

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

TRAVELERS UNITED
2833 Alabama Ave SE #30736
Washington, D.C. 20020,

Plaintiff,

Civil Action No. 2024-CAB-004159

v.

CHRISTOPHER OLSEN (D.B.A. CHRIS OLSEN)

[REDACTED]

Defendant

AND

CHRIS OLSEN MEDIA INC.

[REDACTED]

Defendant.

**COMPLAINT FOR VIOLATIONS OF THE
CONSUMER PROTECTION PROCEDURES ACT**

Travelers United brings this action pursuant to D.C. Code § 28-3905 for injunctive relief and statutory damages against Christopher Olsen and Chris Olsen Media Inc. for violations of the District's Consumer Protection Procedures Act ("CPPA"), D.C. Code § 28-3901, et seq. In support of its claims, Travelers United states as follows:

INTRODUCTION

1. This is a misleading and deceptive advertising case. For many years Christopher Olsen, also known as Chris Olsen, has run personal social media accounts. He does business through his LLC, Chris Olsen Media. He has not always disclosed that he has a financial relationship with the companies or brands he is promoting. Travelers United is taking action to force him to make corrective disclosures on all social media posts where he promotes products or services.
2. Christopher Olsen is a social media influencer. An influencer is a social media personality who posts photos and content in addition to pitching and advertising products amongst those photos and content.
3. Chris Olsen is most active on TikTok (@Chris) where he has 12.8 million followers and 1.3 billion likes. TikTok is owned by ByteDance Ltd. which is headquartered in Beijing, China.
4. Chris Olsen is also active on Instagram. Instagram is a Meta owned social media platform where people can post photos in three ways. The first is where people can post individual photos that stay on the social media personality's account forever unless deleted. The second way to post photos on Instagram is through Instagram stories which, unless saved to their account, disappear within 24 hours. The third is through Instagram reels which are a short video, similar to TikTok. Chris Olsen (@chrisolsen) has 1.8 million Instagram followers as of May 2, 2024.
5. Chris Olsen conducts his social media influencing business from California.
6. Instagram is a social media platform that is visible throughout the world, unless blocked by the local government. People with a high number of followers, such as Chris Olsen,

have the option on turning off a specific country's viewership.¹ Olsen has made his Instagram account accessible to the audience of the United States of America, including the District. TikTok is also a social media platform that is viewable throughout the world unless it is blocked by the local government. Currently TikTok is accessible throughout the United States. Olsen's TikTok account is also viewable from Washington, D.C.

7. Companies, like Tourism Australia, pay influencers like Chris Olsen, to promote their products or services to their followers.
8. Chris Olsen Instagram and TikTok accounts are all used to advertise, market and sell goods and/or services to residents of the District of Columbia.

JURISDICTION

9. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 28-3905.
10. This Court has personal jurisdiction over the Defendants pursuant to D.C. Code § 13-423(a).

PARTIES

11. Plaintiff is a nonprofit public interest organization for the purpose of promoting interests and rights of consumers empowered to sue and be sued. The mission of Travelers United is to improve and enhance travel for consumers across all modes of travel. Travelers United has been instrumental in advocating against misleading and deceptive advertising federally and locally in the District. Travelers United has met with the DC Council and

¹ Ivan Mehta, Instagram Is Testing Geo-Restriction For Stories and Posts, THE NEXT WEB (Sep. 20, 2018), <https://thenextweb.com/apps/2018/09/20/instagram-is-testing-geo-restriction-for-stories-and-posts/>

their staff regarding the issue. Nationally, Travelers United has worked and met with members of Congress, the National Association of Attorneys General, other national consumer advocacy groups and the Federal Trade Commission (FTC) educating, alerting and advocating against false, deceptive and misleading claims from social media influencers² in addition raising concerns about a lack of disclosures in social media influencing.³ Travelers United filed a case of first impression regarding false claims and lack of advertising disclosures regarding travel social media influencing in the District's Superior Court.⁴ Travelers United, based in Washington, D.C. has members who reside in Washington, D.C.

