

UNITED STATES OF AMERICA
Before the
FEDERAL TRADE COMMISSION
Washington, D.C. 20507

RULE MAKING PROCEEDING
Project No. P214504

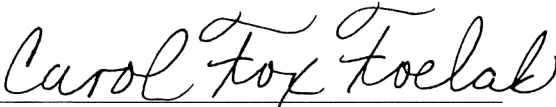
RULE ON THE USE OF CONSUMER REVIEWS : ORDER
AND TESTIMONIALS : February 28, 2024

The Federal Trade Commission (FTC) commenced this proceeding with a Notice of Proposed Rulemaking, *Rule on the Use of Consumer Reviews and Testimonials*, 88 Fed. Reg. 49364 (July 31, 2023) (NPRM). The FTC appointed the undersigned Administrative Law Judge to preside over the informal hearing in the proceeding, *Rule on the Use of Consumer Reviews and Testimonials*, 89 Fed. Reg. 2526 (Jan. 16, 2024) (Hearing Notice). A hearing session was held on February 13, 2024, at which the following interested persons appeared: Fake Review Watch; the Interactive Advertising Bureau (IAB); a group of academic researchers (The Researchers); and the FTC Bureau of Consumer Protection (BCP). After consideration of arguments made at the hearing session and further briefing, the undersigned designated as a disputed issue of material fact: “Whether the compliance costs for businesses will be minimal.” *Rule on the Use of Consumer Reviews and Testimonials*, Order (A.L.J. Feb. 23, 2024) (Feb. 23 Order). The undersigned ordered: the hearing session on the designated disputed issue will commence on March 5, 2024; IAB and BCP may provide witnesses in support of their arguments; and IAB and BCP must provide notice concerning their witness[es] and any proposed exhibits by February 28, 2024. *Id.*

The Feb. 23 Order was served on the interested persons on the afternoon of February 26, 2024. On February 27, 2024, IAB requested that the notice date be postponed to March 1, 2024, and the hearing date to March 6, 2024. In light of the delay, the brief postponement will be granted.

Accordingly, the next hearing session on the designated disputed issue will commence on March 6, 2024, at 10:00 a.m. EST. Any witness who testifies will be subject to cross examination. IAB may provide a witness, such as an affected firm’s compliance officer or legal counsel or an expert witness, through whom an expert report may be introduced, in support of its arguments. BCP may provide a witness in support of its assumptions as to the compliance costs. IAB and BCP must provide notice concerning their witness[es] and any proposed exhibits by March 1, 2024. IAB, BCP, Fake Review Watch, and The Researchers may cross examine the witnesses. If neither IAB nor BCP elects to provide a witness or other evidence, no hearing session will be necessary.

IT IS SO ORDERED.



Carol Fox Foelak
Administrative Law Judge