



UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
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Washington DC 20580

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March 4, 2024

**VIA ELECTRONIC FILING**

Presiding Officer Foelak  
c/o Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**Re: Rule on the Use of Consumer Reviews and Testimonials  
(Project No. P214504)**

Presiding Officer Foelak:

In the Order dated February 23, 2024, Your Honor stated that IAB “must provide notice concerning their witness[es] and any proposed exhibits” by February 28, a deadline that Your Honor later extended to March 1 after IAB requested a delay. In its short email sent on the evening of March 1, however, IAB failed to provide any proposed exhibits and instead asserted that, at the March 6 hearing, Mr. Tiffith “will present additional evidence of compliance costs gathered from IAB's member companies.”

We assume that this failure to provide any proposed exhibits – or even to identify specifically any such exhibit – by the extended deadline means that IAB will provide solely oral testimony through Mr. Tiffith and that IAB will not seek introduction of any exhibits at the hearing. Given Your Honor’s directions and the ambiguity of its March 1 email, however, we respectfully request a ruling, in advance of the hearing, that Mr. Tiffith not be allowed to introduce exhibits at the hearing.

Further, we also respectfully request rulings that he not be allowed to: testify about the content of documents IAB has not provided or information purportedly obtained from third parties; or proffer non-expert summaries or analysis of any documents or information. Commission staff could not otherwise reasonably engage in cross-examination.

Sincerely,

/s/ Michael Atleson

Michael Atleson  
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