12. Defendant Chris Olsen lives in California and his LLC is based in California.

13. Tourism Australia is the Australian Tourism Board. According to their website, "Tourism Australia is the Australian Government agency responsible for attracting international visitors to Australia, both for leisure and business events. The organization is active in 15 key markets and activities include advertising, PR and media programs, trade shows and industry programs, consumer promotions, online communications and consumer research."⁵

14. As a social media influencer, Chris Olsen is himself a brand and he is promoting a service that benefits him – both physically (a vacation) and financially (he was paid in exchange for the advertised posts on social media). The influencer is the brand has

² Travelers United, *Paid Influencers Are Not Disclosing Their Partnerships*, TRAVELERS UNITED BLOG (Sep 28, 2021) <https://www.travelersunited.org/paid-influencers-are-not-disclosing-their-partnerships/>.

³ Travelers United, *Who is the social media sheriff of Instagram?* TRAVELERS UNITED BLOG (March 2, 2022) <https://www.travelersunited.org/social-media-sheriff-of-instagram-facebook/>.

⁴ Taylor Lorenz, *Does traveling to every country count if you don't post on the Internet?*, THE WASHINGTON POST, (last visited March 12, 2024) <https://www.washingtonpost.com/technology/2022/04/13/travel-influencer-lawsuit-cassie-de-pocol/>

⁵ Tourism Australia - About, <https://www.tourism.australia.com/en/about/our-organisation.html> (last visited May 8, 2024).

already been successfully argued by Travelers United before in *Travelers United v. Expedition 196, LLC, et al.* The influencer could be a merchant as defined by CPPA. There the October 13, 2023 order denying defendants’ motion to dismiss and motion to strike in *Travelers United v. Expedition 196, LLC, et al.* stated “the complaint makes out a plausible claim that Ms. De Pecol is sufficiently connected with the supply side of commerce to qualify as a merchant under the CPPA.” Here Tourism Australia paid and gave free services to the merchant, the influencer Olsen, to promote its product to District residents.

CHRIS OLSEN’S DECEPTIVE ADVERTISING PRACTICES
Defendants’ Practice of Misleading and Deceptive Advertising

15. This action was commenced after Chris Olsen posted an undisclosed advertisement for Tourism Australia on his personal social media accounts.
16. Influencers are defined by the American Bar Association as “any person with credibility who can influence the opinions or purchase decisions of others.”⁶ When asked to describe an influencer in the HBO Documentary *Fake Famous*, Taylor Lorenz, a *Washington Post* technology reporter, described them as “somebody who is half entrepreneur and half celebrity.” Hana Hussein, a social media manager, described an influencer in the documentary as “anyone who has access to a large following whether it is real or fake and they are able to promote themselves or brands.”⁷

⁶ Mark Goodrich and Jason Howell, *Influencers: What Every Brand and Legal Counsel Should Know*, THE AMERICAN BAR ASSOCIATION, (last visited April 29, 2024) https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2018-19/september-october/influencers/.

⁷ FAKE FAMOUS (Nick Bilton, 2021)

17. The higher someone's follower count is on social media, the more that social media star can charge to "influence" their followers. Influencing is big business. *Business Wire* reports that "three out of four shoppers have purchased a product or service because an influencer recommended it... They want to see products or services in action before purchasing, with 38% of shoppers saying this is the primary reason they turn to influencers for recommendations. For Gen Z respondents, in particular, 66% watch reviews on social media before making a purchase."⁸
18. *The Wall Street Journal* reports that "Goldman Sachs predicts, the creator economy – the amount of money influencers gross by monetizing their content on various platforms – could roughly double to \$480 billion by 2027, from \$250 billion today."⁹
19. The goal of influencing on Instagram, and other social media platforms, is to get as many followers and as much engagement (people liking and commenting on posts, people watching their Instagram stories) as possible. That shows to a brand that a certain influencer has a loyal and engaged following who will listen to what products said influencer recommends. Companies pay influencers big money to advertise on behalf of their brands. Kim Kardashian has reported earning up to one million dollars per Instagram post¹⁰ while her sister Kylie Jenner is reportedly earning 1.2 million dollars per Instagram post. Cristiano Ronaldo, the soccer star who happens to be the most followed

⁸ BUSINESS WIRE, New GRIN survey reveals the fundamental role that content creators play in the modern consumer's buyer journey, March 20, 2024, <https://www.businesswire.com/news/home/20240320786326/en/U.S.-Shoppers-Are-Under-the-Influence-74-of-Consumers-Have-Purchased-a-Product-Because-an-Influencer-Recommended-It>

⁹ Beth DeCarbo, *What It Takes to Succeed as A Social Media Influencer*, THE WALL STREET JOURNAL, February 20, 2024, <https://www.wsj.com/personal-finance/social-media-influencer-how-311a5c8e>.

