



UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
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Washington DC 20580

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March 14, 2024

**VIA ELECTRONIC FILING**

Presiding Officer Foelak  
c/o Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue, NW  
Washington, DC 20580

**Re: Rule on the Use of Consumer Reviews and Testimonials  
(Project No. P214504)**

Presiding Officer Foelak:

Last night, a full week after the informal hearing closed, the Interactive Advertising Bureau (IAB) submitted new information and documents relating to the two surveys comprising its purported evidence relating to compliance costs. Once a hearing or trial is over, witnesses are generally not allowed to try to improve their performance by sending new testimony or exhibits to the judge for consideration. Attorneys are familiar with this principle, which applies even when the attorney in question, Lartease Tiffith, made himself the sole witness at the hearing and provided nothing but hearsay testimony and documents. Last night's submission – coming after Mr. Tiffith's post-hearing submission of another such document on March 8 – was more of the same. Indeed, his revelation in last night's letter that a third-party firm conducted the surveys would add another layer of hearsay to what he has said and submitted regarding the surveys.

We note also that IAB submitted no information or documents last night that it could not have provided before the March 6 hearing. Bureau of Consumer Protection staff obviously had no opportunity to review it before that hearing and thus could not cross-examine Mr. Tiffith on any of it.

We respectfully request that Your Honor rule expeditiously that the following things will not be admitted as evidence or otherwise considered as part of your determination in this proceeding: (1) the portions of IAB's March 13 letter that purport to add new information about the surveys; and (2) all of the new "exhibits" attached to that letter.

Sincerely,

/s/ Michael Atleson

Michael Atleson  
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