



Office of Commissioner
Rohit Chopra

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

STATEMENT OF COMMISSIONER ROHIT CHOPRA, JOINED BY COMMISSIONER REBECCA KELLY SLAUGHTER

*In the Matter of Sunkey Publishing
Commission File Number 1623211*

September 6, 2018

Summary

- The fake military recruiting scheme perpetrated by Sunkey Publishing and Fanmail, their related entities, and their executives, Christopher Upp, Mark Van Dyke, Lon Broliar, and Andrew Dorman, harmed young people looking to serve their country, as well as the public more broadly. Not only was the alleged conduct unlawful, it was also un-American.
- Colleges and universities may be enabling disturbing conduct in the lead generation industry. Their failure to oversee their vendors raises serious concerns.
- While it is difficult to quantify the damage done to Americans whose dreams were crushed or whose time and money were wasted, there is no question that the injury was substantial and cannot be undone.

Discussion

Sunkey and Fanmail are lead generators. As described in an FTC staff report, lead generation is the process of identifying and cultivating individual consumers who are potentially interested in purchasing a product or service.¹ The rise and ubiquity of online search has helped marketers connect companies to potential customers, or “leads.”

Colleges and universities purchased leads from these companies, presumably to enroll students into their programs, which are financed by student loans and other education benefits. But according to the FTC’s investigation, Defendants obtained these leads by posing as military recruiters. How they did so is disturbing.

Consider a 17-year-old who is interested in joining the Army after graduation. She searches online for Army recruitment information, and encounters an ad reading “Army.com: Enlist,

¹ See FTC Staff Perspective, “Follow the Lead” Workshop, September 2016, available at <https://www.ftc.gov/system/files/documents/reports/staff-perspective-follow->

Reenlist, Benefits.” Believing she has found exactly what she was looking for, she clicks a link to Army.com and arrives at an official-looking website with the text “Be More. Join or reenlist today.” The website requests her personal information and she provides it, believing it is being collected on behalf of the Army. And the response she receives is encouraging: a message that reads: “We Salute You! You have chosen the path of honor through service to your country.”

But it is not long before she is steered away from military service. First, she encounters a message on the Army.com website advising her to consider non-military options:

Please be aware that our military is currently downsizing. Army.com wants you to know that there are more ways for you to serve your country than just military service. If you had a college education you could contribute through engineering, science, law, health care, and more. For every soldier that serves our country there are many more citizens who

industry has become. Today, an ecosystem of publishers, affiliates, and aggregators collect vast amounts of information on American consumers, and sell and resell that information to lead-hungry merchants, such as the schools here.

While this model can offer benefits, it can also invite abuse. I am concerned

undoubtedly substantial for those affected.⁹ It is therefore critical that the FTC continue to vigorously pursue deceptive lead generators and those who enable them.¹⁰

Conclusion

Companies that prey on current and prospective service members not only harm military families, but also the broader American public. They need to be stopped cold. By halting a scheme in which marketers posed as military recruiters to harvest and sell young people's personal information, the settlement announced today does just that, and I strongly support it.

Colleges and universities should take greater care to ensure that they are not enabling schemes like the one perpetrated by Sunkey Publishing, Sun Key Publishing, WhereData, Fanmail, Christopher Upp, Mark Van Dyke, Lon Broliar, and Andrew Dorman.

⁹ Were more funds available, restitution for Defendants' victims -- even if difficult to measure -- would have been an ideal outcome in this case.

¹⁰ I will observe with interest whether institutions of higher education and online search advertising platforms take any steps with respect to deceptive lead generation.