

FTC
Framework
History

Max
Disclaimer
Strategy
Fails

FTC
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Case Study

Q&A

Intro

FTC Framework: for Sales Pages with Disclaimers

For Specific Results Ad Claims

Announcement

- * For informational purposes only
- * Not legal advice
- * Not affiliated with FTC
- * Not covering all requirements

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What Are You Selling?

* Specific Results Examples

- **Make Money: Results = \$**
- **Weight Loss: Results = Lbs.**

Marketing Challenge

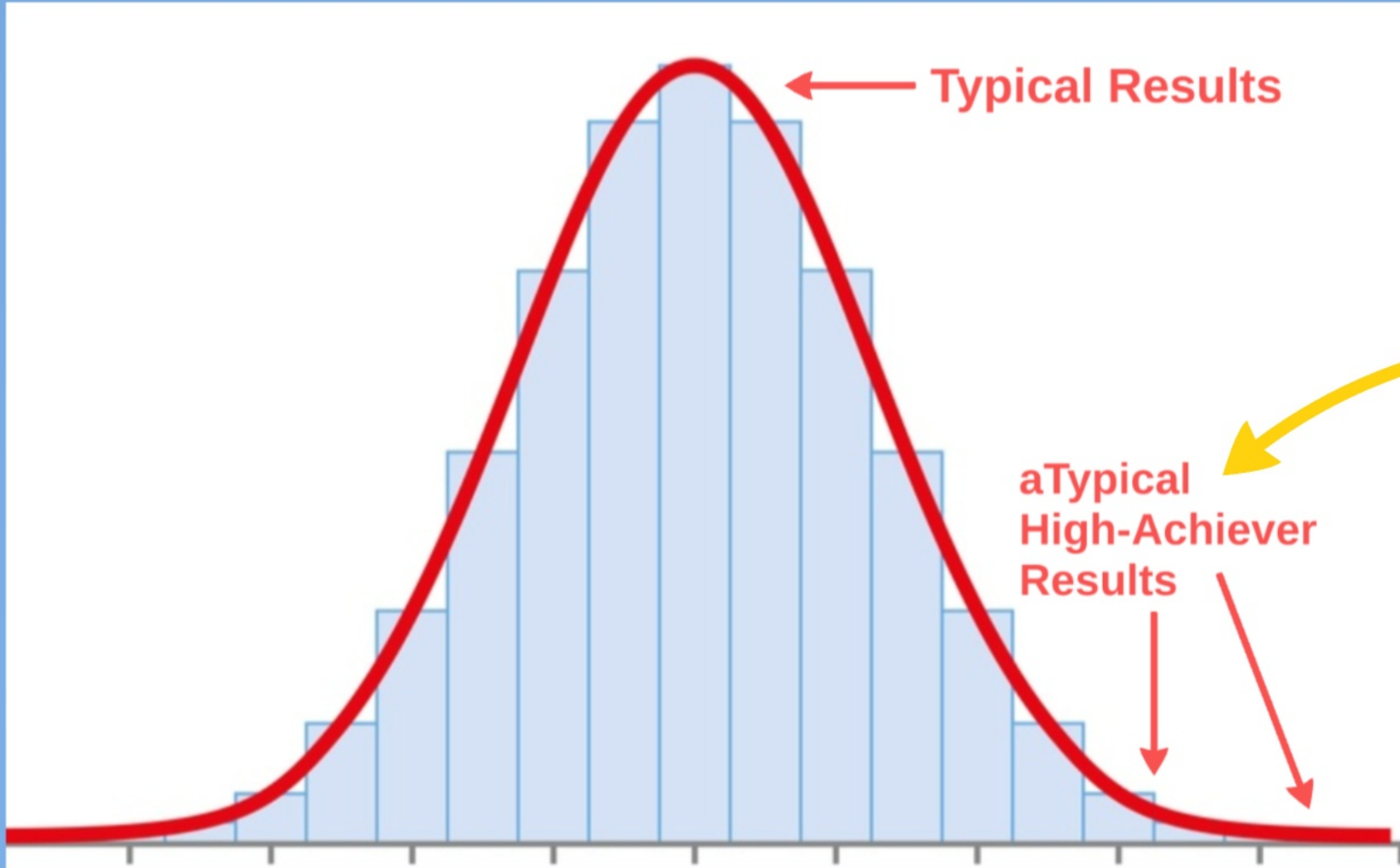
=> Disclose: High-Achiever Results

- * Making money: specific claim (in \$)**
- * Weight loss: specific claim (in lbs.)**
- * Non-specific AI-enhanced result**
- * Any specific result in numbers**

-OR-

You Won't Sell Anything!!

