



LABOR AND EMPLOYMENT LAW

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Q

: May an employer lawfully ask its employees to endorse its products in blogs and other online social media?

A

: Yes, as long as there is full disclosure of the employee-employer relationship.

Effective December 1, 2009, the Federal Trade Commission ("FTC") revised its guidelines intended to protect consumers from deceptive endorsements and advertising. Under the guidelines, employers who fail to adopt internal policies forbidding comments that constitute "an endorsement" may be liable for the employee's activities.

At the least, to avoid liability an employer's policy must require employees to make full disclosure of their relationship to the employer when commenting on their employer online, such as "I am an employee of _____. I am not a company spokesperson, and these are my own opinions."