

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**       **Edith Ramirez, Chairwoman**  
                                  **Julie Brill**  
                                  **Maureen K. Ohlhausen**  
                                  **Joshua D. Wright**  
                                  **Terrell McSweeney**

**FINAL ORDER**

The Commission has heard this matter upon the Motion For Summary Decision filed by Complaint Counsel, and upon the briefs filed in support thereof and in opposition thereto. For the reasons stated in the accompanying Opinion of the Commission, the Commission has determined to grant the Motion For Summary Decision. Accordingly,

**IT IS ORDERED** that the following Order to cease and desist be, and it hereby is, entered:

**ORDER**

**DEFINITIONS**

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

1. Unless otherwise specified, “respondents” shall mean Jerk, LLC, a limited liability company, its successors and assigns; and John Fanning, individually and as a member of the company.

3. “Personal information” shall mean individually identifiable information from or about an individual consumer including, but not limited to: (a) a first and last name; (b) a home or other physical address, such as a name of a street, city or town; (c) an e-mail address or other online contact information, such as an instant messaging user identifier or a screen name; (d) a telephone number; (e) a Social Security number; (f) a driver’s license number or other government-issued identification number; (g) a bank account, debit card, or credit card account number; or (h) photographs, videos, or audio files that contain an individual’s image or voice.

**I.**

**PROHIBITION ON MISREPRESENTING MEMBERSHIP BENEFITS  
AND THE SOURCE OF CONTENT ON A WEBSITE**

**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 marketing, promoting, or offering for sale of any good or service, shall not misrepresent, or assist others in misrepresenting, in any manner, expressly or by implication:

- A. the source of any content on a website, including personal information; or
- B. the benefits of joining any service.

**II.**

**DISPOSITION OF CUSTOMER AND PERSONAL INFORMATION**

**IT IS FURTHER ORDERED**



as soon as is practicable after obtaining such knowledge. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580. The subject line must begin: In re Jerk, LLC.

**VI.  
COMPLIANCE MONITORING – JOHN FANNING**

**IT IS FURTHER ORDERED** that respondent John Fanning, for a period of ten (10) years after the date of issuance of this order, shall notify the Commission of the discontinuance of his current business or employment, or of his affiliation with any new business or employment. The notice shall include respondent's new business address and telephone number and a description of the nature of the business or employment and his duties and responsibilities. Unless otherwise directed by a representative of the Commission in writing, all notices required by this Part shall be emailed to Debrief@ftc.gov or sent by overnight courier (not the U.S. Postal Service) to: Associate Director for Enforcement, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue

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Provided, further, that if such complaint is dismissed or a federal court rules that the respondent 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 the 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 C