



Office of the Secretary

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

December 28, 2015

Rebekah Wells
Women Against Revenge Porn
State of Florida

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Wells:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned about the devastating humiliation caused by revenge porn.

The Commission shares your concerns, which is why it believes that the proposed consent order is an important one. It prohibits Mr. Brittain from disseminating videos or photographs of individuals with their intimate parts exposed without first obtaining affirmative express consent in writing for such dissemination. In addition, it orders Mr. Brittain to destroy the personal information he has already collected. Once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These requirements will help ensure that individuals' personal information is protected in the future.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Jason Van Dyke
The Van Dyke Law Firm, P.L.L.C.
State of Texas

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Van Dyke:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you support strong protections for personal information, and are concerned that the proposed order does not go far enough to restrain Mr. Brittain's conduct. In particular, you recommend that Mr. Brittain serve time in prison and suggest that he "should be facing a lifetime ban from unsupervised use of the Internet for any reason."

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use. As you recognize, the Commission does not have the authority to seek criminal penalties against Mr. Brittain. The proposed consent order prohibits the practices alleged in the complaint for the duration of the 20-year order. Once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These provisions, along with others contained in the order, will help ensure that personal information is protected in the future. Prohibiting Mr. Brittain from unsupervised use of the Internet – even lawful use – goes beyond what is necessary to prohibit the practices alleged against Mr. Brittain in the Complaint. Instead, the order includes injunctive relief that is tailored to the facts here – in particular, prohibiting Mr. Brittain from disseminating online photographs or videos that depict an individual with his or her intimate parts exposed without clearly disclosing that he will disseminate the image online and first obtaining affirmative express consent in writing.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
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Federal Trade Commission
WASHINGTON, D.C. 20580

December 28, 2015

Dixie Lee Howe
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Howe:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding, and for sharing your personal story about revenge porn.

The Commission shares your concerns, which is why it believes the proposed consent order is an important one. It prohibits Mr. Brittain from disseminating videos or photographs of individuals with their intimate parts exposed without first obtaining affirmative express consent in writing for such dissemination. In addition, it orders Mr. Brittain to destroy the personal information he has already collected. Once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These requirements will help ensure that individuals' personal information is protected in the future.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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Federal Trade Commission
WASHINGTON, D.C. 20580

December 28, 2015

Eric Christenson
Commonwealth of Virginia

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Christenson:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you believe that the terms of the consent order are "very lenient" and that the U.S. Attorney should bring criminal charges against Mr. Brittain.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission does not have the authority to seek criminal penalties against Mr. Brittain or to direct a U.S. Attorney to do so. The U.S. Attorney's office exercises its prosecutorial discretion when deciding which criminal actions to pursue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Cyber Civil Rights Initiative, Inc.
139 NE First St. PH7
Miami, FL 33132

Without My Consent, Inc.
912 Cole Street #276
San Francisco, CA 94117

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your extensive comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Commission's complaint against Respondent Brittain includes two counts alleging violations of Section 5 of the FTC Act. Count I alleges that Respondent unfairly disseminated photographs of individuals with their intimate parts exposed, along with personal information of such individuals, through his website for commercial gain. Count II alleges that Respondent, when soliciting intimate photographs of individuals, misrepresented that he would use such photographs for his personal private use.

The proposed consent order contains provisions designed to prevent Respondent from committing future violations similar to those alleged in the complaint. It prohibits Respondent from: (1) disseminating online photographs or videos that depict an individual with his or her intimate parts exposed without clearly disclosing that he will disseminate the image online and first obtaining affirmative express consent in writing; and (2) misrepresenting material facts, including his collection or use of personal information, his identity, or the identity of those providing content or advertising to his website. It also orders Respondent to destroy all personal information he obtained in connection with his website and prohibits him from transferring it or benefitting from it in the future. The proposed order, which terminates after 20 years, includes standard recordkeeping provisions, as well as requirements for Respondent to notify the Commission when he changes employment.

Your comment expresses the support of the Cyber Civil Rights Initiative and Without My Consent of the complaint and the proposed consent order's directives. We appreciate your support. You also urge the Commission to make several modifications to the order.

First, you recommend that the types of images covered by the consent order should also include images depicting sexual acts, regardless of whether naked intimate parts are exposed. Because the proposed consent order is designed to closely track the conduct described in the complaint, which alleges that the images solicited and posted were of people with their naked intimate parts exposed, it does not impose obligations with respect to images of sexual acts that do not involve nudity. Moreover, the terms of the provision are consistent with the revenge porn law in Colorado, where Respondent resides.