What are High-Achiever Results?



FTC Concern:
High-Achiever
Results Should
Not Be Viewed as
Typical by
Consumers

Prior to 1980: Extreme Example

➡ "I made \$1 Million My 1st Year"

- * Consumers' Net Impression: This might be typical
- * FTC: Need to Correct Deceptive Net Impression

1980 FTC Endorsement Guides

- * "Safe Harbor" Provision: atypical Testimonials
- * Testimonials with atypical results are legal, provided they are accompanied by a clear disclaimer, such as "results not typical".


Disclaimer

1980 FTC Endorsement Guides Legalized This Example

- * "I made \$1 Million my 1st Year"
- * "Results not typical"

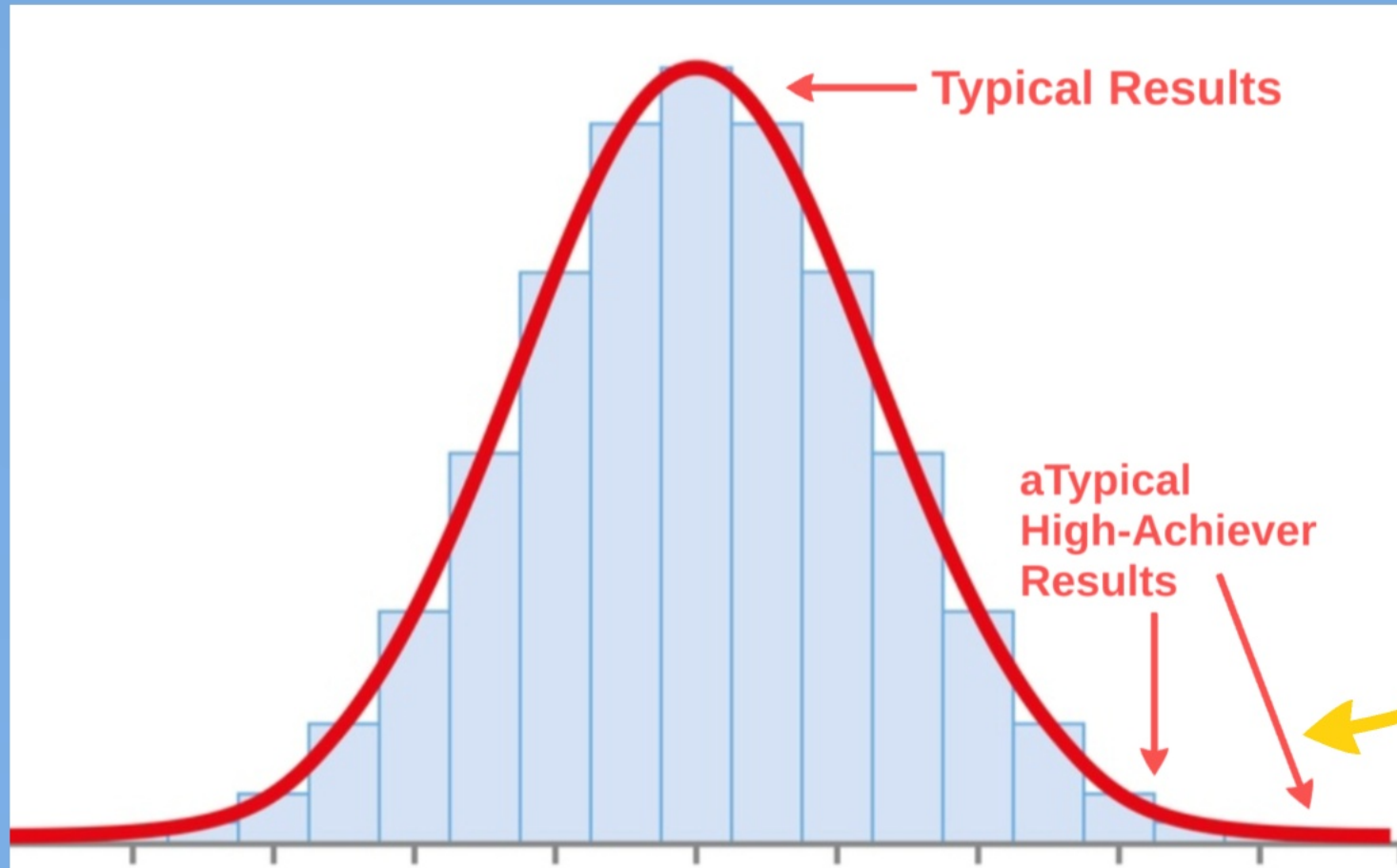
Disclaimer



2009 "Results Not Typical" Disclaimer Was Not Effective

- * Consumers didn't understand or believe the "results not typical" disclaimers
- * **NET IMPRESSION: despite the disclaimer, consumers still believed atypical results were typically achievable**

