

UNITED STATES OF AMERICA
Before the
FEDERAL TRADE COMMISSION
Washington, D.C. 20507

RULE MAKING PROCEEDING
Project No. P214504


RULE ON THE USE OF CONSUMER REVIEWS : ORDER
AND TESTIMONIALS : March 15, 2024

The Federal Trade Commission (FTC) commenced this proceeding with a Notice of Proposed Rulemaking, *Rule on the Use of Consumer Reviews and Testimonials*, 88 Fed. Reg. 49364 (July 31, 2023) (NPRM). The FTC appointed the undersigned Administrative Law Judge to preside over the informal hearing in the proceeding, *Rule on the Use of Consumer Reviews and Testimonials*,

two exhibits are the emails IAB sent to its members requesting that they complete the surveys, which BCP also asked about at the hearing. On March 14 BCP filed a request that these attachments not be considered because they are new evidence and/or hearsay. BCP also requested that the portions of IAB's post-hearing brief containing new hearsay not presented at the hearing be excluded. IAB filed a response on March 14.

BCP's request will be denied, and neither the attachments nor the portions of IAB's post-hearing brief flagged by BCP will be excluded from consideration. In part, the exhibits merely restate information that has already been supplied. Additionally, hearsay evidence may be considered in any hearing before an Administrative Law Judge, including an informal hearing in a rulemaking proceeding like the instant proceeding.

IT IS SO ORDERED.



Carol Fox Foelak
Administrative Law Judge