

Jerk.com Practices Deceive Consumers, FTC Charges

The operators of jerk.com may be the real jerks—and may be violating federal law—according to charges levied by the Federal Trade Commission (FTC) in an administrative complaint.

The FTC accused Jerk, LLC, the operator of jerk.com, with harvesting personal information from Facebook to create profiles labeling people as a “jerk” or “not a jerk,” and enabling users to vote on the person’s designation. The online profiles allowed any user to enter the profiled subject’s age, address, mobile phone number, email address, occupation, school, employer, home phone number, license plate number, Twitter, MySpace, LinkedIn and eBay account information.

For a fee of \$30, people who appeared on the website could then have jerk.com manage their profiles. However, jerk.com did not manage their profiles. Jerk.com also charged \$25 customer service fee to email the website’s customer service department, and ignored numerous requests, including requests from law enforcement officials, to take down pictures and profiles.

“Some savvy consumers contacted Jerk’s registered agent or web host and requested that [jerk.com] delete their photo, or a photo of their child, which was originally posted on Facebook. In numerous instances, Jerk did not respond to consumers’ requests and did not remove their photos from Jerk’s website,” the complaint states.

The FTC found that, of the more than 73 million to 81 million profiles on jerk.com, between “2.7 to 6.8 million Jerk profiles contained a photo of a child who appeared to be under age 10. Some photos featured intimate family moments, including children bathing and a mother nursing her child. Often, Jerk profiles featured photographs of children, which were collected without their parents’ knowledge or consent,” the complaint said. “In at least once instance, [jerk.com] ignored a request from a sheriff’s deputy to remove a Jerk profile that was endangering a 13-year-old girl.”

In statements to the public under its “Remove Me” website section, the company proclaimed that “no one’s profile is ever removed because Jerk is based on searching free open internet, searching databases and it’s not possible to remove things from the Internet. You can however use Jerk to manage your reputation and resolve disputes with people who you are in conflict with.”

The FTC alleges that jerk.com’s statement that the content was user generated was “false or misleading” because jerk.com “created the vast majority of profiles using improperly obtained Facebook information.” The FTC also alleges that Jerk’s statements that consumers who paid the \$30 membership fee to dispute information posted on Jerk were “false or misleading” because the consumers received nothing from Jerk “in exchange for their payments of the membership fee.”

The issuance of an FTC administrative complaint is the beginning of a proceeding in which the allegations will be tried in a formal hearing before an administrative judge.

In the Matter of Jerk, LLC, d/b/a Jerk.com and John Fanning, Docket No. 9361, April 7, 2014.