



Mary K. Engle  
Associate Director

United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

March 20, 2017

Mr. Sean Combs  
c/o Jonathan Gardner, Esq.  
Cohen & Gardner  
345 North Maple Drive, Suite 181  
Beverly Hills, California 90210

Dear Mr. Combs:

The Federal Trade Commission is the nation's consumer protection agency. As part of our consumer protection mission, we work to educate marketers about their responsibilities under truth-in-advertising laws and standards, including the FTC's Endorsement Guides.<sup>1</sup>

I am writing regarding your attached Instagram post endorsing AQUAhydrate.<sup>2</sup> You posted a picture of two bottles of AQUAhydrate water in what appears to be a car. You wrote, "Let's GO!!! @aquahydrate #balance #hydrate #tryIT."

The FTC's Endorsement Guides state that if there is a "material connection" between an endorser and the marketer of a product – in other words, a connection that might affect the weight or credibility that consumers give the endorsement – that connection should be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement. Material connections could consist of a business or family relationship, monetary payment, or the provision of free products to the endorser.

The Endorsement Guides apply to marketers and endorsers. We understand that you are an owner and director of AQUAhydrate. Your material connection to AQUAhydrate should be clearly and conspicuously disclosed in your endorsements. To make a disclosure both "clear" and "conspicuous," you should use unambiguous language and make the disclosure stand out. Consumers should be able to notice the disclosure easily, and not have to look for it. For example, consumers viewing posts in their Instagram streams on mobile devices typically see only the first three lines of a longer post unless they click "more," and many consumers may not click "more." Therefore, you should disclose any material connection above the "more" button. In addition, where there are multiple tags, hashtags, or links, readers may just skip over them, especially where they appear at the end of a long post.

---

<sup>1</sup> The Endorsement Guides are published in 16 C.F.R. Part 255.

<sup>2</sup> The post is available at <https://www.instagram.com/p/BGaNNr4plwG/?taken-by=iamdiddy>.

Mr. Sean Combs  
March 20, 2017  
Page 2

If you are endorsing the products or services of any marketers with whom you have a material connection, you may want to review the enclosed FTC staff publication, *The FTC Endorsement Guides: What People are Asking*. I'm also enclosing a copy of the *Endorsement Guides* themselves. (Both documents are available online at [business.ftc.gov](http://business.ftc.gov).)

If you have any questions, please contact Mamie Kresses at (202) 326-2070 or [mkresses@ftc.gov](mailto:mkresses@ftc.gov). Thank you.

Very truly yours,

A handwritten signature in blue ink that reads "Mary K. Engle". The signature is written in a cursive style with a large, stylized "M" and "E".

Mary K. Engle  
Associate Director  
Division of Advertising Practices



iamdiddy

Follow

5,639 likes

19h

iamdiddy Let's GO!!! @aquahydrate  
#balance #hydrate #tryIT

view all 55 comments

falboybeatz #drinkingsofnewyork

elishazuniga72 Cheers @iamdiddy I'm  
drinking the same thing right now as I'm  
sweating it out in the sauna.  
#72staypositive

finedicipline We going meeeen

ak\_management\_presents 🎧🎧

burakus1 Pastor Diddy🙏🙏

sephora9124 I will need this after you  
make me squirt

knollg\_works Nice shot

mastew25 This water is so good. I hope  
to buy a case this weekend. Delicious  
Hydrate for the body!

marchbaby0320 I need to try that

📄 Add a comment

...