

## SUMMARY OF AMENDMENTS TO THE ERSP POLICY & PROCEDURES

1. Section 2.2(A)(i) creates a new Electronic Retailing Self-Regulation Program (“ERSP”) filing fee for all inquiries submitted by, or on behalf of, non-Electronic Retailing Association (“ERA”) member companies. The filing fee is made payable to the Council of Better Business Bureaus, Inc., (“CBBB”) in the amount of \$2,500 to help defray some of the administrative costs associated with the advertising review process. The President of the National Advertising Review Council (“NARC”) shall have the discretion to waive the fee for any challenger who can demonstrate economic hardship. If a review is administratively closed, the filing fee will be \$750 for non-ERA member companies. The difference between these administrative closing fees and the initial filing fee will be refunded to the challenger.
2. The opening paragraph of Section 2.1 reiterates that the ERSP case record is confidential and that all confidential submissions of the participants in an ERSP review shall be returned upon request. The only documents that must be retained by ERSP in a given case are the Decision and the Press Release.
3. Section 2.1 (D) adds language expressly stating that, regardless of the outcome of the inquiry, an ERSP decision should not be construed as an endorsement of the company, product or service.
4. Section 2.1(D)(iii) adds ERSP, NARC and the CBBB as parties that cannot be subpoenaed by the participants.
5. Section 2.1(D)(vi) was added to protect ERSP, NARC and the CBBB from any liability “... for any act or omission in connection with any inquiry or review.”
6. Section 2.1(D)(iv) includes a provision stating that a party is to pay attorneys fees and costs if a subpoena is attempted in violation of section 2.1(D)(iii).