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**UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION**

1. Epic Marketplace, Inc. and Epic Media Group, LLC are Delaware corporations with their principal offices or places of business at 512 7th Ave, 12th Floor, New York, NY, 10018.
2. The Federal Trade Commission has jurisdiction of the subject matter of this proceeding and of the respondents, and the proceeding is in the public interest.

ORDER

DEFINITIONS

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

1. Unless otherwise specified, “proposed respondents” or “respondents” shall mean: Epic Marketplace, Inc.; Epic Media Group, LLC; and their parent company, FAS Labs, Inc.; including each of their subsidiaries, successors, and assigns.
2. “Commerce” shall be defined as it is defined in Section 4 of the Federal Trade Commission Act, 15 U.S.C. § 44.
3. “Computer” or “device” shall mean any desktop or laptop computer, handheld device, telephone, tablet, or other product or device, through which the consumer accesses the Internet.
4. “History sniffing” shall mean running software code on a webpage that determines whether a user has previously visited a webpage by checking how a user’s browser styles the display of a link to a specific URL or by accessing a user’s browser cache.

I.

IT IS ORDERED that respondents and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the online advertising, marketing, promotion, offering for sale, sale, or dissemination of any product or service, in or affecting commerce, shall not misrepresent in any manner, expressly or by implication: (A) the extent to which they maintain the privacy or confidentiality of data from or about a particular consumer, computer, or device, including but not limited to the extent to which that data is collected, used, disclosed, or shared; or (B) the extent to which software code on a webpage determines whether a user has previously visited a webpage.

II.

IT IS FURTHER ORDERED that respondents and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with online advertising, marketing, promotion, offering for sale, sale, or dissemination of any product or service, in or affecting commerce, are prohibited from collecting any data through history sniffing or using any data obtained by history sniffing.

III.

IT IS FURTHER ORDERED that respondents and their officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, shall not use, disclose, sell, rent, lease, or transfer any information that was collected using history sniffing. Within five (5) days after the date of service of this order, respondents shall permanently delete or destroy all information collected using history sniffing, and shall provide a written statement to the Commission, sworn under penalty of perjury, confirming that all such information has been deleted or destroyed. *Provided that*, if respondents are prohibited from deleting or destroying such information by law, regulation, or court order, respondents shall provide a written statement to the Commission, sworn under penalty of perjury, identifying any information that has not been deleted or destroyed and the specific law, regulation, or court order that prohibits respondents from deleting or destroying such information. Unless otherwise directed by a representative of the Commission, all statements required by this Part shall be sent by overnight courier (not the U.S. Postal Service).

2. All records necessary to demonstrate full compliance with each provision of this order, including all submissions to the Commission; and
- B. For a period of three (3) years after the last public dissemination thereof by respondents, respondents' terms of use, form network contracts, marketing materials, frequently asked questions, privacy policies, and other documents publicly disseminated by respondents relating to: (a) c

VII.

IT IS FURTHER ORDERED that respondents shall, within ninety (90) days after the date of service of this order, file with the Commission a true and accurate report, in writing, setting forth in detail the manner and form in which respondents have complied with this order. Within ten (10) days of receipt of written notice from a representative of the Commission, respondents shall submit additional true and accurate written reports.

VIII.

This order will terminate on March 13, 2033, or twenty (20) years from the most recent date that the United States or the Commission files a complaint (with or without an accompanying consent decree) in federal court alleging any violation of the order, whichever comes later; *provided, however*, that the filing of such a complaint will not affect the duration of:

- A. Any Part of this order that terminates in less than twenty (20) years;
- B. This order's application to any respondent that is not named as a defendant in such complaint; and
- C. 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 a federal court rules that the respondents did not violate any provision of the order, and the dismissal or ruling is either not appealed or upheld on appeal, then the order will terminate according to this Part as though the complaint had never been filed, except that this order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission, Commissioner Wright not participating.

Donald S. Clark
Secretary

SEAL
ISSUED: March 13, 2013