



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

Jerry Addison  
State of Georgia

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Addison:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You expressed support for this enforcement action but commented that the Commission's settlement was "too lenient" to prevent similar conduct in the future. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

Bouya  
Commonwealth of Pennsylvania

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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You commented that the Commission's settlement was insufficient "punishment" for the conduct involved. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

November 17, 2016

Brendan Caven  
State of Wisconsin

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Caven:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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Your comment expresses general support for the Commission's action and concern about companies meeting their obligations to distinguish paid advertising from other content. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary



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FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

Len Diamond  
State of California

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Diamond:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You commented that the Commission's settlement should have included a financial penalty or disgorgement of profits. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Office of the Secretary

November 17, 2016

Phil Fox  
State of Oklahoma

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Fox:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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Your comment expresses your belief that the game reviews at issue in this action were biased because of Warner Bros.' payments to the reviewers. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

David Harkness  
State of California

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Harkness:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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You commented that the Commission's settlement should have included a fine or penalty. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Office of the Secretary

November 17, 2016

William Hart  
State of Illinois

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Hart:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You indicate that you purchased the game at issue in this action based on the reviews described in the proposed complaint and that you would like to get your money back. In any given case, the Commission may consider many factors in determining whether consumer redress is feasible and appropriate, including whether any alleged misrepresentations involve a product's core features and function, and the extent to which consumers injured by such misrepresentations are identifiable. In this action, the Commission determined that the conduct relief obtained via the proposed settlement is appropriate to remedy the violations alleged in the proposed complaint. Further, if Warner Bros. violates the proposed order, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary



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November 17, 2016

Phillip Hecht  
State of California

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Hecht:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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You expressed support for this enforcement action but commented that the individual influencers, not the advertiser, should be held responsible for the alleged violations. Your concern is that the increased cost involved in monitoring influencers could reduce the demand for their services. However, the consent agreement does not impose excessive costs on the advertiser, requiring only reasonable measures to educate and monitor the influencers. In addition, while the Commission's enforcement actions to date have been against the advertisers, ad agencies, and public relations firms that are primarily responsible for the alleged deception, the Commission also examines the potential liability of influencers, who are also obligated to ensure that their posts are not deceptive. The Commission considers several factors in each case to identify the responsible parties in a law enforcement action.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary





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UNITED STATES OF AMERICA  
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WASHINGTON, DC 20580

November 17, 2016

Matthew Klink  
State of Michigan

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Klink:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

In your comment, you note that you did not rely on YouTube influencers when you decided to purchase the video game at issue. Your individual perspective is valuable information for the Commission. As you note, however, many other consumers do pay attention to such influencers. Thus, in the interests of all consumers, the Commission requires that advertising not be deceptive and specifically that advertisers disclose compensation paid to endorsers.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
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WASHINGTON, DC 20580

November 17, 2016

Kevin Lee  
State of California

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Lee:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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Your comment expresses general support for the Commission's action and urges the Commission to hold other companies accountable for conduct similar to the allegations in the proposed complaint. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
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UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

November 17, 2016

Danny Maclure  
Outside the United States

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Maclure:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

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Your comment expresses your belief that game reviews – like those at issue in this action – cannot be accurate if the reviewer has received money from or signed a contract with the advertiser. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
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November 17, 2016

Messer  
Outside the United States

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You commented that the Commission's settlement should have included a fine. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

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Donald S. Clark  
Secretary



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

November 17, 2016

Mike Nagy  
State of California

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Nagy:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

In your comment, you state that, while Warner Bros. "paid YouTube streamers for positive reviews" and "most of those streamers did not disclose that fact," this promotion "occurred prior to there being strict guidelines prohibiting such practices." In fact, the Commission's complaint is based on long-standing principles of deception and disclosure under Section 5 of the FTC Act, 15 U.S.C. § 45. For example, in 1975, the Commission published its *Guides Concerning the Use of Endorsements and Testimonials in Advertising*, which state that material connections between advertisers and endorsers must be clearly and conspicuously disclosed, and in 2009, it updated these Guides to address deceptive endorsements on the Internet and in social media advertising. 16 C.F.R. § 255.

