

## Affiliate Disclosure Requirements and Examples

In December 2009, the FTC released [Guides Concerning the Use of Endorsements and Testimonials in Advertising](#). The guidelines require that any affiliate who uses reviews, rankings or testimonials to promote products must clearly disclose the fact that they receive compensation for doing so.

### Commissions

All affiliates must disclose commercial relationships with businesses that appear on your site (and how that affects the businesses' ranking) and clearly identify advertising and paid promotions. Review sites should clearly state how reviews are composed and checked, and whether and how commission or conversion rates influenced the presentations, including ratings or rankings.

The FTC has also published answers to Frequently Asked Questions applying these guidelines directly to the context of Affiliate or Network Marketing, as follows:

### What about affiliate or network marketing?

**I'm an affiliate marketer with links to an online retailer on my website. When people read what I've written about a particular product and then click on those links and buy something from the retailer, I earn a commission from the retailer. What do I have to disclose? Where should the disclosure be?**

If you disclose your relationship to the retailer clearly and conspicuously on your site, readers can decide how much weight to give your endorsement.

In some instances - like when the affiliate link is embedded in your product review - a single disclosure may be adequate. When the review has a clear and conspicuous disclosure of your relationship and the reader can see both the review containing that disclosure and the link at the same time, readers have the information they need. You could say something like, "I get commissions for purchases made through links in this post." But if the product review containing the disclosure and the link are separated, readers may lose the connection.

As for where to place a disclosure, the guiding principle is that it has to be clear and conspicuous. The closer it is to your recommendations, the better. Putting disclosures in obscure places - for example, buried on an ABOUT US or GENERAL INFO page, behind a poorly labeled hyperlink or in a "terms of service" agreement - isn't good enough. Neither is placing it below your review or below the link to the online retailer so readers would have to keep scrolling after they finish reading. Consumers should be able to notice the disclosure easily. They shouldn't have to hunt for it.

### Is "affiliate link" by itself an adequate disclosure? What about a "buy now" button?

Consumers might not understand that "affiliate link" means that the person placing the link is getting paid for purchases through the link. Similarly, a "buy now" button would not be adequate.

### What if I'm including links to product marketers or to retailers as a convenience to my readers, but I'm not getting paid for them?

Then there isn't anything to disclose.

### Does this guidance about affiliate links apply to links in my product reviews on someone else's website, to my user comments, and to my tweets?

Yes, the same guidance applies anytime you endorse a product and get paid through affiliate links.

### It's clear that what's on my website is a paid advertisement, not my own endorsement or review of the product. Do I still have to disclose that I get a commission if people click through my website to buy the product?

If it's clear that what's on your site is a paid advertisement, you don't have to make additional disclosures. Just remember that what's clear to you may not be clear to everyone visiting your site, and the FTC evaluates ads from the perspective of reasonable consumers.

PETWILL requires all affiliates to comply with these guidelines. Failure to do so may result in removal from our affiliate program and the cancellation of commissions.

In order to comply with these guidelines disclosures about the fact that **you are receiving commissions made through links in your websites**, for example, must meet four basic requirements. They must be **frequent, clear, conspicuous, and require no scrolling or other type of user action** to locate the disclosure.

1. **Frequent:** Your disclosure must appear on any page that has a review, recommendation, comment or article that promotes a product or service for which you receive compensation.
2. **Clear: It must be immediately clear that you may receive compensation for your review or rating.** If commission or conversion rates, or factors other than those listed in the body of the rankings, comparisons, or reviews are determining or significantly impacting the placement of brands or information on your webpages, then you must clearly state this. ***Do not promise or imply neutrality or independence where in fact commission/conversion is driving the editorial presentation of information. If you are receiving commissions from all of the listed brands, you may state this. Consumers may assume that factors which are important to their decision-making such as features or price are determining the ratings. If this is not the case, then you cannot be silent about the fact that your business incentives are driving placement or ratings.***

**Example of a clear disclosure (and where each of the claims is verifiably true):**

*Disclosure: We are a professional review site that receives compensation from the companies whose products we review. We test each product thoroughly and give high marks to only the very best. We are independently owned and the opinions expressed here are our own.*

**Example of an unclear disclosure:**

*Disclosure: We are a website that needs compensation to operate like any other website on the internet. We may receive consideration for our reviews but we are totally unbiased and do not accept paid reviews or fake reviews claiming to be something they are not.*

This "disclosure" is omitting the most important information: that a commission is paid for purchases made through links in the post, or that commission or conversion rates are influencing the placement or content of the rankings or reviews.

3. **Conspicuous:** The disclosure must be clear and easy to see. It should begin with the word "disclosure." No scrolling should be necessary in order to find the disclosure. Prominently display disclosures so they are noticeable to consumers, and evaluate the size, color, and graphic treatment of the disclosure in relation to other parts of the webpage.

For the disclosure to be considered clear, the font should be:

- At least as large as the main text on the page
- In a color other than black or gray
- In contrast with both with its background and the main text
- Darker than its background or the main text

**Example of a conspicuous disclosure:**

Welcome to Our Review Site!

*Disclosure: We are a professional review site that receives compensation from the companies whose products we review. We tested and reviewed the web hosting sites ranked here. We are independently owned and the opinions expressed here are our own.*

4. **Require No Action:** Your disclosure must be immediately evident to a typical visitor to your site who views a review, ranking or endorsement on a PC, Mac, or mobile device. A visitor should not need to scroll, click or hover to learn that you receive compensation.

If you do include a clickable link or additional information when a visitor hovers over text, the language of the link itself should reveal the fact that you receive compensation.

Keep this in mind: Simply telling the visitor that they can “Click/hover here to read our FTC disclosure” is not adequate. You need to signal through plain words, such as "Advertising Disclosure" that the “disclosure” is relevant to the potential for editorial bias due to commissions.

### **Consumer Reviews:**

If you include consumer reviews or feedback about listed brands, then you must also adhere to FTC Guidelines prohibiting the biased manipulation of consumer reviews.

- Affiliates should not offer inducements to a customer in return for a positive review; pretend to be a customer; or write fake reviews about their own or other businesses' goods or services.
- You should ensure that advertising and paid promotions are clearly identifiable to readers as paid-for content.
- Affiliates displaying consumer reviews should clearly state how reviews are obtained and checked; publish all reviews (including the negative ones) provided they are genuine and lawful; and explain the circumstances in which reviews might be edited or not published at all (for instance if they include abusive language or defamatory remarks).
- You should also ensure that there is no unreasonable delay before publishing reviews, and have appropriate procedures in place to detect and remove fake reviews.

More information about the FTC Disclosure requirements is available at:

- [Guides Concerning the Use of Endorsements and Testimonials in Advertising](#)
- [The FTC's Revised Endorsement Guides: What People are Asking](#)
- [Dot Com Disclosures: Information About Online Advertising](#)