Second, you recommend expanding the definition of “personal information” to include a person’s school, employer, health information, and personal information about his or her family members. You further recommend modifying the definition so that a city and state name alone, without a street name, would qualify as personal information. Because the current definition of personal information includes any “individually identifiable information” and is expressly not limited to the specific types of information listed, the addition of specific subcategories of personal information that also constitute “individually identifiable information from or about an individual” is unnecessary. The specific types of information listed in the definition simply comprise the types of information the complaint alleges that Respondent actually collected.

Third, you recommend revising Section I(B) of the proposed consent order to explicitly require “advance” affirmative express consent in writing from all individuals depicted, not just those with their intimate parts exposed. Section I of the order prohibits posting intimate photographs without affirmative express consent in writing and therefore already incorporates the requirement to obtain consent prior to posting the images. In addition, for the reasons stated above, the order requires Respondent to obtain consent from individuals whose intimate parts are exposed (as opposed to clothed individuals).

Fourth, you recommend that Section I(B) provide more specificity about what constitutes “affirmative express consent” and require Respondent to institute a verification process to confirm that the consent obtained is actually provided by the person depicted and not by someone else. Section I does provide strong notice and consent requirements. It requires Respondent to make a clear and prominent disclosure directly to the individual whose intimate parts are exposed in a photograph or video that Respondent will disseminate such video or photograph for commercial gain. The disclosure cannot be part of a “privacy policy,” “terms of use,” or similar document. Respondent must also obtain the affirmative express consent in writing. If consumers have any complaints about his practices, Respondent is required by the terms of the order to keep them and turn them over to the FTC upon request.

Fifth, you recommend that Respondent should not be allowed to post images submitted by anyone other than the depicted person, and that Respondent maintain the name, address, IP address, and email address of those who submit content to Respondent. Taken together, these proposed provisions would require Respondent to collect and maintain additional information about the subject of intimate

photos, an outcome the Commission believes should be avoided. In any event, given that Respondent must obtain affirmative express consent from the person depicted, regardless of who submits the image, the proposed limitations would appear to be unnecessary.

Cyber Civil Rights Initiative, Inc.

Without My Consent, Inc.

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Finally, you recommend that Section V should be amended to require Respondent to use reasonable measures to serve the consent order on all persons featured on his website and all persons who submitted pictures. Section V reflects the Commission's standard requirements relating to distribution of the order so that other individuals or entities who are engaged in business with Respondent will have knowledge of the order. In addition, it would not be appropriate to encourage the Respondent to contact those individuals injured by his actions, especially when Respondent would first have to take further steps action to identify some of those individuals in order to do so.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Orders in the above-titled proceedings in final form without any modifications. The final Decision and Orders and other relevant materials are available from the Commission's website at <http://www.ftc.gov>.

You also make several policy recommendations, including recommendations that Congress provide the FTC with civil penalty authority and that the FTC consider promulgating a Rule in this area. We will consider these recommendations carefully.

Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Keith Lee
Hamer Law Group, LLC
State of Alabama

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Lee:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct, and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Respondent unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Respondent solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Respondent to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Respondent from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Respondent. These provisions are designed to ensure both that Respondent will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Respondent will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Respondent "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Nicholas Weaver
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Weaver:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Weaver

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Daniel Bostonweeks
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Bostonweeks:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Brett Haddock
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Haddock:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Haddock

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Daniel Neely
Commonwealth of Pennsylvania

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Neely:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Neely

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Thomas Dooley
State of Alaska

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Dooley:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

In response to your recommendation to “give [Respondent] time in jail,” we note that the Commission does not have the authority to seek criminal penalties against Mr. Brittain.

Commenter Dooley

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



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

December 28, 2015

Joseph Petti
State of New York

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Petti:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

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Donald S. Clark
Secretary



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

December 28, 2015

Timothy Duquette
Commonwealth of Pennsylvania

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Duquette:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit to misconduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

L. Rowe
Commonwealth of Pennsylvania

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

In response to your recommendation to "reconsider criminal charges," we note that the Commission does not have the authority to seek criminal penalties against Mr. Brittain.