What Actually Happened



Viewed as
Typical despite
the disclaimer:
(disclaimer was
deceptive)

2009: Endorsement Guides

Results Not Typical Disclaimer Eliminated

"Results Not Typical" Safe Harbor is Eliminated



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

Substantiate Specific Result is Typical Or Disclose GER



** FTC: "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."*

2009: Are Disclaimers **Totally Eliminated?**

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

** FTC: provided that "...that the **net impression** of its advertisement with such a **disclaimer is non-deceptive.**"*

**Disclaimers Disfavored,
But Not Totally Eliminated**



2009: Are Disclaimers Totally Eliminated?

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Disclaimers Disfavored,
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FTC Sales Page Framework

Sales Page Without Disclaimers

1. Specific or AI-Enhanced Result Claims are "Typicality" claims (Net Impression)

-OR-

→ 1.1 **Substantiate** that testimonialists typically achieve the claimed result(s) (Net Impression)

1.2 **Disclose** Generally Expected Results (GER)

- * Develop context to support Overall Net Impression (ONI)

- * Include "qualified" testimonials with atypical opinions & high-achiever results

- * Track participant results & develop GER

- * Qualify specific or AI-enhanced claims with GER

Sales Page With Disclaimer

1. Specific or AI-Enhanced Result Claims are "Typicality" claims (Net Impression)

2. Develop Overall Net Impression (ONI)

3. Develop a "Chinese Wall" strategy & supporting context

3.1 Develop "qualifying" atypical Result Disclaimer

3.2 Completely Segregate atypical Results & Disclaimer from ONI

Context Matters
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LOIS GREISMAN

Associate Director for
Marketing Practices
Federal Trade Commission (FTC)

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"Max Disclaimer" Strategy Crashes & Burns

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

*FTC: provided that "...that the **net impression** of its advertisement with such a **disclaimer** is non-deceptive."*

Lurn, Inc. March 2, 2023

\$2.5 Million Settlement

**Deceptive
Disclaimer:
Contradicts
Overall
Net Impression**

Many of our products and promotions provide information about potential income you may earn. These representations are not intended to describe a certain outcome or even a typical outcome, but rather actual results from those who have had exceptional success. Some of these students have relevant prior experience or other advantages that helped them make the most of our course. Lurn offers no guarantee or warranty that you will realize the amount of income or revenue referenced in the promotions or the courses themselves. Lurn generally provides message boards and forums where students can share their successes but does not actively conduct research as to what is the typical outcome for individual offerings.

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Sales Page With Disclaimer

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Framework Do's & Don'ts

- * **DO: Develop Overall Net Impression ("ONI") Context**
- * **DO: Avoid "Max Disclaimer" Strategy**
- * **DON'T: Contradict Overall Net Impression ("ONI")**
- * **DO: Develop a "Chinese Wall" Strategy**
 - **Develop a**
 - **Completely Segregate Disclaimer from ONI**
 - **Develop a Typical Results Disclaimer**

Overall Net Impression ("ONI") is Key

- * ONI is typically the Sales Page Headline
- * Focus On: System, Method or Protocol

ONI



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We Provide You The Education, Mentorship, Tools & Technology To
Successfully Publish Great Books - All In One Place



ONI



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Successfully Publish Great Books - All In One Place



Join the program that has helped thousands of people publish a book

The screenshot shows the AI Publishing Academy website. The header is dark blue with the logo on the left and navigation links (Home, Help, Search, Accelerator) on the right. The main content area features a large video player with a 'WELCOME VIDEO' by Rasmus & Christian. To the right of the video is a 'Live Q&A' section with a list of dates and times. Below this is a 'PRIVATE COMMUNITY' section with a Facebook group link. At the bottom, there is a 'Click the modules below to get started' section with a '10' indicator.

