



5. The iTunes store allows users to publicly review gaming applications available for purchase via the iTunes store. Such reviews are accomplished by means of a rating (of between one and five stars) and also written commentary. Readers of these reviews have the opportunity to confirm on the site whether or not they found them useful.

6. From approximately November 2008 through May 2009, Reverb employees, including individual Respondent Tracie Snitker, and company managers, posted public reviews about Reverb's clients' gaming applications in the iTunes store. These reviews were posted using account names that would give the readers of these reviews the impression they had been submitted by disinterested consumers.

7. In these reviews, Reverb employees endorsed the products by consistently giving Reverb's clients' gaming applications four and five star ratings. Reverb employees also submitted positive written comments, including but not limited to the following examples:

“Amazing new game”

“ONE of the BEST”

“*[Developer of gaming application being reviewed]* hits another home run with *[gaming application being reviewed]*”

“Really Cool Game”

“GREAT, family-friendly board game app”

“One of the best apps just got better” and

“*[Developer of gaming application being reviewed]* does it again!”

8. Through the means described in Paragraphs 5-7, respondents have represented, expressly or by implication, that reviews of certain gaming applications were independent reviews reflecting the views of ordinary consumers.

9. In truth and in fact, the reviews for those gaming applications were not independent reviews reflecting the views of ordinary consumers. The reviews were created by employees of Reverb, a company hired to promote the gaming applications and often paid a percentage of the applications' sales. Therefore, the representation set forth in Paragraph 8 was, and is, false and misleading.

10. Through the means described in Paragraphs 5-7, respondents have represented, expressly or by implication, that reviews for certain gaming applications reflected endorsements from persons who had used those gaming applications. Respondents failed to disclose that those reviews were written by employees of Reverb, a company hired to promote the gaming applications and often paid a percentage of the applications' sales. These facts would have been

material to consumers in their purchasing decision regarding the gaming applications. The failure to disclose these facts, in light of the representation made, was, and is, a deceptive practice.

11. The acts and practices of respondents as alleged in this complaint constitute unfair or deceptive acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this twenty-second day of November, 2010, has issued this Complaint against respondents.

By the Commission.

April J. Tabor  
Acting Secretary