

## 5 Tips to Blog Disclosures

The Federal Trade Commission recently released updated guidelines for disclosure in advertising, which includes disclosure of endorsements, sponsorships and other payments from online endorsers, including bloggers.<sup>1</sup> The FTC originally addressed the issue of online disclosure in a 2009 report. The 2013 update is a must read for anyone who communicates online, especially if they blog and review products and/or services. I go over 5 points from the report below. But there is much more, so read the entire report here:

<http://ftc.gov/os/2013/03/130312dotcomdisclosures.pdf>.

### 1. Proximity and Placement

The purpose of the consumer rules is to protect consumers by making sure they have all the information they need to evaluate content that is put online and that may affect their decision to purchase a product or service. So the FTC wants to make sure that the disclosure is in a place that the reader will see – it cannot be hidden on an obscure tab for example. The FTC uses the wording that the disclosure must be “conspicuous.”

### 2. Truthfulness

As it protects the consumer the FTC requires that advertising be truthful, not unfair, and does not lead to deceptive practices. This is why the wording of the disclosure itself is important. Are you disclosing that the manufacturer gave you a free sample of their product so that you can review it? Did you win the product at an event? Are you disclosing that the product or service was a perk you acquired from your Klout score? The Klout perk is still considered a boon to you, so it must be disclosed.

### 3. Distracting Factors in Ads

One core principle of content design is that it not be so busy – with graphics, images, texts, hyper-links, etc. – that the message, and more importantly, the disclosure is lost. When you finish your blog, review it on the screen and see how it looks. It is also a good idea to view it on different devices, such as a tablet or smartphone. The FTC rules do take these devices into account as to if the disclosure is effective or not.

### 4. Repetition

Saying something once is good, but saying it a few times is better. You may need to repeat the disclosure in various places on your blog and throughout your website. Don't forget to repeat on your social media postings as well.

### 5. Understandable Language

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<sup>1</sup> <http://www.socialmediaexplorer.com/social-media-marketing/disclosures-for-bloggers-and-brands/>

One of the complaints I always hear as an attorney is why can't the legalese be in English? Well the FTC agrees with you and requires that the disclosure be in "clear and understandable" language. What is clear and understandable language? Can a reasonable person understand what you want to disclaim. BTW, the FTC does acknowledge that you can have not just visual – text – disclosures – but also audio disclosures – so those of you who pod-cast or YouTube your blogs remember to put in disclosures there too.

Well these are my top five. Disclosure is just one of the legal issues bloggers need to be aware of. To learn about another legal area – contracts – come to my session at BarkWorld. Hope to see you soon.

About the Author:

**Deborah Gonzalez, Esq.** is the founder of **Law2sm, LLC**, a new legal consulting firm focusing on helping its clients navigate the legal issues relating to the new digital and social media world. Deborah serves as the Chair for IACLE's Social Media & Law Annual Program. She has been especially busy these past few months speaking to and assisting those to stay updated and informed regarding how social media affects client businesses and personal lives. Twitter: @law2sm, [www.law2sm.com](http://www.law2sm.com).