



Quick Reference Matrix:

General Disclosure Practices in Digital, Mobile and Social Media

FORMAT	Placement and Proximity	Prominence	Unavoidability	Distracting Factors	Repetition	Multimedia Messages	Understandable Language
General	A disclosure is most effective if it is placed near the claim it qualifies or other relevant information. Marketers should consider empirical research about where consumers do and do not look on a screen.	Disclosures must be communicated effectively so that consumers are likely to notice and understand them in connection with the representations they modify. The size, color, and graphics of the disclosure affect its prominence. Marketers should consider how page is viewed across multiple mediums.	Generally, creating an unavoidable disclosure, where the consumer may not move forward without clicking through to read the full disclosure text, meets the clear and conspicuous standard. Whether a disclosure is deemed unavoidable depends on the medium in which it is to be displayed.	It is important to consider the entire ad for the disclosure. Elements like graphics, sound, text, links that lead to other screens or sites, or "add to cart" buttons may result in consumers not noticing, reading, or listening to the disclosure.	It may be necessary to disclose information more than once to convey a non-deceptive message. (However, the disclosure need not be repeated so often that the consumers would ignore it or it would clutter the message.)	Online ads may contain or consist of audio messages, videos, animated segments, etc. with claims that require qualification. In these cases, marketers should be sure to include disclosures in formats that match the claims; for audio claims use audio disclosures, for video claims, use video disclosures and for written claims use written disclosures.	marketers should use clear language and syntax and avoid legalese or technical jargon. Disclosures should be as simple and straightforward as possible. Icons and abbreviations are not adequate to prevent a claim from being misleading if a significant minority of consumers do not understand their meaning.
Web Pages	Disclosures on web pages are most effective if they appear on the same screen; if scrolling is necessary, marketers should use text or visual cues to encourage consumers to scroll and avoid formats that discourage scrolling. Text prompts can indicate more information is available but they should be worded to signify their importance.	The size, color and graphics of the disclosure should be evaluated in relation to other sections of the web site to ensure they are comparable to the type size of the claim and other text on the screen.	If scrolling is required to include the disclosure, it should be unavoidable. A scroll bar on the side is not a sufficiently effective visual cue to indicate the presence of a disclosure off screen.	Graphics on a webpage alone may not undermine the effectiveness of a disclosure, but it is important to consider all the elements in the ad, not just the text of the disclosure.	If the website is lengthy and/or contains repeated claims, repeated disclosure may be necessary. Marketers should consider whether consumers who only view a portion of the page are likely to be misled due to missing a disclosure or failing to understand its relationship to the claim it modifies.	Audio disclosures should be in a volume and cadence sufficient for a reasonable consumer to hear and understand. Visual disclosures should appear for a duration sufficient for consumers to notice, read, and understand.	Marketers should use clear language and syntax and avoid legalese or technical jargon.
Mobile Applications	Placing a disclosure on a web page, such that consumers have to scroll left or right from the claim it modifies in order to view it, could make it unlikely that consumers will view it in mobile environments. Optimizing a website for mobile devices will eliminate the need for consumers to scroll left or right.	If a disclosure is too small to read on a mobile device or is presented in a long line of text that does not wrap around for presentation on a mobile screen, it will likely not be deemed a clear and conspicuous disclosure.	If scrolling is required to read a disclosure, the disclosure should be unavoidable. A scroll bar on the side is not a sufficiently effective visual cue to deliver the disclosure.	Graphics on a mobile site alone may not undermine the effectiveness of a disclosure. It is important, however, to consider all the elements in the ad, not just the text of the disclosure.	If the mobile site contains repeated claims, repeated disclosures may be necessary. Marketers should consider whether consumers who only view a portion of the page are likely to be misled due to missing a disclosure or failing to understand its relationship to the claim it modifies.	Audio disclosures should be in a volume and cadence sufficient for a reasonable consumer to hear and understand. Visual disclosures should appear for a duration sufficient for consumers to notice, read, and understand.	Marketers should use clear language and syntax and avoid legalese or technical jargon.
Space Constrained Messaging (Banner Ads, Tweets, Etc.)	Lack of space does not provide exemption from disclosure requirements. Marketers should consider the importance of the disclosure in relation to the claim. A summary version may be displayed initially if it then leads to a full disclosure.	The disclosure should be obvious within the context of the message. If the disclosure is presented on a subsequent webpage accessible by link, it should be clear that the disclosure relates to the claim in the message.	If the space-constrained message contains a hyperlink to the disclosure, the click through page or screen must contain a complete disclosure and it must be displayed prominently. The hyperlink should take consumers directly to the disclosure. It may be helpful to measure click-throughs to determine the hyperlink's effectiveness.	marketers should consider the role that elements like graphics, sound, text, links that lead to other screens or sites play within the advertisement. If the disclosure could be lost within the advertisement the marketer should reconsider the distracting factors.	If a disclosure is required the disclosure, it should be present in each and every message that would require a disclosure if it were viewed in isolation.	If the communication is interactive in nature and a consumer may make a purchase from an ad presented during the course of the communication, all required disclosures should be included in the ad itself.	Short form disclosures may or may not adequately inform consumers of the essence of a required disclosure, depending on clarity, conspicuousness and context. Short form disclosures like "Ad" or "Sponsored" likely would be sufficient to inform consumers that the message is an advertisement.
Hyperlinks	Disclosures that are integral to a claim or are inseparable from it (e.g. health or safety issues; significant additional costs not disclosed in list pricing) should not be communicated through a hyperlink; they should be placed on the same page and immediately next to the claim, and be sufficiently prominent so that the claim and the disclosure are read at the same time. For all other cases, the hyperlink must be adjacent to the triggering term or other relevant information.	The link should be obvious within the context of the webpage. The hyperlink should be proximate to the claim that triggers the disclosure so consumers can notice it easily and relate it to the claim.	The click through page or screen must contain a complete disclosure and it must be displayed prominently. The hyperlink should take consumers directly to the disclosure. It may be helpful to utilize tools that allow a marketer to determine how effective their hyperlink is in getting consumers to click through and read.	marketers should consider the role that elements like graphics, sound, text, links that lead to other screens or sites play within the advertisement. If the disclosure could be lost within the advertisement the marketer should reconsider the distracting factors.	If the claim is repeated then the hyperlink should also be repeated.	If the claim is in multimedia, i.e. video or audio, there should not be a hyperlink for the disclosure. Marketers must consider whether and how the linking technique will work on the various programs and devices that could be used to view the advertisement.	The hyperlink should use clear, understandable language. It may be necessary to incorporate part of the disclosure in the message itself to indicate the type and importance of the information to which the hyperlink leads. Hyperlinks that simply say "disclaimer," "more information," "details," "terms and conditions," or "fine print" are likely to be inadequate if they are not clear in the context of the message.

Section 5 of the Federal Trade Commission Act is broadly written and the Commission has interpreted the rules to apply in the context of web pages, mobile applications and social media. If an advertisement (or other marketing message) makes express or implied claims that are likely to be misleading without certain qualifying information, the information must be disclosed in a clear and conspicuous manner. If it is not possible to do so on one or more of the environments where the message will be viewable, then the claim should be modified so the disclosure is not necessary or the message should not be disseminated.