

New Federal Guidelines On Blogging

October 15, 2009

Do you believe what you read in a blog? Do blogger recommendations ever influence your buying preferences? Does your organization engage in blogging to promote your products and services? The Federal Trade Commission has announced new guidelines under the FTC Act for bloggers who engage in online "word of mouth" marketing.

Currently, a blogger having "material connections" with the source of the products or services being promoted, (i.e. the blogger is being paid or receiving free products), is not required to disclose those connections. Under the new guidelines, the blog is treated as an endorsement and the blogger will be required to disclose the payment or receipt of free products. The guidelines also address advertisement references to research results. If the conducted research was sponsored by the company, the advertisement must disclose the connection between the advertiser and the researcher.

The guidelines represent the first real attempt to regulate blogging. If your organization engages in promotional blogging, awareness of the new guidelines is essential -- violations can result in the imposition of fines, injunctive relief and damages. To review the FTC's press release, go to: <http://www.ftc.gov/opa/2009/10/endortest.shtm>

For more information about legislation or litigation involving technology, intellectual property protection of information technology assets or any other Information Technology law issue, contact your Miller Canfield attorney or [Kathy Ossian](#), Leader of our Information Technology Team, or call her direct at 313.496.7644.