¹⁰ Alicia Brunker, *Kim Kardashian Says She Makes More Money on Instagram Than for an Entire Season of KUWTK*, IN STYLE, October 18, 2020, <https://www.instyle.com/celebrity/kim-kardashian-makes-more-money-on-instagram-than-kuwtk>

person on Instagram, commands \$975,000 per Instagram post.¹¹ Very large sums of money are paid by brands to influencers to have them promote products on Instagram and other forms of social media. “Lives that can be monetized”¹² summarizes Jo Piazza on her podcast *Under the Influence*. Jo Piazza reports that there is a by post baseline for how much influencers get paid per post and that is “\$100 per 10,000 followers.”¹³

20. Alexandra Roberts, Professor of Law at Northeastern University, writes in *False Influencing* in *The Georgetown Law Journal* “Influencer marketing can be benign. But it creates an exceptionally fertile breeding ground for deception and consumer harm. Individuals, rather than brands, push out advertising messages, making it easy to mislead consumers without repercussions. Because of the trust consumers place in the influencers they follow, they may be materially deceived when influencers make false statements about products or about their experiences with them, endorsing things they don’t actually use, wear, or like. Influencers nondisclosure of the commercial relationship can be deceptive: according to some reports, over 90% of influencers fail to properly disclose when their posts are sponsored. Omitting sponsorship disclosure enables paid content to masquerade as organic buzz and peer-to-peer testimonial, rendering misrepresentations even more persuasive. Companies know disguising the commercial nature of the speech and presenting the endorsement as organic increases its effectiveness.”¹⁴

¹¹ BBC, *How much does Kylie Jenner earn on Instagram?* *WWW.BBC.CO.UK*, (July 26, 2019) <https://www.bbc.co.uk/newsround/49124484>.

¹² Jo Piazza, *A More Perfect Mother*, UNDER THE INFLUENCE PODCAST, (February 4, 2021) <https://open.spotify.com/episode/67Rtv0Hfcq0pm7KCFcKMnU>.

