

FEC Rules on Disclaimer Requirements in Google Text Ads

November 2010

In Advisory Opinion 2010-19 issued on October 8, 2010, the Federal Election Commission (FEC) addressed disclaimer requirements for Google AdWords.

In the Google AdWords advertising program, advertisers pay Google to display text ads of 95 characters or less in response to certain search terms and content related to selected keywords. These text ads appear alongside search results or alongside related content within the Google Content Network. The text ads contain a URL address and allow an internet user to click on the ad and arrive at the advertiser's website. In this program, advertisers pay Google based on the number of times internet users click on the text ads.

Google wanted to sell text ads through the AdWords program to candidates, their authorized committees, and other political committees. The text ads would not contain disclaimers, but full disclaimers would instead appear on the advertisers' websites. In the end, the FEC concluded that, under the circumstances of this particular request, Google's conduct would not violate the Federal Election Campaign Act of 1971 or FEC regulations.

The FEC was, however, unable to reach a response to Google's broader questions about whether all text ads are exempt from regulatory disclaimer requirements and whether, if a disclaimer is required, the text of the ad could simply include a URL while the sponsor's website would include a full disclaimer.

Authors

Caleb P. Burns
Partner
202.719.7451
cburns@wiley.law