



December 16, 2022

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex B)
Washington, DC 20580

Re: Impersonation NPRM, R207000

Truth in Advertising, Inc. (“TINA.org”) welcomes the opportunity to submit the following in conjunction with the Federal Trade Commission’s (“Commission,” “Agency” or “FTC”) October 17, 2022 request for comments regarding its proposed Rule on Impersonation of Government and Businesses.¹

TINA.org is a nonpartisan, nonprofit consumer advocacy organization whose mission is to combat deceptive advertising and consumer fraud; promote understanding of the serious harms commercial dishonesty inflicts; and work with consumers, businesses, independent experts, synergy organizations, self-regulatory bodies and government agencies to advance countermeasures that effectively prevent and stop deception in our economy. At the center of TINA.org’s efforts is its website, www.tina.org, which provides information about common deceptive advertising techniques, consumer protection laws, and alerts about specific deceptive marketing campaigns—such as nationally advertised “Built in the USA” vans manufactured abroad;² pillows and essential oils falsely marketed as being able to treat chronic diseases;³ and a delivery meal kit service that falsely advertises free meals.⁴

The website functions as a clearinghouse, receiving consumer complaints about suspicious practices, which TINA.org investigates and, when appropriate, takes up with businesses and regulatory authorities. The website is also a repository of information relating to consumer protection lawsuits and regulatory actions. Through its collaborative approach and attention to emerging issues and complexities, TINA.org has become a trusted source of expertise on matters relating to consumer fraud, and has testified before Congress on issues related to consumer protection, deceptive marketing and economic justice.⁵

TINA.org regularly draws on its expertise to advocate for consumer interests before the FTC and other governmental bodies and appears as amicus curiae in cases raising important questions of consumer protection law.⁶ Since its inception, TINA.org has filed

legal actions against hundreds of companies and entities, published more than 1,200 ad alerts, written over 900 news articles, and tracked more than 4,000 federal class actions alleging deceptive marketing. Notably, since 2015, state and federal agencies have obtained more than \$250 million from wrongdoers based on TINA.org legal actions and evidence, and returned millions in ill-gotten gains to consumers.

With respect to impersonation scams specifically, in 2022, based on consumer complaints, TINA.org sent letters to two different companies, both impersonating The System for Award Management (SAM.gov), a free, official U.S. government website that provides assistance with government grants and contracts, among other things.⁷ In both cases, private for-profit companies were using the SAM.gov logo, as well as web addresses that mimic SAM.gov and “sound” official (i.e., www.federalfiling.com, www.usafiling.com, and www.samfiling.com) to lure consumers seeking to do business with the federal government to their websites. These websites then charged consumers large amounts of money for services they could have obtained for free with the government (a fact neither company properly disclosed to consumers). Further, both companies solicited business by, among other things, emailing SAM registrants about their upcoming registration expirations (which is public information) and prompting them to renew their registrations by clicking a link that brought them directly to one of their disguised for-profit websites, rather than SAM.gov. (Other similar for-profit businesses, of which there are many,⁸ use Google ads that populate when consumers search the web for “sam filing.”⁹)

TINA.org’s efforts in this area have sparked some changes – for example, Federal Filing removed the SAM.gov logo from its website after receiving TINA.org’s letter. But deception still runs rampant and grave consumer harm is continuously occurring. Just last month, for example, a consumer filed a complaint with TINA.org regarding USA Filing, stating, “I got scammed by USA filing for \$349. I thought i was renewing my SAM renewal with the government on line.” And according to class-action lawsuits that TINA.org has tracked on its website, government imposter scams can charge upfront fees as high as \$1,000 or more, and target consumers who are financially compromised (e.g., those with large student loan debt).¹⁰

As TINA.org’s work makes clear, scams impersonating the government have been and continue to be a serious problem, one that effectively deceives consumers, including veterans, servicemembers, and those in precarious financial positions, out of millions of dollars.¹¹ Such deceptive tactics will continue to flourish if not effectively reined in by regulators.

As such, TINA.org supports the Commission’s proposed rulemaking regarding Impersonation of Government and Businesses and believes that such a rule would be in the public’s interest, particularly in the wake of the Supreme Court’s AMG Capital

Management decision, as a rule will substantially improve the agency's ability to combat and deter fraud in this area.

Sincerely,



Bonnie Patten
Laura Smith
Truth in Advertising, Inc.

¹ Trade Regulation Rule on Impersonation of Government and Businesses, <https://www.federalregister.gov/documents/2022/10/17/2022-21289/trade-regulation-rule-on-impersonation-of-government-and-businesses>.

² TINA.org's Mercedes-Benz Investigation, <https://truthinadvertising.org/brands/mercedes-benz>.

³ TINA.org's MyPillow Investigation, <https://truthinadvertising.org/brands/mypillow/>;
TINA.org's doTerra Investigation, <https://truthinadvertising.org/brands/doterra/>;
TINA.org's Young Living Investigation, <https://truthinadvertising.org/brands/young-living/>.

⁴ TINA.org's HelloFresh Investigation, <https://truthinadvertising.org/brands/hellofresh/>.

