



August 17, 2016

VIA OVERNIGHT MAIL AND EMAIL

Kris Jenner, Manager
Kardashian/Jenner Family
25115 Eldorado Meadow Rd.
Hidden Hills, CA 91302-1241
[REDACTED]

Michael Kump, Esq.
Kinsella Weitzman Iser Kump & Aldert LLP
808 Wilshire Blvd. 3rd Floor
Santa Monica, CA 90401
[REDACTED]

Re: Deceptive Native Advertising by the Kardashian/Jenner family

Dear Ms. Jenner and Mr. Kump:

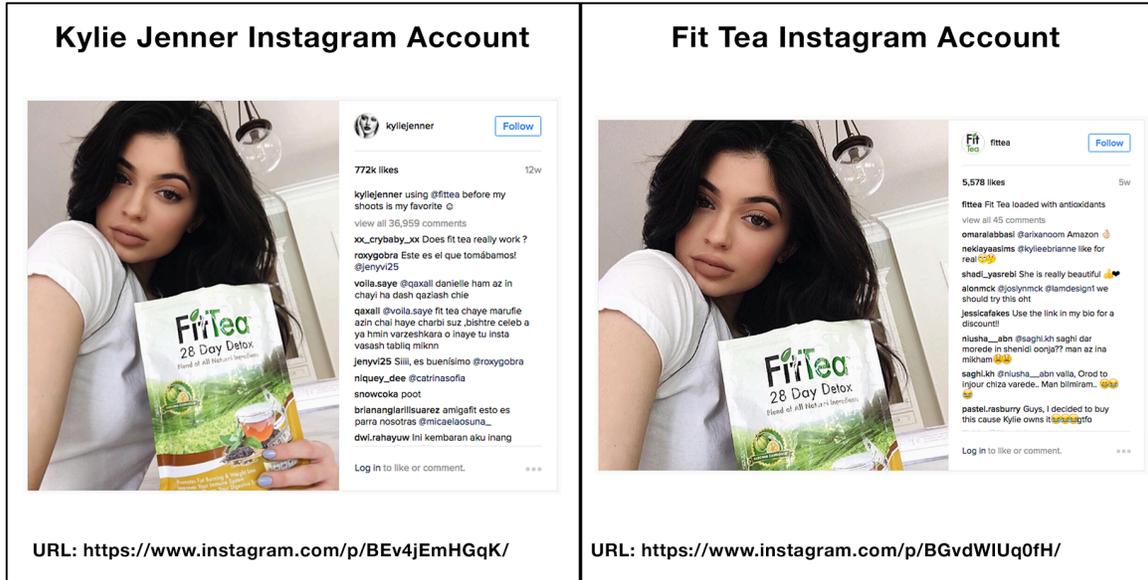
I am writing to you on behalf of Truth in Advertising, Inc. (“TINA.org”), a nonprofit consumer advocacy organization dedicated to protecting consumers from deceptive advertising. We have found that members of the Kardashian/Jenner family are engaged in deceptive marketing campaigns for various companies by routinely creating and publishing sponsored social media posts for such companies without clearly and conspicuously disclosing that they are paid representatives of those companies or that the posts are advertisements.

Specifically, TINA.org reviewed the Instagram accounts for Kim Kardashian, Khloe Kardashian, Kourtney Kardashian, Kylie Jenner, and Kendall Jenner and found a plethora of posts that do not clearly or conspicuously disclose their relationships with the companies being promoted in the posts as is required by federal law.¹ The companies

¹ See FTC Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR § 255.5, available at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>; FTC’s .com Disclosures: How to Make Effective Disclosures in Digital Advertising, March 2013, available at <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf>;

sponsoring such posts – who are receiving a copy of this letter – include, but are not limited to, Puma, Calvin Klein, Fit Tea, and SugarBearHair.

By way of example, Kylie Jenner posted a Fit Tea ad on her Instagram account without indicating that it was an advertisement. TINA.org has collected a multitude of examples of similar transgressions:



Based on this information, we intend to notify the Federal Trade Commission that these individuals and companies are engaged in deceptive marketing campaigns unless, by August 24, 2016, the issues described above are fully corrected by clearly and conspicuously disclosing that all applicable posts – past, present, and future – are paid advertisements or the result of material connections between the Kardashian/Jenner individuals and the companies featured in the posts.

Sincerely,

Laura Smith, Esq.
Legal Director
Truth in Advertising, Inc.

In the Matter of Lord & Taylor, LLC, Docket No. C-4576, May 20, 2016 Decision and Order, available at <https://www.ftc.gov/system/files/documents/cases/160523lordtaylordo.pdf>;
In the Matter of Deutsch LA, Inc., Docket No. C-4515, Mar. 24, 2015 Decision and Order, available at <https://www.ftc.gov/system/files/documents/cases/1503deutschdo.pdf>.

Cc via email: Balmain
Calvin Klein, Inc.
de GRISOGONO
Estée Lauder, Inc.
Fit Tea
Foxy Locks Ltd.
JetSmarter, Inc.
Karl Lagerfeld™
Lorraine Schwartz
LuMee, LLC
MAAZ Products, Inc.
MANGO
Manuka
Mint Swim
MISBHV
OUAI Haircare
Porto Brazil
Puma
Pure Leef
Revlon (for Sinful Colors)
Roberto Cavalli S.P.A.
SecretCloset
Stein Diamonds
SugarBearHair
Tokyo Stylez
Waist Gang Society
Waist Trainer