AI PUBLISHING ACADEMY

Home Help Search Accelerator

WELCOME VIDEO
WITH RASMUS & CHRISTIAN

14:04

Start Course

Click the modules below to get started 10

Live Q&A

Live Q&A
Tuesday 4PM ET
Wednesday 12PM ET
Thursday 3PM ET
Friday 12PM ET
Sunday 12PM ET

Live Weekly Q&A Calls

Got a question you'd like us to answer on the next Q&A call? [Ask it Here](#)

[Click here to Register](#)

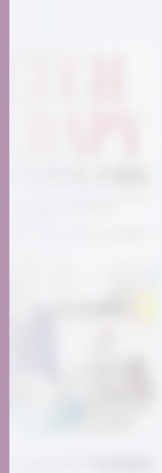
Facebook Group

PRIVATE COMMUNITY

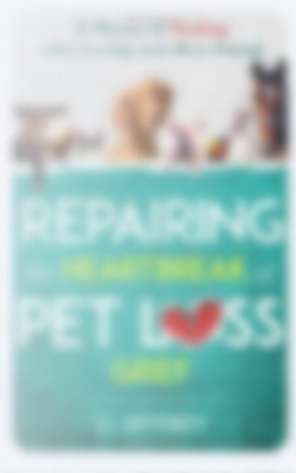
Our method makes self-publishing accessible to almost anyone, **even non-authors!**

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Real books from real students



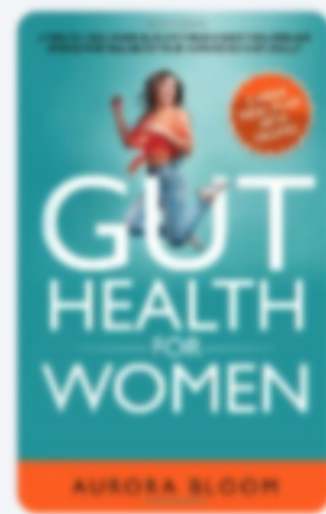
Repairing the Heartbreak of the Loss of a Pet