⁵ Safeguarding American Consumers: Fighting Fraud and Scams During the Pandemic Before the Subcomm. on Consumer Prot. and Com. of the Comm. on Energy and Com., 117th Congress (Feb. 4, 2021) (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/house-testimony-2021-summary-action/>; Curbing COVID Cons: Warning Consumers about Pandemic Frauds, Scams, and Swindles Before the Subcomm. on Consumer Prot., Prod. Safety, and Data Sec. of the Comm. on Com., Sci., & Transp., 117th Congress (Apr. 27, 2021), (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/senate-testimony-2021-summary-action/>.

⁶ For example, TINA.org participated as amicus curiae in AMG Capital Management, LLC v. Federal Trade Commission. Brief of Amicus Curiae Truth In Advertising, Inc. In Support of Respondent, AMG Capital Mgmt., LLC v. Fed. Trade Comm'n, No. 19-508 (U.S. Dec. 7, 2020), https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf. TINA.org also filed an amici curiae brief in Federal Trade Commission v. Quincy Bioscience Holding Co., Inc., which reinstated a Section 13(b) suit against a business falsely marketing a dietary supplement to the elderly as clinically proven to improve memory. Brief of Amici Curiae Truth In Advertising, Inc. et al. in Favor of Appellants and in Support of Reversal, Fed. Trade Comm'n v. Quincy Bioscience Holding Co., Inc., 753 Fed. Appx. 87 (2d Cir. 2019) (No. 17-3745), <https://truthinadvertising.org/wp-content/uploads/2018/03/Prevagen-Amici-Curiae-brief.pdf>.

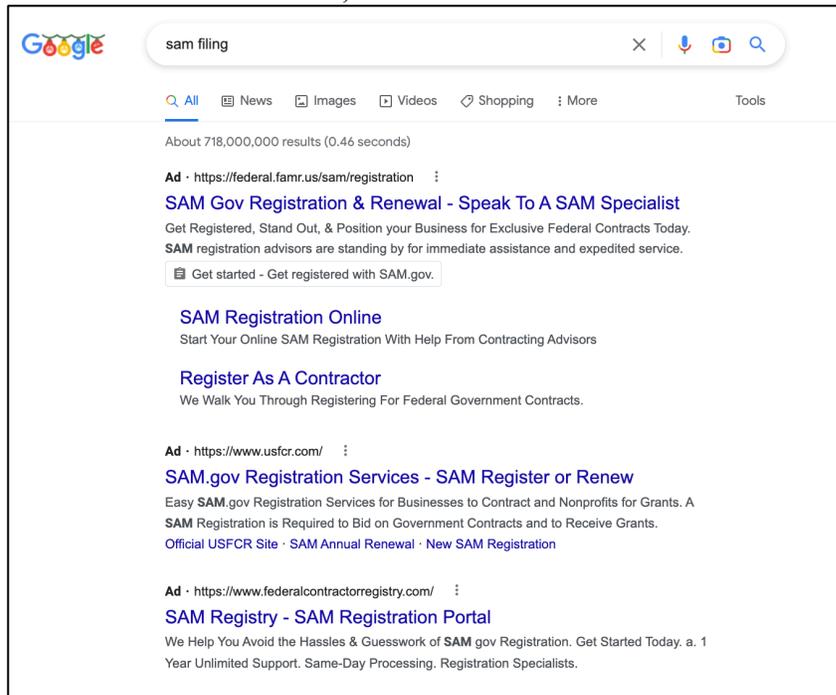
⁷ May 23, 2022 letter from TINA.org to Fed Filing, LLC, https://truthinadvertising.org/wp-content/uploads/2022/05/5_23_22-ltr-from-TINA-to-Fed-Filing.pdf; June 2, 2022 letter from TINA.org to USA Filing, https://truthinadvertising.org/wp-content/uploads/2022/06/6_2_22-Letter-from-TINA-to-USA-Filing.pdf.

⁸ Other for-profit websites charging for SAM.gov filings (and lacking clear disclosures or mimicking government websites or both) include the following URLs:

- <https://selectgcr.com/our-services/sam-registration-and-renewal/>
- <https://www.contractoradministration.com/>
- <https://www.samrenewalsupport.com/>
- <https://samregistration.com/>
- <https://getsamnow.com/>
- <https://federal.famr.us/>
- <https://usfcr.com/sam-registration/>
- <https://federalcontractorregistry.com/sam-registration/>

Please note this is not intended to be an exhaustive list but merely illustrative of the breadth of the issue.

⁹ Screenshot taken on Dec. 6, 2022:



¹⁰ TINA.org Class-Action Tracker, Student Loan Financial Assistance, <https://truthinadvertising.org/class-action/student-loan-financial-assistance/>. See also TINA.org Class-Action Tracker, GovSimplified, <https://truthinadvertising.org/class-action/govsimplified/>.

¹¹ Imposter scams targeting veterans and servicemembers, Nov. 16, 2022, <https://consumer.ftc.gov/consumer-alerts/2022/11/imposter-scams-targeting-veterans-and-servicemembers>; Trade Regulation Rule on Impersonation of Government and Businesses,

<https://www.federalregister.gov/documents/2022/10/17/2022-21289/trade-regulation-rule-on-impersonation-of-government-and-businesses>.