



To Whom It May Concern:

A public hearing will be held by the Office of Ohio Attorney General Dave Yost on Tuesday, December 3, 2019 at 9:30AM in the Rhodes State Office Tower, Conference Room 421, 30 E. Broad St., Columbus, OH 43215.

The purpose of the hearing is to solicit public comment on Rule 109:4-3-02 – Exclusions and Limitations in Advertising. Specifically, this rule requires that exclusions and limitations in advertisements must be disclosed to consumers. Amendments are being proposed to (1) Clarify that this rule applies to online ads of any type; and (2) Specify how disclosures must be made in audio and audiovisual ads.

The specific amended language of the rule is as follows:

- (B) Offers made through any audio or audiovisual medium including advertisements via radio, ~~or~~ television, or an online or digital medium, advertising must be preceded or immediately followed by a conspicuously clear ~~and~~ oral or written statement of any material exclusions, reservations, limitations, modifications, or conditions. Oral disclosures in audio or audiovisual advertisements must be spoken with sufficient deliberateness, clarity, and volume so as to afford a consumer a reasonable opportunity to hear and understand them. Written disclosures in audiovisual advertisements should appear in a form and for a duration sufficient to afford a consumer a reasonable opportunity to read and understand them.
- (D) It is a deceptive act or practice in connection with an offer made ~~on the internet~~ through any online or digital medium, to make any offer without stating clearly and conspicuously, in close proximity to the words stating the offer, any material exclusions, reservations, limitations, modifications, or conditions. Disclosures should be as near to, and if possible on the same screen, as the triggering offer. If scrolling or a hyperlink is necessary to view the disclosure, the advertisement should guide consumers with obvious terms or instructions to scroll down or click on the hyperlink. Hyperlinked disclosures should lead directly to the disclosed information and not require scrolling or clicking on any additional hyperlinks

All interested parties are invited to attend the hearing and present oral and/or written testimony. Written comments may also be submitted prior to the hearing to the attention of Andrew Hopkins, Policy and Legislation, Office of Ohio Attorney General Dave Yost, 30 East Broad St., Fl. 17, Columbus, Ohio 43215, or Andrew.Hopkins@OhioAttorneyGeneral.gov no later than Friday, November 29, 2019 by close of business.