

Chip Cooper Esq. FTC Endorsement Guides

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AIAdvertisingAttorney.com

Specific-Result or AI Claims

When Endorsements & Testimonials Create Agency Risk

The Problem:
The FTC makes it clear that agencies can be directly liable for how success stories are used.

The Challenge:
can your team reverse engineer the FTC Guides?

Do you have a system for turning this into proof structure before copy is written?

Do you have clarity on how & the extent to which you're now allowed to use disclaimers?

The Solution:
Specific-Result Strategy Workshop

2023 FTC Endorsement Guides:
"Advertising agencies... may be liable for their roles in creating or disseminating endorsements containing representations that they know or should know are deceptive."

2009 FTC "Rules of the Road":
"Advertising agencies"... may be liable for "false or deceptive claims."

2023 FTC Endorsement Guides:
"If the advertiser does not have substantiation that the endorser's experience is representative of what consumers will generally achieve, the advertisement should clearly and conspicuously disclose the generally expected performance in the depicted circumstances, and the advertiser must possess and rely on adequate substantiation for that representation."

"The disclosure of the generally expected performance should be presented in a manner that does not itself misrepresent what consumers can expect. To be effective, such disclosure must alter the net impression of the advertisement so that it is not misleading.."

"...the revised Guides eliminate what sometimes previously has been referred to as the "Results Not Typical" safe harbor for consumer testimonials."

"... [FTC] cannot rule out the possibility that a strong disclaimer of typicality could be effective in the context of a particular advertisement."

A live workshop that shows teams how to structure success stories as proof for specific-result claims — using real case studies to translate principles into practice.

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