



Mary K. Engle  
Associate Director

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

March 20, 2017

Mr. Hal Kravitz  
Chief Executive Officer  
AQUAhydrate, Inc.  
5870 West Jefferson Boulevard  
Suite D  
Los Angeles, California 90016

Dear Mr. Kravitz:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate businesses about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.<sup>1</sup>

I am writing to call your attention to the attached Instagram post by Sean Combs.<sup>2</sup> Mr. Combs's post shows a photo of two bottles of AQUAhydrate water in what appears to be a car and he writes, "Let's GO!!! @aquahydrate #balance #hydrate #tryIT."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.

We understand that Mr. Combs is an owner and director of AQUAhydrate. Mr. Combs's material connection to your company should be clearly and conspicuously disclosed in his endorsements. To be both "clear" and "conspicuous," the disclosure should use unambiguous language and stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and

<sup>1</sup> The Endorsement Guides are published in 16 C.F.R. Part 255.

<sup>2</sup> The post is available at <https://www.instagram.com/p/BGaNNr4plwG/?taken-by=iamdiddy>.

Mr. Hal Kravitz  
March 20, 2017  
Page 2

many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

If your company has a written social media policy that addresses the disclosure of material connections by endorsers, you may want to evaluate how it applies to Mr. Combs’s post and to similar posts by other endorsers. If your company does not have such a policy, you may want to consider implementing one that provides appropriate guidance to your endorsers.

You may also want to review your company’s social media marketing to ensure that posts contain necessary disclosures and they are clear and conspicuous. To assist you, I have enclosed the Endorsement Guides and a recent staff publication, The FTC Endorsement Guides: What People are Asking. (They’re available online at [business.ftc.gov](http://business.ftc.gov).)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or [mkresses@ftc.gov](mailto:mkresses@ftc.gov). Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is fluid and cursive, with the first name "Mary" and last name "Engle" clearly legible.

Mary K. Engle  
Associate Director  
Division of Advertising Practices



iamdiddy

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5,639 likes

12/11

iamdiddy Let's GO!!! @squashhydrate  
#balance #hydrate #tryIT

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falboybeatz #drinkingsofnewyork

elishazuniga72 Cheers @iamdiddy I'm  
drinking the same thing right now as I'm  
sweating it out in the sauna.  
#72staypositive

finedicipline We going meeeen

ak\_management\_presents 🇺🇸🇺🇸

burakus1 Pastor Diddy 🇺🇸🇺🇸

sephora9124 I will need this after you  
make me squirt

knolig\_works Nice shot

mastew25 This water is so good. I hope  
to buy a case this weekend. Delicious  
Hydrate for the body!

marchbaby0320 I need to try that

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