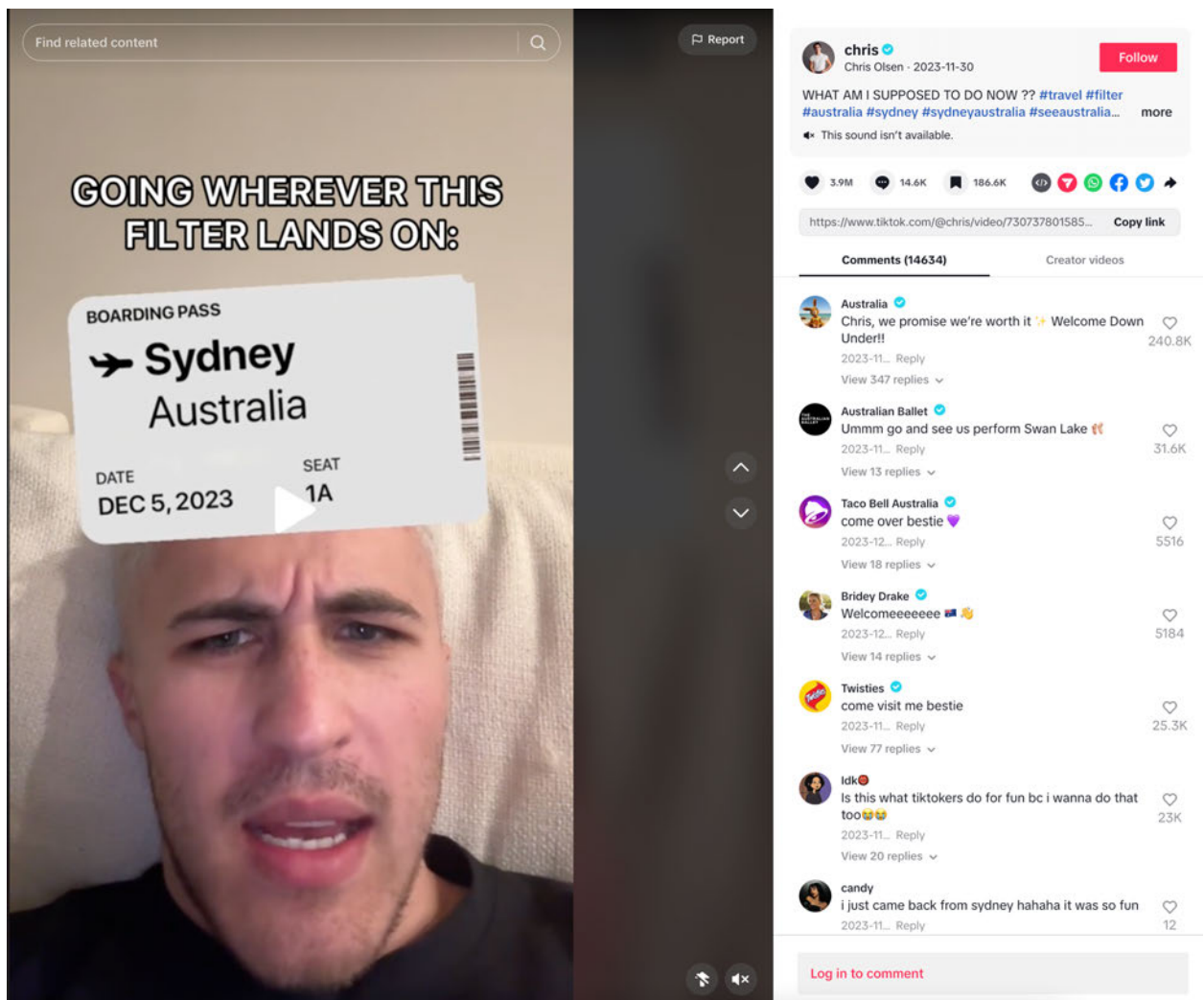
¹³ Jo Piazza, *A More Perfect Mother*, UNDER THE INFLUENCE PODCAST, (February 4, 2021) <https://open.spotify.com/episode/67Rtv0Hfcq0pm7KCFcKMnU>.

¹⁴ Alexandra Roberts, *False Influencing*, Vol. 109 *The Georgetown Law Review* 81 (2020).

