

Quick Guide: Why You Need to Be FTC Compliant & How to Do It

How to make sure your expert advice stays authentic — and FTC compliant.

As more people are being paid to share their opinion about products online, the FTC wants to make it clear when those endorsements (a.k.a. opinions, reviews, and recommendations) are made after a brand creates a material connection with the influencer sharing that endorsement. We'll share more on material connections in a little bit.

While the FTC has published endorsement guidelines, they can be a little vague. We want to help you understand just what the FTC is looking for, so we've put together this quick guide to help make compliance as easy as possible.

What is the FTC?

The FTC, or the Federal Trade Commission, is a government organization that exists to stop deceptive or fraudulent practices in advertising and ensure fair competition in the marketplace. If you post to social media or own a blog where you share your opinions, chances are you've already heard about the FTC.

While this three-letter government organization may sound like the big bad wolf, it's actually working in your best interest to make sure all those product recommendations you see online come with the information you need to make your best-informed decision.

Being FTC compliant isn't just up to the brands and marketers, though. It's also your responsibility as an Expert, no matter how large or small your online following is. And maintaining compliance means your opinion is that much more honest and believable — meaning more people will seek you out for expert advice.

Why Do I Need to Disclose My Endorsements?

Some people may think their online endorsements will go unnoticed by the FTC, after all the Internet is a huge place. But the FTC is cracking down on endorsements that are missing a proper disclosure. In early 2017, they sent [more than 90 letters](#) to remind Instagram influencers that relationships to brands should be clearly and conspicuously disclosed.

While a strongly worded letter may not seem too terrifying, non-compliance can also result in state-level fraud, negligent misrepresentation, and unfair trade practices acts, not to mention lawsuits.

Even an individual Expert like yourself could be the target of a lawsuit. Case in point, some of the lawsuits filed in the aftermath of the [controversial Fyre Festival](#) targeted celebrities like Kendall Jenner who made social media endorsements that weren't FTC compliant.

To avoid that mess, make sure your endorsements are FTC compliant with these easy tips.

Disclosures Don't Discredit Your Message

We know you want to engage with your followers, and slapping a huge "#advertisement" on a social or blog post can be scary. Your gut instinct may tell you that this glaring disclosure will make your followers less likely to read your message and may even lower the value of the content you work so hard to produce.

However, that's not necessarily true. You're an Expert, and people come to you for authentic, trustworthy advice. If you confidently announce that, yes, you did get to try out this product at a discount or even for free, you're really only adding to the credibility of your message. Now your followers know you actually got to try the product out and you're not just repeating marketing speak or the product description, which builds trust and keeps them coming back for more. Research backs this up — a team from Georgetown recently conducted a study on how FTC disclosures affected how much followers trusted an influencer's message, and results show that disclosing your relationship with a brand makes your message more trusted.

When Do I Have to Add a Disclosure?

The FTC states that disclosure is necessary when there is a "material connection" between an Expert and a brand in exchange for an endorsement made by the Expert.

That's a bit vague, but a [2017 FTC press release](#) clears it up a bit by adding that a material connection is "a connection that might affect the weight or credibility that consumers give the endorsement."

Example: Material Connection

Let's say you receive a discount from a brand in order to try out their product and provide your opinion on it. Because you received a discount a material connection has been made, and the FTC now requires a **clear, conspicuous disclosure**.

This also applies if you receive the product for free or are paid to provide your opinion — or if you have a business or family relationship with that brand.

Does Number of Followers or Endorsement Frequency Matter?

Whether you're going on 100 or 10,000 followers doesn't matter, a clear, conspicuous disclosure is required. At the same time, you still need to provide a disclosure even if you only share your opinion once or if you share it several times.

Recap: When is a Disclosure Necessary?

Let's recap: You need to give a disclosure when a material connection is made between you and the brand. Material connections can be:

- Monetary payment or discount
- A free product
- A business or family relation between the Expert and your brand
- Affiliate links

The only time a disclosure is not necessary is when the material connection is already clear from the context of the endorsement.

What Counts as a Clear & Conspicuous Disclosure?

Here's where it can get a little confusing: The FTC doesn't require any specific language to be included in your disclosure. However, they do provide guidelines on what counts as "clear and conspicuous."

Make disclosures hard to miss.

Keep in mind that different social media platforms and websites may have restrictions that require disclosures to be made in a certain way.

As an example, the FTC specifically calls out Instagram. Because people who use the Instagram app can usually only see the first three lines of a longer post unless they click "more," your disclosure must appear above the "more" button.

Avoid burying them.

Another issue that can keep a disclosure from being clear and conspicuous is when it gets lost in a string of multiple hashtags, tags, or links. If you're tagging multiple brands or people, adding a list of hashtags, or even including extra links in your post, make sure you separate the disclosure so it stands out.

Keep them unambiguous

Are you guilty of using any of the following disclosures: "#sp," 'Thanks [Brand],' or '#partner?'" [The FTC says](#) these types of disclosures aren't "sufficiently clear," which could cause you some trouble.

Your disclosure should leave no uncertainty for an everyday person. Examples of clear disclosures include "#advertisement," "#ad," and "This is a sponsored post that contains affiliate links."

Recap: What Is Clear & Conspicuous?

Make sure your disclosures are clear and conspicuous with the following checklist:

- The disclosure stands out and is easily found, and isn't hidden in a list of links, tags, or hashtags
- Your followers don't need to click "more" or another link to see the rest of the post and your disclosure
- An average, everyday person can quickly and easily understand your disclosure

Follow Brand Guidelines

If you're working with a brand to share your opinion, they may provide guidelines on what kind of language they want you to use and where it should be placed. Be sure to follow these guidelines when you post your endorsement, but if what the brand requests doesn't seem clear and conspicuous enough you should follow the FTC guidelines first and foremost.