

In today's rapidly evolving influencer marketing landscape, particularly within regulated categories such as hemp, CBD, and health-adjacent products, brands [Website link](#) must navigate a complex web of advertising disclosure requirements. One persistent misconception that undermines compliance efforts is the belief that placing disclosures in comments—rather than in primary post content—satisfies the Federal Trade Commission's (FTC) requirements. This practice, often referred to as a **buried disclosure**, fails to meet **FTC placement rules** and **visibility standards**, putting brands at risk.

Leading affiliate and influencer platforms like **Tomoson** and pioneering hemp wellness companies such as **Joy Organics** understand the importance of upfront and clear disclosures. With heightened scrutiny from regulators and enforcement agencies, brands must take proactive responsibility for supervising creator language, especially when promoting sensitive health-related products.

Understanding FTC's Expectations for Disclosures

The FTC has been explicit about how endorsements and sponsored posts should be disclosed. The agency's core mandate is transparency: consumers must clearly know when they are viewing paid marketing content.

FTC Placement and Visibility Standards

The FTC advises marketers to follow these three key principles regarding placement and visibility of disclosures:

- **Clear and Conspicuous:** Disclosures must be immediately noticeable to a reasonable consumer. Placing disclosures in hard-to-find locations defeats this principle.
- **Proximity to Endorsement:** The disclosure must appear close to the claims or endorsements to which it relates.
- **Easy to Understand Language:** Use simple terms like "ad," "sponsored," or "paid partnership"—avoiding vague or complex phrases.

Posting disclosures in comment sections contravenes these principles because comments are typically less visible and separate from the main endorsement, thereby failing the FTC's *placement rules* and *visibility standards*.

Why Buried Disclosures in Comments Fail FTC Compliance

The "Buried Disclosure" Problem

Buried disclosures refer to placing the required sponsorship disclosure somewhere other than the main content—commonly in the comments or below the fold. This method severely obscures the disclosure from consumer view for several reasons:

1. **Visibility:** Comments often require manual expansion and are frequently ignored by the majority of viewers.
2. **Proximity to Claims:** When benefits or product claims appear in the post but disclosures are relegated to comments, consumers cannot readily associate the sponsorship with the testimonial or health claims.
3. **Algorithmic Limitations:** Platforms such as **Meta** and **Google** deploy algorithms that index main post content preferentially, not comments, which reduces the reach and visibility of buried disclosures.

This practice contradicts clear FTC guidance. According to the FTC's official training resources and compliance manuals, brands and creators need to ensure disclosures are clear and in the main body of the post, video, or story—not hidden in comment threads.

Brand Responsibility for Creator Claims

Brands cannot pass the compliance burden entirely onto influencers or affiliates. The FTC holds brands accountable for the content they sponsor, particularly in regulated categories like health products, hemp, and CBD. This means brands must actively monitor and approve influencer language before content goes live—not after.

Platforms like Tomoson, which facilitate affiliate collaborations, often provide tools to pre-approve creator deliverables, helping brands avoid problematic claims or improper disclosure placements. Joy Organics exemplifies best practices by implementing stringent monitoring protocols and enforcing clear-cut disclosure policies across their influencer partnerships.

Approved vs. Prohibited Language Lists

Brands should supply creators with explicit *approved language lists* for claims and disclosures, alongside lists of prohibited phrases. This helps control messaging around health benefits, a particularly sensitive area that invites heightened regulatory scrutiny.



Approved Language Prohibited Language

- "Supports wellness"
- "Promotes relaxation"
- "Contains natural ingredients"
- "#ad" or "Sponsored"
- "Cures anxiety"
- "Prevents disease"
- "FDA-approved"
- "Underwritten by government health authorities"

Brands that do not regulate creator language risk enforcement actions from the FTC. They must train influencers thoroughly on these distinctions and emphasize the need to place disclosures prominently within the main endorsed content.

Health Product Claim Limits and Regulatory Safeguards

Health-adjacent products face strict limitations on claims. Particularly for hemp and CBD products—which have heightened visibility due to federal and state legal intricacies—claims must be factual, not misleading, and framed carefully.

Joy Organics has set an industry standard by coupling high-quality product education with compliant influencer messaging. Key regulatory safeguards include:

- Avoiding disease or treatment claims without FDA approval.
- Requiring disclaimers that products have not been evaluated by the FDA.
- Making general wellness statements rather than explicit health claims.

These limits define what language brands can allow creators to use. Coupling compliant language with prominently placed disclosures helps reduce risk and preserve consumer trust.

The Role of Platforms: Meta and Google’s Enforcement Environment

Social media and digital advertising platforms, such as **Meta** (Facebook, Instagram) and **Google**, are increasingly integrating enforcement mechanisms aligned with FTC guidelines. Both platforms have policies restricting undisclosed paid promotions, targeting deceptive or buried disclosures.

Meta’s branded content tools encourage transparency by enabling creators to tag branded partnerships, which insert automatic disclosures in post headers. However, this does not exempt brands from ensuring real compliance—if creators hide disclaimers in comments, algorithmic placement may mask them and users may remain uninformed.

Google’s policies on health-related advertising are stringent, disallowing misleading health claims and requiring clear disclosure in associated advertisements and video content. Advertisers must regularly audit their creator content to avoid policy violations that could limit ad reach or even result in suspension.

Best Practices for Brands to Ensure Compliant and Visible Disclosures

Brands operating in regulated categories can adopt the following best practices to ensure disclosures meet FTC standards and avoid the pitfalls of buried disclosures:

1. **Incorporate Disclosure Education:** Invest in FTC-specific training for creators, focusing on the importance of placement and visibility.
2. **Use Platform Tools:** Utilize branded content tools on Meta and disclosure features within Google Ads for automatic, visible sponsorship flags.
3. **Pre-approve Content:** Use platforms like Tomoson to vet and approve all influencer posts and disclosure language before publishing.
4. **Draft Clear Guidelines:** Provide comprehensive approved language and clear do’s-and-don’ts for claims and disclosures.
5. **Audit Post-Publication:** Continuously monitor published influencer content for compliance, removing or correcting buried disclosures.

Conclusion

Disclosures placed only in comment sections do not fulfill the FTC’s placement rules or visibility standards for paid endorsements and sponsored content. This noncompliance exposes brands—especially those in regulated health and hemp categories—to serious regulatory risk.

Brand responsibility extends to comprehensive creator oversight, proper training, and strategic use of approved vs. prohibited language lists to control claims. Industry leaders like **Joy Organics** demonstrate the efficacy of rigorous compliance programs, while affiliate platforms such as **Tomoson** provide valuable operational support.



By following FTC guidance and leveraging platform tools from **Meta** and **Google**, brands can ensure that disclosures are unmissable, truthful, and uphold consumer trust—ultimately fostering a healthier, more transparent influencer marketing ecosystem.