



To avoid exposure to liability, influencers must comply with all applicable laws, rules and regulations including the following:

- Section 5(a) of the Federal Trade Commission (“FTC”) Act (15 USC § 45) which prohibits “unfair or deceptive acts or practices in or affecting commerce.”
- The FTC’s Guides on the Use of Endorsements and Testimonials in Advertising (16 CFR § 255)
- .com Disclosures; How to Make Effective Disclosures in Digital Advertising (2013)
- The FTC’s Endorsement Guides: What People Are Asking (May 2015)
- Disclosures 101 for Social Media Influencers (November 2019)

We recommend the following disclosures on status updates on Social Networks:

- “This post was sponsored by [Brand]”
- “Thanks to [Brand] for sponsoring this video”
- “This is an ad for [Brand]”
- “I received [product] from [Brand]”
- “I was paid by [Brand] to review [product]”
- “[Brand] sent me [product]”

If status updates are limited by character restrictions, Influencers should use a hash tag notation of #ad, #sponsored or #paid. Do not hide or bury the disclosure. Disclosures should appear at the beginning of the endorsement or testimonial statement being posted.

We also recommend the following disclosures on Video and Photo Sharing Websites:

- “This post was sponsored by [Brand]”
- “Thanks to [Brand] for sponsoring this video”
- “This is an ad for [Brand]”
- “I received [product] from [Brand]”
- “I was paid by [Brand] to review [product]”
- “[Brand] sent me [product]”

If video is over 10 minutes, Influencers need to repeat the disclosure in the video.

Finally, we recommend that disclosures should:

- Be clearly visible or audible
- Be placed so it is hard to miss: the first words in social updates and above the “See/Show More” button in video descriptions
- Be located at the beginning, on top of or next to any related communication
- Be understandable for the intended audience

If you have any questions, call Pfeiffer Law Corp at (310) 451-5800.

THIS DOWNLOAD LAST UPDATED: August 2, 2021