



## LEGAL Q&A

**Q** Can I try to boost sales of my product by having my employees or others write positive product reviews online?

**A** You should be very careful before you begin this type of practice. It is generally referred to as "astroturfing" and the Federal Trade Commission announced recently that it has issued new guidance that expressly addresses this practice. These types of online product reviews are considered endorsements or testimonials under the new FTC guidelines. Promulgated in 1980, the prior guidelines did not (for obvious reasons) expressly address this online practice.

Under the new guidance, these types of product reviews would be considered endorsements because the people writing them are being paid by the company selling the product. As a result (consistent with the prior guidelines) any "material connection" between the endorser and the advertiser must be disclosed. The new guidelines provide express examples where endorsements are made by paid bloggers and expressly require that such bloggers disclose any material connections between the blogger and the advertiser. Read more at <http://kurtsblogsite.blogspot.com/>.



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