

The screenshot shows the top portion of the vcstar.com website. At the top, there are navigation links: Login, Manage Account, Mobile, Contact us, Staff, E-Edition, and Subscriber Services. A search bar is located on the right with a dropdown menu set to 'site' and a 'GO' button. Below the search bar, the text 'Web Search powered by YAHOO! SEARCH' is visible. The main header features the 'vcstar.com' logo and 'VENTURA COUNTY STAR' text. A secondary navigation bar includes categories: News, Sports, Business, Opinion, Entertainment, Lifestyles, Media, Jobs, Homes, Cars, and Classified. A third navigation bar lists: Local, Other, Data, Communities, YourNews, Columnists, Blogs, Obituaries, Traffic, Weather, and Beachcam. A prominent yellow 'WEATHER ALERT' banner is displayed, with the text: 'High Surf Advisory FOR VENTURA COUNTY COAST Issued 12:44pm JANUARY 13, 2010 Expires 9:00am JANUARY 15, 2010'. Below the alert, the main article title is 'FTC's new rules cover ads on social media' by Melissa Sayer, a guest writer, posted on January 9, 2010 at 5:10 p.m. At the bottom of the article preview, there are social sharing options: Email, Discuss, Share, and Print, along with font size controls (A A A).

On Dec. 1, the Federal Trade Commission released revised guides concerning the use of endorsements and testimonials in advertising.

They are particularly important for employers whose employees, sales representatives or independent contractors would receive a direct benefit from the sale of the employer's services or product. Any advertisement must now be transparent and disclose the "generally expected performance" for the product or service and the safe-harbor statement "results not typical" has been eliminated.

The regulations were originally adopted in 1980, well before the emergence of the Internet and social networks, bloggers and "word-of-mouth" advertising. The regulations now specifically cover new media, such as Facebook, Twitter, YouTube, MySpace, other Web sites and personal blogs.

The guides require that any material connections between an endorser and advertiser be clearly disclosed. If your company gives away free samples or product in exchange for a review, even if the review is negative, the new guides have specific rules regarding disclosure. The guides contain an expansive definition of "endorsement" and extend the definition of "endorser" to include individuals, groups, institutions and even employees. If an employee makes a statement on his or her personal blog or Facebook page and the statement is an "endorsement," both the employee and employer may be liable for any misleading content. The advertiser (which now includes an employer) must do the following:

- Establish procedures to advise endorsers of the disclosure requirements.
- Provide training and/or clear obligations regarding compliance.
- Monitor conduct for compliance and take steps to halt any deceptive representations.

The guides also contain new rules regarding sponsored research and celebrity endorsements. Advertisers must now disclose if they paid for any part of the research cited in its advertising. Celebrity endorsements must now reflect the honest opinions, findings, beliefs or experiences of the celebrity, and a celebrity must disclose any relationship with advertisers when endorsing a product outside the context of traditional ads, such as on talk shows or in social media.

Although it is unclear how the FTC will enforce these new guides, advertisers and employers should be preparing policies and training for all endorsers regarding compliance, as well as developing procedures for monitoring endorser conduct.

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