropriate relief for each violation of the order after it becomes final.

## **ORDER**

### DEFINITIONS

For purposes of this Order, the following definitions shall apply:

1. Unless otherwise specified, "Respondent" shall mean Craig Brittain, individually.
2. "Commerce" shall mean as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. "Covered Websites" shall mean [www.isanybodydown.com](http://www.isanybodydown.com), [www.obamanudes.com](http://www.obamanudes.com), [www.takedownlawyer.com](http://www.takedownlawyer.com), [www.takedownhammer.com](http://www.takedownhammer.com), [www.takedownhammer.net](http://www.takedownhammer.net), and [www.takedownhammer.org](http://www.takedownhammer.org).
4. "Intimate parts" shall mean the naked genitals, pubic area, buttocks, or female nipple.
5. "Personal information" shall mean individually identifiable information from or about an individual, including but not limited to: (1) a first and last name; (2) a home or other

physical address, including street name and name of city or town; (3) an email address or other online contact information, such as an instant messaging user identifier or a screen name; (4) a telephone number; (5) date of birth; or (6) a photograph or video containing an individual's image.

**I.**  
**PROHIBITION ON DISSEMINATION OF  
VIDEOS OR PHOTOGRAPHS WITHOUT CONSENT**

**IT IS ORDERED** that Respondent and Respondent's officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this order, whether acting directly or indirectly, in connection with the marketing, promoting, or offering for sale of any good or service, is permanently restrained and enjoined from disseminating, through a website or online service, a video or photograph of an individual with his or her intimate parts exposed without:

- A. clearly and prominently disclosing directly to that individual, and not as part of a "privacy policy," "terms of use," or similar document posted on a website or online service, that Respondent will disseminate the video or photograph for commercial gain and through a website or online service; and
- B. obtaining affirmative express consent in writing from the individual for such dissemination.

**II.**  
**PROHIBITION ON MISREPRESENTATIONS**

**IT IS FURTHER ORDERED** that Respondent, and Respondent's officers, agents, servants, employees, and attorneys, and all other persons in active concert or participation with any of them, who receive actual notice of this order, whether acting directly or indirectly, in connection with the marketing, promoting, or offering for sale any good or service, is permanently restrained and enjoined from misrepresenting through a website or online service, expressly or by implication, any material fact, including but not limited to:

- A. Respondent's collection, use, disclosure, or deletion of personal information;
- B. Respondent's identity; and
- C. the identity of those providing content or sponsoring advertising displayed on or through a website or online service.

**III.**  
**DISPOSITION OF PERSONAL INFORMATION**

**IT IS FURTHER ORDERED** that Respondent is permanently restrained and enjoined from directly or indirectly:

- A. disclosing, using, transferring, or benefitting from personal information obtained prior to entry of this Order in connection with or displayed on any of the Covered Websites; and
- B. failing to destroy such personal information in all forms in Respondent's possession, custody, or control within 30 days after entry of this Order.

*Provided, however,* that such personal information need not be disposed of, and may be disclosed, to the extent requested by a government agency or required by law, regulation, or court order.

#### **IV.**

**IT IS FURTHER ORDERED** that Respondent shall maintain and upon request make available to the Federal Trade Commission for inspection and copying a print or electronic copy of:

- A. affirmative express written consent obtained from each individual whose intimate parts are exposed in a photograph or video shared by Respondent on a website or through an online service;
- B. all representations about Respondent's collection, use, disclosure, or sharing of personal information in connection with marketing, promoting, or offering for sale any good or service that involves the collecting or posting of personal information on a website or online service, including but not limited to the terms of use, frequently-asked questions, and privacy policies of such website or online service, for a period of five (5) years from the date of preparation or dissemination, whichever is later;
- C. all consumer complaints and content removal requests received by or on behalf of Respondent relating to Respondent's collection, use, disclosure, or sharing of personal information, for a period of five (5) years from the date received;
- D. all responses to the complaints and requests set forth in Part IV.C, for a period of five (5) years from the date sent;
- E. copies of all subpoenas and other communications with law enforcement entities or personnel relating to Respondent's collection, use, disclosure, or sharing of personal information in connection with operating a website or online service, for a period of five (5) years from the date received or sent; and
- F. all documents prepared by or on behalf of Respondent that contradict, qualify, or call into question Respondent's compliance with this order, for a period of five (5) years from the date received or created.

**V.**

**IT IS FURTHER ORDERED** that Respondent shall deliver a copy of this order to all current and future employees, agents, and representatives having responsibilities relating to the subject matter of this order. Respondent shall deliver this order to such current personnel within thirty (30) days after service of this order, and to such future personnel within thirty (30) days after the person assumes such position or responsibilities. Respondent must secure a signed and dated statement acknowledging receipt of this order, within thirty (30) days of delivery, from all persons receiving a copy of the order pursuant to this section.

**VI.**

**IT IS FURTHER ORDERED** that Respondent, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include Respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to [Debrief@ftc.gov](mailto:Debrief@ftc.gov) or sent by overnight courier (not the U.S. Postal Service) to the Associate Director of Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue N.W., Washington, D.C. 20580. The subject line must begin: *In the Matter of Craig Brittain*, FTC File No. \_\_\_\_\_.

**VII.**

**IT IS FURTHER ORDERED** that Respondent within sixty (60) days after the date of service of this order, shall file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form of his compliance with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, Respondent shall submit an additional true and accurate written report.

**VIII.**

This order will terminate twenty (20) years from the date of its issuance, or twenty (20) years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; provided, however, that the filing of such a complaint will not affect the duration of:

- A. any Part in this order that terminates in fewer than twenty (20) years;
- B. this order's application to any Respondent that is not named as a defendant in such complaint; and
- C. this order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or a federal court rules that Respondent did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order as to such Respondent will terminate according to this Part as though the complaint had never been filed, except that the order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

CRAIG BRITTAIN

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
CRAIG BRITTAIN

FEDERAL TRADE COMMISSION

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
MELINDA CLAYBAUGH  
Counsel for the Federal Trade Commission

APPROVED:

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MARK EICHORN  
Assistant Director  
Division of Privacy and Identity Protection

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MANEESHA MITHAL  
Associate Director  
Division of Privacy and Identity Protection

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JESSICA L. RICH  
Director  
Bureau of Consumer Protection