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Business

FTC says Mass. site Jerk.com ‘deceptive’

By [Matt Rocheleau](#) | GLOBE STAFF APRIL 08, 2014

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The Federal Trade Commission is alleging that the Massachusetts-based website Jerk.com and its owner, Napster cofounder John Fanning, deceived consumers when they collected personal information from Facebook to create profiles labeling more than 73 million people, including children, as either a “jerk” or “not a jerk.”

The website falsely claimed that people could pay \$30 to revise their online profiles, according to an administrative complaint the federal agency filed last week.

Federal regulators said that Jerk.com misled people when it claimed the content on Jerk.com had been created by other

users of the site, when in fact most of the site's content was harvested from Facebook.

Jerk.com unsuccessfully sought to have the FTC investigation dismissed, last year calling it "clearly a fishing expedition and it is being conducted at the expense and burden of Jerk, LLC."

Jerk.com ultimately lost that appeal. Then on Monday, administrators of the website shifted blame to Facebook for allowing users' information to be publicly available.

"It's certainly about time that the FTC finally agrees with us and will clamp down on Facebook for what is clearly a unfair and deceptive practice that the Facebook founder has been exploiting for a very long time," the company said in an emailed statement.

Facebook said that Jerk.com is to blame for exploiting its users' information.

"We take breaches of our terms seriously," said Facebook spokeswoman Genevieve Grdina. "We applaud the FTC and will continue to work with them as they pursue Jerk.com and others that seek to abuse people who use our service."

Fanning is from Hull, according to the FTC, and is the uncle of Shawn Fanning, founder of the pioneering music-download service Napster.

In its complaint, the FTC said Jerk.com "improperly obtained" users information from Facebook and made it appear that it had come from people the users knew.

"Upon viewing their photos on Jerk.com, many believed that someone they knew had created their Jerk.com profile," the Federal Trade Commission said Monday. "Jerk reinforced this view by representing that users created all the content on Jerk."

"But in reality, the defendants created the vast majority of the profiles by misusing personal information they improperly obtained through Facebook," the commission added.

Jerk.com allegedly set up "numerous websites" with Facebook which gave it access through Facebook

systems to download information on millions of Facebook users, included material the users had designated as private.

“Some of them featured intimate family moments, including children bathing and a mother nursing her child,” the FTC said.

The profiles also allegedly included ways for site users to: vote on whether a person was a “jerk” or not; enter personal information about the individual; and post comments about the person.

The FTC said that “derisive and abusive comments” were posted on some profiles, such as: “Omg I hate this kid he’s such a loser” and “Nobody in their right mind would love you . . . not even your parents love [you].”

Then Jerk.com would offer to clean up the profiles by charging consumers \$30 for a subscription that would allow them to dispute unfavorable information.

But, the FTC said, “in many cases, consumers who paid the customer service or subscription fee often got nothing in return.”

The federal agency said it is seeking an order to end the company’s “deceptive practices” and to force the company to stop using and delete the personal information it obtained.

Material from Globe wire services was used in this story. A version of this story first appeared on Boston.com. Matt Rocheleau can be reached at matthew.rocheleau@globe.com. Follow him on Twitter [@mrochele](https://twitter.com/mrochele).

Correction: Because of a reporting error, an earlier version of this article incorrectly identified statements as being made by Fanning’s attorney Maria Crimi Speth. The statements were in fact made by website administrators at Jerk.com. Speth did not comment for this story.

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