

Insights

ATLANTA COUNSEL AUTHORS ARTICLE ON STEPPED UP FTC ENDORSEMENT ENFORCEMENT

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BCLP Counsel Jim Dudukovich, a well-known advertising and social media lawyer, authored an article published Oct. 19 by the *Daily Report* that discusses the Notice of Penalty Offenses sent recently by the Federal Trade Commission (FTC) to more than 700 companies. The FTC cites past cases it has successfully brought as proof that certain marketing tactics involving endorsements and product reviews violate Section 5 of the FTC Act. “While the notice does not accuse any of the recipients of wrongdoing, its distribution to all of these companies is a critical development because it means that, going forward, should the FTC determine that any company who received this notice is engaged in any of the listed practices, it may sue that company in federal court and seek penalties of up to \$43,792 per violation,” he wrote. The article considers what prompted such an action by the FTC, and what it might mean.

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