

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

COMMISSIONERS: Edith Ramirez, Chairwoman
Julie Brill
Maureen K. Ohlhausen
Joshua D. Wright
Terrell McSweeney

_____))
In the Matter of) DOCKET NO.
))
Craig Brittain, individually))
))
_____))

COMPLAINT

The Federal Trade Commission, having reason to believe that Craig Brittain (“Respondent”) has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Craig Brittain was the owner and operator of the website www.isanybodydown.com (“Website”). Individually or in concert with others, Respondent controlled or had authority to control, or participated in the acts and practices alleged in this complaint. His principal office or place of business is in Colorado Springs, CO 80920.
2. The acts and practices of Respondent alleged in this complaint have been in or affecting commerce, as “commerce” as defined in Section 4 of the Federal Trade Commission Act.
3. For purposes of this complaint, the term “intimate parts” shall mean the naked genitals, pubic area, buttocks, or female nipple.

RESPONDENT’S BUSINESS PRACTICES

4. From November 2011 to April 2013, Respondent owned, operated, and conducted all business on behalf of the Website. On the Website, Respondent posted personal information and photographs of individuals with their intimate parts exposed.
5. Respondent used three different methods to obtain photographs for the Website. First, Respondent encouraged and solicited individuals to submit, anonymously, photographs of other individuals with their intimate parts exposed for posting on the Website. Most

submitters were men sending photographs of women. Respondent required that all submissions include at least two photographs, one of which had to be a full or partial nude, as well as the subject's full name, date of birth (or age), town and state, a link to the subject's Facebook profile, and phone number. Respondent received and compiled the photographs and personal information, posted them on the Website, and in some instances, Respondent posted additional personal information that he independently located about the subjects.

6. Second, Respondent posed as a woman on the Craigslist advertising website and, after sending other women photographs purportedly of himself, solicited photographs of them with their intimate parts exposed in return. If they sent such photographs, Respondent posted them on the Website without their knowledge or permission.
7. Third, Respondent instituted a "bounty system" on the Website, whereby anyone could request that others find and post photos of a specific person in exchange for a reward of at least \$100. Respondent collected a "standard listing fee" of \$20 for each request and half of all rewards given.
8. After obtaining the photographs, Respondent grouped the photographs on the Website by the State of residence of the photograph's subject. Visitors to the Website could post comments about the photographs. Such comments often included derogatory and sexually explicit language directed at the subject of the photograph. Indeed, Respondent touted the Website as superior to similar websites because the Website produced a "higher level of hatred" than other websites. During the time the Website operated, Respondent posted personal information and photographs of over 1,000 people with their intimate parts exposed.
9. Women whose photographs appeared on the Website often contacted Respondent to request that he remove the images. They reported that they suffered significant harm from having their photographs and personal information, including location information, posted on the site. Some received unwelcome contacts from strangers, including requests for additional photographs. Many worried about harm to their reputations because their friends, family, and co-workers could easily see the photographs if they conducted a simple Internet search for the subject's name. Others were concerned that they might be fired from a current job, or not hired for a future job, if the photos were discovered. In many instances, Respondent did not remove the content in response to removal requests.
10. Respondent also advertised content removal services on the Website. In these advertisements, purported third parties identified as "Takedown Hammer" and "Takedown Lawyer" promised to have consumers' content removed from the Website in exchange for a payment of \$200 to \$500. The advertisements referred interested consumers to the websites, www.takedownhammer.com and www.takedownlawyer.com, for further information. In fact, Respondent himself owned such websites, and posed as a third party to obtain money to remove the same photographs that he had posted on the Website.
11. Respondent earned approximately \$12,000 from operating www.isanybodydown.com.

12. Respondent has operated an additional website, www.obamanudes.com, which largely displayed the same content as www.isanybodydown.com.

**COUNT I
RESPONDENT'S UNFAIR PRACTICES RELATING TO
POSTING OF PHOTOGRAPHS AND PERSONAL INFORMATION**

13. Through the means described in Paragraphs 4 through 12, Respondent disseminated photographs of individuals with their intimate parts exposed, along with personal information of such individuals, through the Website for commercial gain and without the knowledge or consent of those depicted, when he knew or should have known that the depicted person had a reasonable expectation that the image would not be disseminated through the Website for commercial gain.
14. Respondent's practices, as set forth in Paragraph 13, have caused or were likely to have caused substantial injury to consumers that is not reasonably avoidable by consumers and is not outweighed by countervailing benefits to consumers or competition. These practices were, and are, unfair acts or practices.

**COUNT II
RESPONDENT'S FALSE CLAIMS
RELATING TO SOLICITATION OF PHOTOGRAPHS**

15. Through the means described in Paragraph 6, Respondent has solicited photographs from individuals of themselves with their intimate parts exposed while representing, directly or indirectly, expressly or by implication, that he would use such photographs solely for his personal private use.
16. In fact, Respondent did not use such photographs solely for his personal private use, but disseminated them through the Website with personal information about the individual and for commercial gain. Therefore, the representation set forth in Paragraph 15 is false or misleading.

VIOLATIONS OF SECTION 5

17. The acts and practices of Respondent as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this ____ day of _____, 2015, has issued this complaint against Respondent.

By the Commission.

Donald S. Clark
Secretary