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UNITED STATES OF AMERICA FEDERAL TRADE COMMISSION

In the Matter of

SCANSCOUT, INC. a corporation.

DOCKET NO. C-4344

Commission, would charge the Respondent with violation of the Federal Trade Commission Act,

15 U.S.C. § 4<u>5 et s</u>eq;

The Respondent, its attorney and counsider the Commission having the setter executed an Agreement Containing Consent Ord (Consent Agreement"), an admission by the Respondent of lathe jurisdictional facts set for in the aforeaid draf Complaint, a statement that the signing of said Consent Argement is for settlement purpossenly and does not constitute an admission by sepondent that the laws baeen violate as alleged in such Complaint, or that the face as alleged in such Complaint, other than jurisdiction adts a retrue, and wavers and other provisions as required by the Commission's Rules; and

The Commission having the reafter considered the matter and having determined that it has reason to believe that the Respondent has violated the said Act, and that a Complaint should issue stating its cha,

makes the following jurisdictional finding and entes the following Order:

- 1. ScanScout is a Deeware corporation with its principal offie or place of business at 295 DevonshireStreet, Boston, MA 02110.
- 2. Respondent admits all the jurisdictional facts set forth in the draft complaint.

<u>ORDER</u>

DEFINITIONS

For purposes of this order, the following definitions shall apply:

- 1. Unless otherwise specified, "respondent'shall mean SoraScout, Inc., a orporation, and its parent, Tremor Video, Inc., and each of their subsidiaries, successors or assigns.
- 2. "Clear(ly) and pominent(ly)" shall mean:
 - A. In textual communications (*e.g.*, printed publications or wds displayed on the screen of acomputer ordevice), the required disclosurse areof a type, size, and location sufficiently noticeable for an ordinary consumer toerad and comprehend them, in print that contrastshighly with the background on which they appear;
 - B. In communications disseminated orally or through audible means (*e.g.*, radio or streamingaudio), the equired disclosures eardeliveed in a volume rad cadece sufficient for an ordinary consumer to hear and comprehend them;
 - C. In communications disseminated through video means (*e.g.*, television or streaming video), the required disdosures are in writing in a form consistent with subpargraph (A) of this definition and shall appear the screen for a duration sufficient for an ordinary consumer toerad and comprehend them, and in the same langage as theored ominant langage that is used in the communican; and
 - D. In all instances, the required disclosures: (1) are presented in an understandable language and syntax; and (2) include nothing contrary to, inconsistent with, or in e

whethertransmitted by a we

send you targeted ads. To opt out of our tareged advertisementslicck here" When selected, the hyperlink shall ta

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IT IS FURTHER ORDERED that respondet shall maintain, and upon recutenake

IT IS FURTHER ORDERED that respondent shall notify the Commission at least thirty (30) days prior to anychange in the corporation that magifiect compliance obligations arisingunder this orde including but not limited to, a dissolution, assignment, salergee or other action that would result in the engenceof a successor corporation; the creation or dissolution of a subsidiary, parent, or affiliate that engages in any acts or practices subject to this order, the proposed lifng of a bankrupty petition; or a charge in the corporate name or address. Provided, however, that with respecto anyproposed loange in the corporation about which respondet learns less than thir (30) days prior to the date uch ation is to take plae, respondet shall notify the Commission as soon as is prize able after obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this order shall be sent by hand delivery or overnight courier (not the U.S. Postal Service) to the AssociateDirector of Enforcement, Bureau of Consumer Proteion, Federal Trade Commission, 600 Pennevania Avenue NW, Washington, DC 20580, with the subject line the Matter of ScanScout, Inc. FTC File No. 1023185. Provided, however, that, in lieu of hand delivery or overnight courier, a notice may be sent by first-class mail, but only if an electronic version of such notice is contemporaneously sent to the Commission by e-mail to DEbrief@ftc.cpv.

VI.

IT IS FURTHER ORDERED that respondet shall, within ninety (90) days after service of theorder, file with the Commission atrue and accurate report, in writing, setting forth the manneand form in which responde

B. This order if such complaint is filed after the order has terminated pursuant to this Part.

Provided, further, that if such complaint is dismissed or **defed** court rules thathe respondet did not violate any provision of the orde and the dismissal or ruling is either not appealed or upheld orappeal, then the ordewill terminate according to this Part as though complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the ater of the dealline for appealing such dismissal or ruling at the date such dismissal or ruling is upheld on appeal.

By the Commission.

Donald S. Clark Secreary

SEAL

ISSUED: December 14, 2011