How to Start a Profitable Vending Machine



The Credit Game



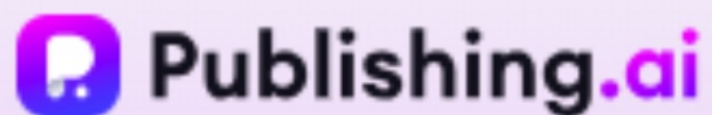
Gut Health for Women



Podcasting Made Simple



Repairing the Heartbreak of the Loss of a Pet

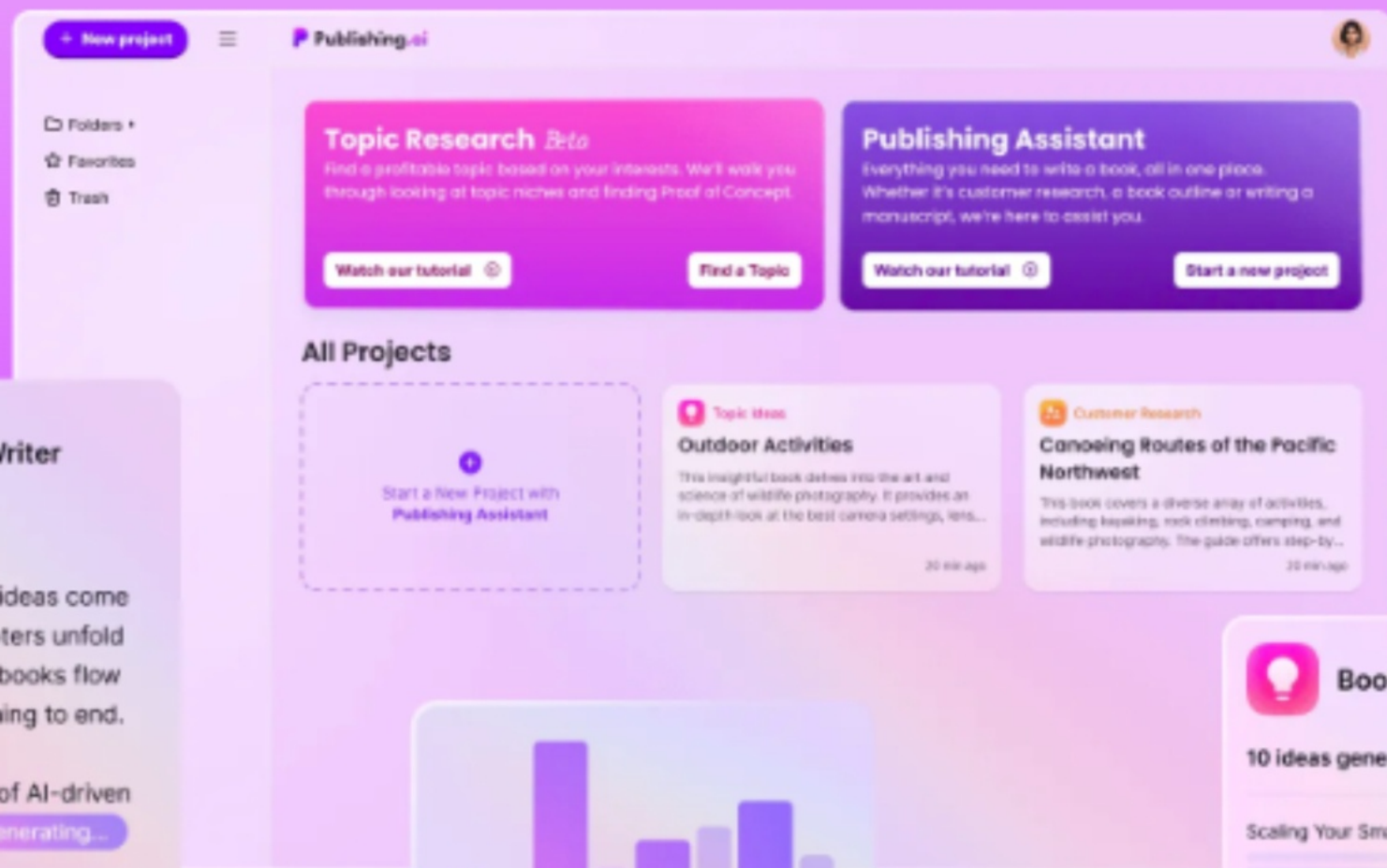


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AI is amongst the most disruptive technology of the last 2,000 years. Our proprietary AI publishing software now helps you streamline your business in a way that's never been possible before...

From AI-powered topic generation to outlines, manuscripts & so much more.

EXPLORE THE SOFTWARE



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Introduction

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Welcome to the power of AI-driven manuscript writing!

Generating...



Book Topic Ideas

10 ideas generated

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Starting a Tech Startup

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REVENUE GROWTH

Is Amazon KDP Profitable? The Realities of Self-Publishing Earnings

With dozens of side hustles popping up every week, let's cut to the chase. You want something that's going to be worth your time and energy. And not just that, but also brings in a decent income. So, here's the big question: Is Amazon KDP profitable?

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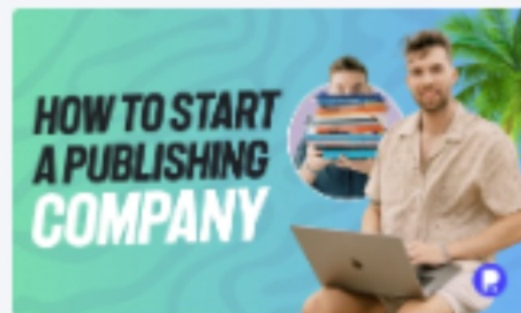
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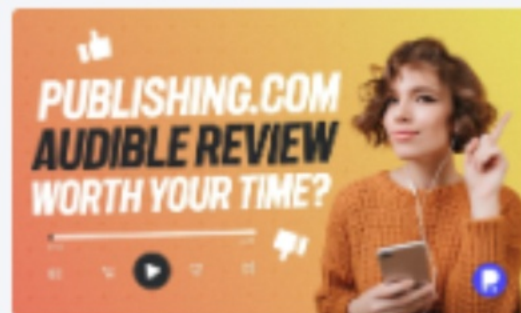


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ONI Summary

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J. [Name]



J. [Name]



J. [Name]

These results are not typical

By clicking "Accept and Continue," I understand and acknowledge that: These experiences are from our most successful students; their success should not be considered typical. Student earnings vary based on effort, experience, and other factors. Many students don't apply our strategies and thus see little to no financial return. We cannot guarantee success or any specific financial result.

Accept and Continue

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Acceptance



These results are not typical

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Two
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FTC Sales Page Framework

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-OR-



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Time for Q&A

Your
800lb
Gorilla...



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