You also commented that you enjoyed the game, believe that many unpaid YouTube reviews are available, and have greater influence on consumers' purchasing decisions. It will often be true that consumers have many sources of information to help them make their purchase decisions, but that does not negate the need for advertisers to ensure that their promotional messages are not deceptive.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary



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UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

November 17, 2016

[Name Withheld]  
Commonwealth of Pennsylvania

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

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The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

In your comment, you note that you have relied on game reviews posted by online influencers to make your purchasing decisions, including your purchase of the game at issue in this action. As a result, you believe that influencers should disclose any compensation they receive in return for posting such reviews. You also indicated that you believe Warner Bros. and companies like it violate the law by failing to disclose such compensation. This is a particularly important consumer perspective given the growing use of social media to advertise products such as video games.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
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November 17, 2016

Jose Ortegon  
Outside the United States

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Ortegon:

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The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

Your comment expresses your belief that the game reviews at issue in this action were biased because of Warner Bros.' relationship with the influencers. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

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Donald S. Clark  
Secretary





UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

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November 17, 2016

Nikola Smoljanovic  
Outside the United States

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

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The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You commented that the Commission's settlement should have included a fine. However, the Commission's proposed consent order includes strong injunctive relief to prevent future violations. Further, if Warner Bros. violates this proposed order in the future, it would be liable for civil penalties of up to \$40,000 per violation, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1). As is the case with all Commission orders, Commission staff will closely monitor Warner Bros.' future activities to determine whether any violations occur. In addition, please note that the Commission's proposed complaint alleges initial violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations.

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November 17, 2016

John Waechter  
State of Maryland

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Waechter:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You did not comment specifically on this enforcement action but asked that we research another issue involving the release of a Warner Bros. video game. The Commission bases many of its investigations on complaints from consumers and appreciates the information provided in your comment.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

Dane Whalen  
Commonwealth of Pennsylvania

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Dear Mr. Whalen:

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

You expressed support for this enforcement action and commented that the individual influencers, as well as the advertiser, should be responsible for the alleged violations. In actions involving deceptive endorsements, the Commission's focus has been on advertisers, ad agencies, and public relations firms that are responsible for the advertisements at issue. However, as you noted, the influencers are also responsible for ensuring that their endorsements are not deceptive.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, DC 20580

Office of the Secretary

November 17, 2016

Timur Zavidov  
State of Arizona

Re: *In the Matter of Warner Bros. Home Entertainment Inc.*  
*File No. 152-3034, Docket No. C-4595*

Thank you for commenting on the Federal Trade Commission's proposed consent agreement in the above-referenced proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Federal Trade Commission's proposed consent agreement with Warner Bros. settles charges that the company failed to adequately disclose that it paid online influencers to post positive gameplay videos about its video game, *Middle Earth: Shadow of Mordor*, on YouTube and other social media sites. The proposed order enjoins such conduct in the future and requires Warner Bros. to follow certain monitoring and compliance procedures related to its use of influencer campaigns.

In your comment, you note that you have relied on game reviews posted by online influencers to make your purchasing decisions, including your purchase of the game at issue in this action. As a result, you believe that influencers should disclose any compensation they receive in return for posting such reviews. You also indicated that you believe Warner Bros. and companies like it violate the law by failing to disclose such compensation. This is a particularly important consumer perspective given the growing use of social media to advertise products such as video games.

Accordingly, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without modification. The proposed order will require Warner Bros. to adequately disclose paid endorsements in future influencer campaigns. Further, the Commission routinely engages in compliance efforts to ensure that other companies are also providing sufficient disclosures in compliance with Section 5 of the FTC Act. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources, and we thank you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary