

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez Chairwoman  
Julie Brill  
Maureen K. Ohlhausen



ordinary consumer to read and comprehend them, and in the same language as the predominant language that is used in the communication. Provided, however, that, for communications disseminated through programming over which respondent does not have editorial control (g., an endorser's appearance on a news program or talk show), the required disclosures may be made in a form consistent with subparagraph (b) of this definition;

- d. In communications made through interactive media, such as the Internet, online services, and software, the required disclosures are unavoidable and presented in a form consistent with subparagraph (a) of this definition, in addition to any audio or video presentation of them; and
- e. In all instances, the required disclosures are presented in an understandable language and syntax, and with nothing contrary to, inconsistent with, or in mitigation of the disclosures used in ~~a~~ communication of them.

4. "Handheld Game Console Product" means any handheld portable electronic device designed for and primarily used for playing video games that has its own screen, speakers and controls in one unit, including the PlayStation Vita ("PS Vita") and the PlayStation Portable ("PSP").

5. "Home Game Console Product" means any electronic device designed for and primarily used for playing video games on a separate television screen, including the PlayStation 3 ("PS3") and the PlayStation 4 ("PS4").

6. "Endorsement" means as defined in the Commission's Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 C.F.R. §255.0.

7.

gaming feature or capability of such product when used as a standalone device to play video games

Provided, however, that it shall be a defense hereunder that respondent neither knew nor had reason to know that such feature or capability was misrepresented.

II.

**IT IS FURTHER ORDERED** that respondent, directly or through any corporation, partnership, subsidiary, division, or other device, in connection with the advertising, labeling, promotion, offering for sale, sale, or distribution of any Handheld Game Console Product or Home Game Console Product, in effecting commerce, shall not make any representation, in any manner, expressly or by implication, including through the use of a product name, endorsement, depiction, or illustration, about the material capability of the Handheld Game Console Product or Home Game Console Product to interact with, or connect to, any other Handheld Game Console Product during its use, unless at the time it is made, respondent

V.

**IT IS FURTHER ORDERED** that respondent, directly or through any corporation, partnership, subsidiary, division, or other device, in connection with the advertising, labeling, promotion, offering for sale, sale, or distribution of any Handheld Game Console Product, Home Game Console Product, or Video Game Product in or affecting commerce, shall not make any representation, in any manner, expressly or by implication, about any endorser of such product unless it discloses clearly and prominently, a material connection, when one exists, between such endorser and the respondent or any other individual or entity manufacturing, advertising, labeling, promoting, offering for sale, selling, or distributing such product

VI.

**IT IS FURTHER ORDERED** that respondent shall, within seven (7) days of the date of service of this order, take all reasonable steps to remove any product review or endorsement, which is under the control of respondent Deutsch LA, Inc., and is readily viewable by the public that does not comply with Parts IV and V of this order.

VII.

**IT IS FURTHER ORDERED** that respondent Deutsch LA, Inc., and its successors and assigns shall, for five (5) years after the last date of dissemination of any representation covered by this order, maintain and, upon reasonable notice and request, make available to the Federal Trade Commission for inspection and copying:

- A. All advertisements and promotional materials containing the representation;
- B. All materials that were relied upon in disseminating the representation; and
- C. All tests, reports, studies, surveys, demonstrations, or other evidence in its possession or control that contradict, qualify, or call into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations.

VIII.

**IT IS FURTHER ORDERED** that respondent Deutsch LA, Inc., and its successors and assigns shall deliver a copy of this order to all current and, for the next five (5) years, all future account directors and creative directors having direct and supervisory or managerial responsibilities with respect to the subject matter of this order ("Personnel") and shall secure from each such person a signed and dated statement acknowledging receipt of the order. Respondent and its successors and assigns shall deliver this order to current Personnel within thirty (30) days after the date of this order.

IX.

filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

DEUTSCHLA, INC.

Date: \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL SHELDON  
Chief Executive Officer

Date: \_\_\_\_\_

\_\_\_\_\_  
RONALD URBACH, ESQ.  
Davis & Gilbert, LLP  
Attorney for respondent

Date: \_\_\_\_\_

\_\_\_\_\_  
LINDA K. BADGER  
MATTHEW D. GOLD  
Counsel for the Federal Trade Commission

APPROVED:

\_\_\_\_\_  
THOMAS N. DAHDOUH  
Regional Director  
Western Region

\_\_\_\_\_  
JESSICA L. RICH  
Director  
Bureau of Consumer Protection