

With Great Influence Comes Great Responsibility

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"You guys...@flattummyco just dropped a new product. They're Appetite Suppressant Lollipops and they're literally unreal," gushed Kim Kardashian in a now-deleted Instagram caption. Below a photo of herself with a lollipop in her mouth, Kim urged her 110+ million Instagram followers to use her unique promotional code on their purchase so they too could curb their food cravings at a discount.

Sponsored social media posts like this are ubiquitous, showcasing a wide array of products and raising issues beyond the irony of an appetite-suppressing dessert. What responsibility, if any, falls on the influencer for these endorsements, especially if they make claims about the efficacy of supplements or dietary products?

The FTC has made it clear that it has and will go after influencers when they misrepresent their relationship with the companies and products they are advertising. In addition, the FTC and FDA recently teamed up to go after vaping companies and ensure their social media advertisements contain the FDA required nicotine warning. This topic will discuss these efforts and historical attempts to go after endorsers for unsubstantiated product claims, as well as what we might expect in the future as influencers and companies make more and more money from sponsored social media posts.