



IAAPA

**International
Association of
Amusement Parks
and Attractions**

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2010 EVENTS

Asian Attractions Expo

July 13-16
Kuala Lumpur, Malaysia

Euro Attractions Show

October 6-8
Rome, Italy

IAAPA Attractions Expo

November 15-19
Orlando, Florida, USA

April 15, 2010

Mr. Richard L. Cleland
Assistant Director
Division of Advertising Practices
Federal Trade Commission
Bureau of Consumer Protection
601 New Jersey Avenue, NW
Washington, DC 20580

Dear Mr. Cleland:

We want to thank you and Ms. Ferguson for meeting with members of IAAPA's government relations committee on April 13 to discuss the Revised Guides Concerning the Use of Endorsements and Testimonials in Advertising. The conversation clarified a number of areas covered by the revised guides about which our members had questions.

As we discussed at the end of the meeting, we are sending this letter to summarize that discussion and make sure that our understanding is correct. We would appreciate any clarification you could provide if we do not properly characterize statements made by you and Ms. Ferguson, as well as any additional comments either of you may have.

One topic we spoke about is media participation in an opening event at one of our member's facilities. An example of this type of function would be a special event at or prior to the opening to the general public of a new area at a facility. Members of the traditional media as well as individuals who may use blogs or social media would be invited to this event. They would not pay an admission fee to attend.

Your response indicated that this would be considered to be closer to a news event than the provision of free admission to the facility, and therefore the facility operator would not be required to inform attendees that they needed to disclose that they received free access.

We also discussed the situation where traditional media, bloggers and users of social media are invited to an event to celebrate an opening day. We believe your response originally was that this is a grey area, but after further discussion with one of our small park operators you seemed to imply that this might be newsworthy.

In any event, you informed us that if we let bloggers and users of social media simply have a day in the facility they should include a statement similar to the following, this would comply with the revised guides: "I was invited to tour [X Facility]." This would be sufficient to indicate that they did not pay admission, and they would not need to say so directly.

We raised the issue of the how extensive our members' monitoring efforts need to be. You responded that there is a test of reasonableness based on the cost of the monitoring versus the risk of consumer injury. Facilities need to have a monitoring process in place. This should include such things as monitoring the blogs or postings of individuals who they know to be

influential, but they do not need to check everything blogged or posted by everyone.

If the facility checks a blog once and it complies with the guides, the facility does not have to recheck that blog. If monitoring reveals that the guides have not been followed, a facility does not have to contact the author, but they should consider steps such as not inviting them back.

Another topic covered was visits by celebrities. We raised the example of a celebrity contacting a theme park and asking to visit. The theme park in this example provides free admission to the celebrity. You told us that the issue in these situations is whether the celebrity is part of the park's marketing campaign.

If a facility's policy is to provide complimentary admission to celebrities who are not spokespersons, there is no need for the celebrity to note that they were provided entry free of charge if they later comment about the facility in, for example, a blog. If the same celebrity repeatedly entered the park for free and wrote about it, there could be a problem. If the park asked them for a picture and distributed it to local media and social sites, there is still no requirement that free admission be disclosed. On the other hand, if the celebrity were part of an overall public relations strategy, they would need to make the relationship clear.

One issue that remained was the issue of an association that provides complimentary admission to traditional journalists, bloggers, and users of social media. The association would not influence what these individuals wrote but would only provide them access to the trade show floor. You told us that you wanted to consider whether the association would be required to inform these individuals of the requirements of the guides, and you indicated that you were inclined to interpret this as a traditional news event.

We look forward to your response to confirm our understanding of your position where we have correctly stated it, add any further comments, or correct us where we have not stated something correctly. Your generosity in meeting with us and in reviewing and responding to this letter are greatly appreciated.

Sincerely,

Randall Davis
Senior Vice President
Government Relations and Safety Services

Cc: Stacey P. Ferguson