

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 : March 6, 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).

A second hearing session was held on March 6, 2024, to address the following disputed issue of material fact¹: “Whether the compliance costs for businesses will be minimal.” IAB and BCP appeared.²

The following exhibits offered by IAB were admitted in evidence:

1. IAB’s February 20 submission - the questions from its first survey of its membership; and
2. IAB’s March 5 submission - a summary of the results of a second survey, an Excel spreadsheet compilation of data from the first survey, and an Excel spreadsheet compilation of data from the second survey.

¹ See *Rule on the Use of Consumer Reviews and Testimonials*, Order (A.L.J. Feb. 23, 2024); FTC, Notice Regarding Requests Related to the Informal Hearing in Project No. P214504 (Feb. 7, 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/notice_regarding_requests_relatng_to_informal_hearing.pdf; see also 16 C.F.R. § 1.13(b)(1)(ii) (“The presiding officer may at any time on the presiding officer’s own motion or pursuant to a written petition by interested persons, add or modify any issues designated pursuant to § 1.12(a).”); See also *Rule on the Use of Consumer Reviews and Testimonials*, Orders (A.L.J. Feb. 28 & Mar. 4, 2024).

² Additionally, Fake Review Watch was present.

As the undersigned ordered, IAB, BCP, and any other interested person may file post-hearing briefs by March 13, 2024, and responsive briefs by March 18, 2024.

IT IS SO ORDERED.

A handwritten signature in cursive script that reads "Carol Fox Foelak". The signature is written in black ink and is positioned above a horizontal line.

Carol Fox Foelak
Administrative Law Judge