As to admission of liability, the provision that Mr. Brittain “neither admit nor deny” liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission’s ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission’s Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission’s website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Steres
State of New York

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Schiller
State of New York

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Schiller

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Troy Freund
State of Wisconsin

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Freund:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Georgina
State of North Dakota

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Georgina:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Commenter Georgina

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Patricia Willenborg
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Willenborg:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

O'Connor
State of New Jersey

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Robert Thomson
State of Montana

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Thomson:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Thomson

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Kimberly Moore
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Moore:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct. You also recommend that he be banned from using the Internet for the remainder of his life.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Prohibiting Mr. Brittain from unsupervised use of the Internet – even lawful use – goes beyond what is necessary to prohibit the practices alleged against Mr. Brittain in the Complaint. Instead, the order includes injunctive relief that is tailored to the facts here – in particular, prohibiting Mr. Brittain from

Commenter Moore

Page 2

disseminating online photographs or videos that depict an individual with his or her intimate parts exposed without clearly disclosing that he will disseminate the image online and first obtaining affirmative express consent in writing.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Ivy Ramirez
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Ramirez:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Commenter Ramirez

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Nathan Light
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Light:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct. You also recommend that Mr. Brittain face criminal charges for his conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

In response to your recommendation that Mr. Brittain face criminal prosecution, we note that the Commission does not have the authority to seek criminal penalties against Mr. Brittain.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Amy Devenport
State of Oregon

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Devenport:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct. You also recommend that Mr. Brittain be criminally prosecuted.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

In response to your recommendation that Mr. Brittain face criminal prosecution, we note that the Commission does not have the authority to seek criminal penalties against Mr. Brittain.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Hardy
Commonwealth of Kentucky

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Hardy

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Ibalu Dwan
State of Maryland

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Leigh Koch
State of Florida

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Koch:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Commenter Koch

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Julie Williams
State of New Mexico

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Williams:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Commenter Williams

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Cindy Southworth
National Network to End Domestic Violence
1400 16th Street NW, Suite 330
Washington, D.C. 20036

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Southworth:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned about the practice of revenge porn.

The Commission shares your concern, which is why it believes the proposed consent order is an important one. It prohibits Mr. Brittain from disseminating videos or photographs of individuals with their intimate parts exposed without first obtaining affirmative express consent in writing for such dissemination. In addition, it orders Mr. Brittain to destroy the personal information he has already collected. Once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These requirements will help ensure that individuals' personal information is protected in the future.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Smith
Commonwealth of Virginia

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Hoffman
State of Texas

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Hoffman

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Jessica Halprin
State of New York

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Halprin:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Halprin

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Park
State of Utah

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Christopher Cooper
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Cooper:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Cooper

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Laura Moore
State of Idaho

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Moore:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

Commenter Moore

Page 2

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Elizabeth Schuh
State of Florida

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Schuh:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

James Hannum
State of California

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Hannum:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

M. Waterhouse
State of Minnesota

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Charles Gokey
District of Columbia

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Gokey:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Marc Randazza
Randazza Legal Group
State of Nevada

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Randazza:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Commenter Randazza

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

James Raney
State of Ohio

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Raney:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Keith
State of Oregon

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No.C-4564

Dear Keith:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Marc Rotenberg, Executive Director
Julia Horwitz, Director, Consumer Privacy Project
Brooke Olausson, Consumer Protection Fellow
Electronic Privacy Information Center
1718 Connecticut Avenue, NW
Suite 200
Washington, D.C. 20009

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Rotenberg, Ms. Horwitz, and Ms. Olausson:

Thank you for your extensive comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Commission's complaint against Respondent Brittain includes two counts alleging violations of Section 5 of the FTC Act. Count I alleges that Respondent unfairly disseminated photographs of individuals with their intimate parts exposed, along with personal information of such individuals, through his website for commercial gain. Count II alleges that Respondent, when soliciting intimate photographs of individuals, misrepresented that he would use such photographs for his personal private use.

The proposed consent order contains provisions designed to prevent Respondent from committing future violations similar to those alleged in the complaint. It prohibits Respondent from: (1) disseminating online photographs or videos that depict an individual with his or her intimate parts exposed without clearly disclosing that he will disseminate the image online and first obtaining affirmative express consent in writing; and (2) misrepresenting material facts, including his collection or use of personal information, his identity, or the identity of those providing content or advertising to his website. It also orders Respondent to destroy all personal information he obtained in connection with his website and prohibits him from transferring it or benefitting from it in the future. The proposed order, which terminates after 20 years, includes standard recordkeeping provisions, as well as requirements for Respondent to notify the Commission when he changes employment.

Your comment expresses EPIC's support of the complaint and the proposed consent order's directives, but requests that the Commission consider expanding the scope of the injunctive relief.

You first recommend that the Commission revise Part I to cover images depicting sexual activity even if they do not contain any nudity. The proposed consent order is designed to closely track the conduct described in the complaint, which alleges that the images solicited and posted were of people with their intimate parts exposed. Accordingly, the proposed order does not impose obligations that may not be tied to the conduct alleged in the complaint.

