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By E-Mail: lsmith@tina.org

July 1, 2022

Laura Smith, Esq.  
Truth in Advertising, Inc.  
P.O. Box 927  
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**Re: Justin Bieber's Social Media Posts Related to NFTs**

Dear Ms. Smith:

This firm represents Justin Bieber. I write in response to your June 10, 2022 letter to Allen Secretov (the "Letter") regarding certain social media posts by Mr. Bieber.

The accusations and demands in your Letter are misguided. To start, Mr. Bieber's affiliation with inBetweeners is public knowledge and has been repeatedly disclosed by Mr. Bieber and the company on multiple platforms. For example, as your letter acknowledges, the company's website lists Mr. Bieber as a member of the inBetweeners team.<sup>1</sup> Similarly, the NFT marketplace used by inBetweeners to sell its products also discloses Mr. Bieber's relationship with the company.<sup>2</sup> Mr. Bieber's relationship with inBetweeners is further disclosed in the biography section of his Instagram account, which includes just two links to other Instagram accounts: a link to the inBetweeners page, and a link to Mr. Bieber's clothing brand, Drew House.<sup>3</sup> These disclosures easily satisfy the Federal Trade Commission disclosure requirements cited in your Letter.<sup>4</sup>

Your Letter also cites an SEC bulletin concerning "celebrity backed ICOs," but that bulletin (and the anti-touting rules it discusses) have no application here. The anti-touting statute requires certain disclosures when a person receives compensation for publicizing a "security." The bulletin cited in your letter warned that the anti-touting statute could apply to "celebrity-backed ICOs" — that is, initial coin offerings of cryptocurrency tokens — because the SEC believes that such ICOs often involve the offer or sale of a security. But that analysis has nothing to do with NFTs. The NFTs at issue here are not securities under federal securities law, and so Mr. Bieber's posts about NFTs do not implicate the SEC's anti-touting rules. Moreover, Mr. Bieber has never promoted the NFTs as an investment opportunity, nor has he encouraged his followers to purchase any specific NFT, so it would be absurd for him to caution anyone about the risks associated with "investing" in NFTs. Indeed, nearly all of the social media posts referenced in the Letter are images of NFTs personally owned by Mr. Bieber, which are one-of-a-kind and are not available for purchase.

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<sup>1</sup> <https://www.inbetweeners.io/>.

<sup>2</sup> See <https://opensea.io/collection/inbetweeners> ("For inBetweeners, GianPiero has joined up with Justin Bieber to bring the NFTs to the world stage. Behind them, is a team of start-up operators, celebrities, and growth marketers...").

<sup>3</sup> <https://thehouseofdrew.com/pages/the-story-of-drew>.

<sup>4</sup> The Letter also takes issue with Mr. Bieber's posts concerning NFTs created by Bored Ape Yacht Club, Doodles, and RTFKT. Mr. Bieber does not have an ownership interest in any of these companies.



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Simply put, your Letter cites no basis for demanding that Mr. Bieber alter any of his social media posts about NFTs. Nevertheless, and while under no legal obligation to do so, Mr. Bieber will update his posts concerning inBetweeners in order to further underscore his widely publicized connection with that company.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "MRH", written over a light blue horizontal line.

Michael Rhodes