



Mary K. Engle
Associate Director

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

March 20, 2017

Mr. Jeremy Joseph
President & General Counsel
Buscemi, LLC
1545 Wilcox Avenue, Suite 202
Hollywood, California 90028

Dear Mr. Joseph:

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.¹

I am writing to call your attention to the attached Instagram posts by Ciara and Dorothy Wang.² Ciara posts a picture of three pairs of shoes and writes, "Proud To Be An American. #RedWhiteAndBlue HappyFourth Thnx @Buscemi For Juicy Mans Shoes us." Ms. Wang posts a picture of a pair of shoes in front of a Buscemi.com box lid and writes, "Monday delivery! [emojis] So OBSESSED with these #buscemi sneakers!! Thanks @buscemi @robhepler, can't wait to wear them!"

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.

If your company has a business relationship with either Ciara or Ms. Wang, that relationship should be clearly and conspicuously disclosed in the endorsements. To be both

¹ The Endorsement Guides are published in 16 C.F.R. Part 255.

² The posts are available at <https://instagram.com/p/BHdLktxjCG2/> and <https://www.instagram.com/p/BEEvvtUTNP6/?taken-by=dorothywang&hl=en>.

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“clear” and “conspicuous,” the disclosure should use unambiguous language and stand out. A statement like “Thnx @Buscemi” or “Thanks @buscemi” is probably inadequate to inform consumers of a material connection because it does not sufficiently explain the nature of the endorser’s relationship to your company; consumers could understand it simply to mean that the person is a satisfied customer. In addition, 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 many consumers may not click “more.” Therefore, an endorser should disclose any material connection above the “more” button. Finally, 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 the attached posts 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.)

If you have any questions, please contact Michael Ostheimer at (202) 326-2699 or mostheimer@ftc.gov. Thank you.

Very truly yours,



Mary K. Engle
Associate Director
Division of Advertising Practices



ciara

Follow

59k likes

7w

ciara Proud To Be An American.
#RedWhiteAndBlue HappyFourth
Thnx @Buscemi For Juicy Mans Shoes us
view all 365 comments

martinomayiki Proud to be an American?
Haha @ciara pls tell me us thats a joke

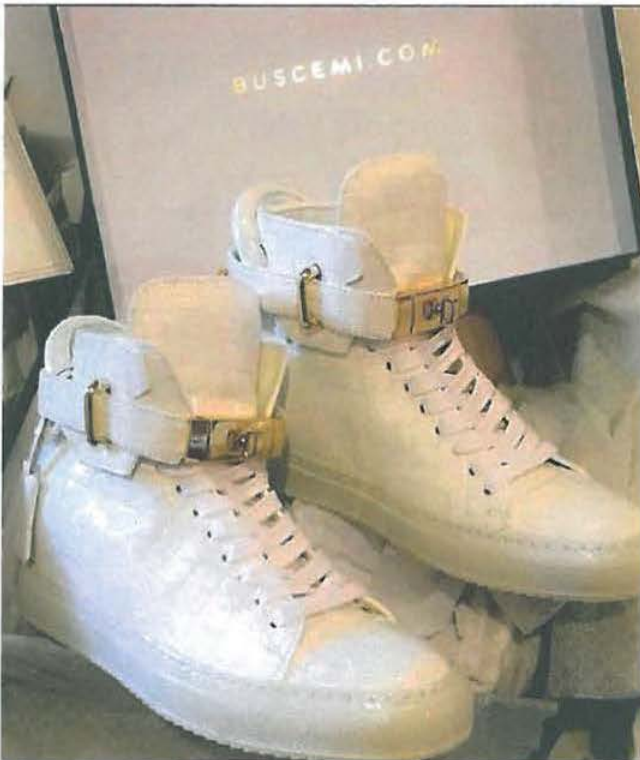
mussageor goodshoes

vieltina_0925 @martinomayiki i mean
she is living in America and thats our
nationality so yes, hee being proud to be
an American makes sense :) despite all
the police brutality stuff going on, if thats
what "Haha" about lol

ninoudu13100 @tony_chicharito

tony_chicharito @ingrid_izquierdo13

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dorothywang

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6,356 likes

7w

dorothywang Monday delivery! 😄😄 So
OBSESSED with these #buscemi
sneakers!! Thanks @buscemi
@robheppler, can't wait to wear them!

view all 99 comments

snkrclctr I sell under retail

myninstagram @natasharoy

lolominaj @thisdudekiros

thisdudekiros No way! @shootsblay
@lolominaj

trevor27857 Beautiful

janet63h All this it just vanity

susi_cee @seaviewskyline is this the
brand??

seaviewskyline @susi_cee yup

susi_cee @seaviewskyline looks good!!!

neoffrevnierresalomon Wwv dorothy

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