Your comment further recommends that the proposed order should adopt the definition of “intimate parts” used in the Illinois revenge porn law, which would cover partially or transparently clothed intimate parts in addition to naked intimate parts. The Commission did look to state law in creating the definition of “intimate parts” in the proposed order. The definition is consistent with the revenge porn law in Colorado, where Respondent resides.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Orders in the above-titled proceedings in final form without any modifications. The final Decision and Orders and other relevant materials are available from the Commission’s website at <http://www.ftc.gov>.

In addition to proposing changes to the consent order, your comment also encourages the Commission to (1) pursue other operators of revenge porn sites; (2) remain vigilant of emerging web and mobile applications that facilitate spying and stalking via facial recognition technologies; and (3) further investigate – perhaps in a workshop format – the growing trend of companies recontextualizing images, for profit, without the knowledge or consent of the image subject. We take your suggestions very seriously. For example, if we learn of unfair or deceptive practices in these areas, we will pursue enforcement actions. We will also explore methods to bring these issues to the public’s attention, through workshops and reports, such as the ones we did on facial recognition a few years ago, or consumer and business education materials. The Commission remains committed to protecting consumer privacy as technologies emerge and their uses evolve.

Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Adam Steinbaugh

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Steinbaugh:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Your comment also suggests that the Commission should have also named a partner of Mr. Brittain's as a respondent. The Commission named Mr. Brittain as the person responsible for the "Is Anybody Down" website, and cannot comment on other individuals who may be associated with Mr. Brittain.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Maryanna Price
State of Washington

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Price:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Laura Powers
Commonwealth of Massachusetts

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Powers:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

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As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Jeremy Graven
Commonwealth of Kentucky

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Graven:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct and that Mr. Brittain does not admit liability.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

As to admission of liability, the provision that Mr. Brittain "neither admit nor deny" liability is standard where a Respondent has consented to the entry of an order. It has no practical effect on the Commission's ability to enforce an order.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Daniella Guzman
State of New York

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Guzman:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Jeffrey Ryan
State of Colorado

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Ryan:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Avneet Deo
Commonwealth of Virginia

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Ms. Deo:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding and for sharing your personal story. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Commission shares your concerns about revenge porn, which is why it believes the proposed consent order is an important one. The Complaint in this matter alleges that Respondent unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(l) of the FTC Act, 45 U.S.C. § 45(l), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary



Office of the Secretary

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

December 28, 2015

Joey Padalino
State of Illinois

Re: In the Matter of Craig Brittain, File No. 1323210, Docket No. C-4564

Dear Mr. Padalino:

Thank you for your comment regarding the Federal Trade Commission's proposed consent agreement in the above-entitled proceeding. Your comment indicates that you are concerned that the proposed consent agreement's provisions are not adequate in light of the seriousness of the alleged conduct.

The Complaint in this matter alleges that Mr. Brittain unfairly disseminated intimate photographs without the knowledge or consent of those depicted. Moreover, it alleges that when Mr. Brittain solicited the images, he falsely represented that he would use them for his personal use, rather than disseminating them broadly for commercial use.

The Commission recognizes that many revenge porn victims have suffered extreme harm from Mr. Brittain's alleged conduct. The proposed consent order – which will be in effect for 20 years – requires Mr. Brittain to obtain affirmative express consent in writing prior to posting intimate photographs online. It also prohibits Mr. Brittain from misrepresenting the purposes for which he collects images depicting intimate parts. Finally, the consent order places substantial compliance and record-keeping requirements upon Mr. Brittain. These provisions are designed to ensure both that Mr. Brittain will cease the challenged practices and that he will not be able to engage in similar practices in future. As to penalties, the Commission does not have authority to obtain civil penalties for an initial violation under Section 5 of the FTC Act. However, once the order becomes final, Mr. Brittain will risk civil penalties of up to \$16,000 per violation per day (as provided by Section 5(1) of the FTC Act, 45 U.S.C. § 45(1), as adjusted by 16 C.F.R. § 1.98(c)). These civil penalties will help incentivize compliance with the order. Accordingly, we believe the order provisions, along with the risk of substantial civil penalties for violating the order, appropriately address the conduct at issue.

Prohibiting Mr. Brittain from accessing the Internet or posting pictures – even with consent of the subject – goes beyond what is necessary to prohibit the practices alleged against Mr. Brittain in the Complaint. Instead, the order includes injunctive relief that is tailored to the facts here – in particular, prohibiting Mr. Brittain from disseminating online photographs or videos that depict an individual with his or her intimate parts exposed without clearly disclosing that he will disseminate the image online and first obtaining affirmative express consent in writing.

Commenter Padalino

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The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii). The Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. Thank you again for your comment.

By direction of the Commission.

Donald S. Clark
Secretary