



UNITED STATES OF AMERICA
Federal Trade Commission

Bureau of Consumer Protection
Division of Enforcement

October 31, 2017

Via Electronic Mail

Laura Smith, Esq.
Bonnie Patten, Esq.
Truth in Advertising, Inc.
P.O. Box 927
Madison, CT 06443

Dear Ms. Smith and Ms. Patten,

Thank you for your letter raising concerns about Warner Bros. Home Entertainment Inc.'s ("Warner Bros.") use of online influencers. You state that Warner Bros. appears to be violating the terms of the FTC's Decision and Order. In particular, you note that "the Youtube video called 'Shadow of Mordor – Gameplay – Part 1 (Gamescom Demo) Ultimate Orc Slaying!' created and posted by YouTube's top influencer 'PewDiePie' continues to lack a clear and conspicuous disclosure as the disclosure is still below the fold and thus not visible until a reader clicked on 'Show More.'" Thus, you urge the FTC to investigate Warner Bros. use of influencer marketing and take "appropriate enforcement action if necessary."

We appreciate the information you provided, and we will carefully consider your submission. Submissions like yours provide valuable information that frequently is used to develop or support Commission enforcement initiatives. As you may know, the FTC systematically monitors compliance with all its consumer protection orders. Accordingly, an attorney is assigned to each case to ensure compliance as part of that process. The attorney reviews and analyzes the defendant's compliance reports and other information, and conducts further reviews and inquiry as appropriate. As with all orders, the Warner Bros. order is undergoing such a review.

Thank you for bringing this matter to our attention.

Best regards,

A handwritten signature in black ink, appearing to read "Omolara Bewaji Joseney".

Omolara Bewaji Joseney