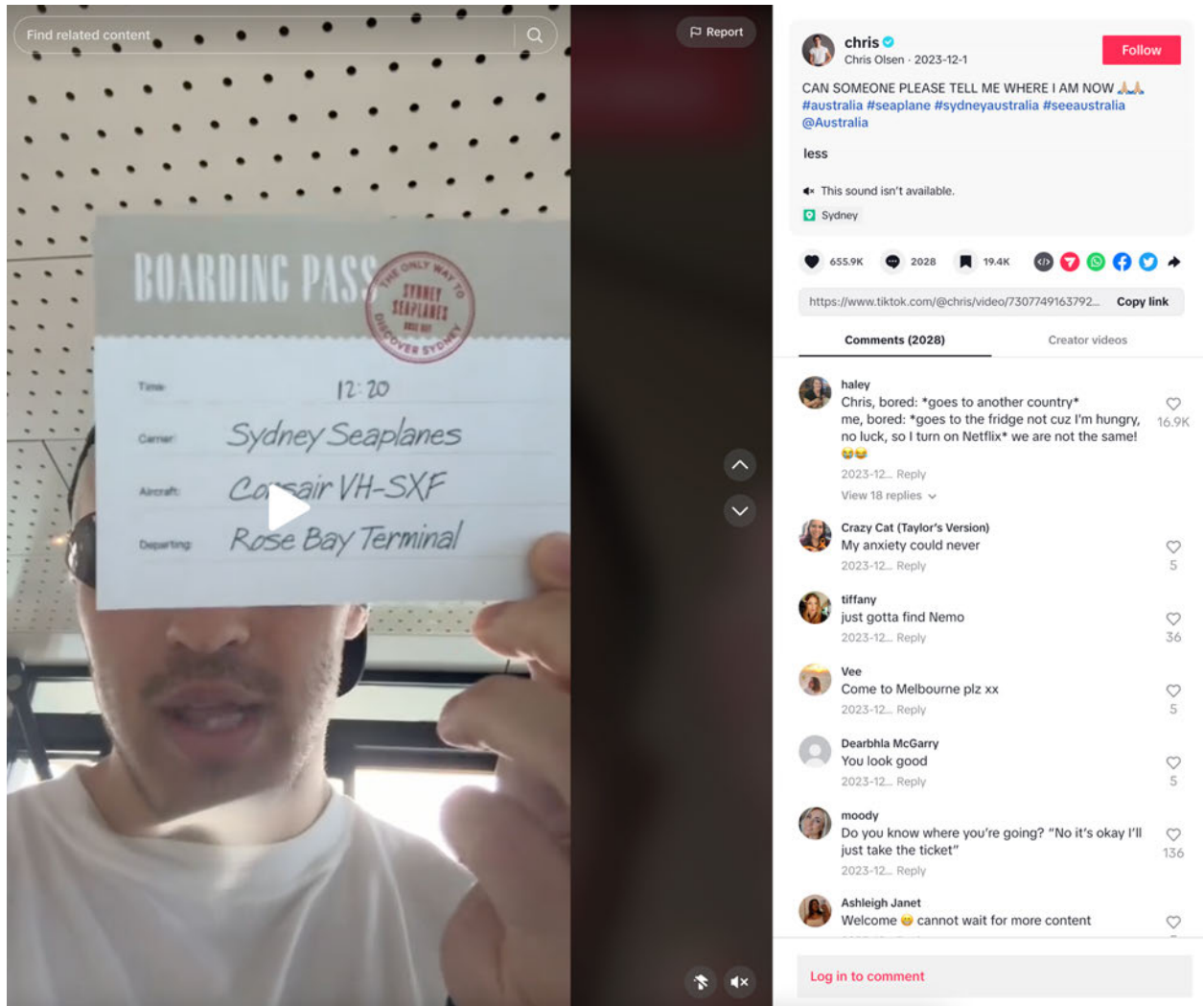
21. Taylor Lorenz, a *Washington Post* technology reporter, reported in her book *Extremely Online* about the history of the Federal Trade Commission requirement of the “Ad” disclosure in a social media caption for a sponsored post. She writes “while this short hashtag at the bottom of a long post may seem slight, the issue was of tremendous importance in the online creator world. Some influencers’ livelihoods depended on the money they made from unacknowledged endorsements. Creators worried that revealing which brands were paying them would kill their authenticity, repelling their audience. Even the influencers who strove for transparency were wary of angering advertisers by adding disclosure if they weren’t explicitly asked to. Advertisers, for their part, thought consumers would be less likely to buy products if they saw influencers’ posts as ads. Disclosure, they all understood, would stop the music.”¹⁵
22. Advertisers think that consumers would be less likely to buy products if they saw influencers posts as advertisements. Despite the FTC requirement that material connections between a brand and an influencer be disclosed clearly and conspicuously, many influencers continue to ignore the FTC guidelines for influencers. Many influencers do not prominently disclose when a social media post is an advertisement.
23. Chris Olsen has an undisclosed material connection to Tourism Australia. He posted about travel to Australia repeatedly on social media. He never disclosed any material connection to the brand. On November 30, 2023, Chris Olsen posted a TikTok promoting Australia without disclosing that he was being paid to post this content on TikTok. The video link is: <https://www.tiktok.com/@chris/video/7307378015858609450>. Over 3.9 million people saw this TikTok video and it has 15,200 comments and 186,600

¹⁵ Taylor Lorenz, *EXTREMELY ONLINE* (2023).

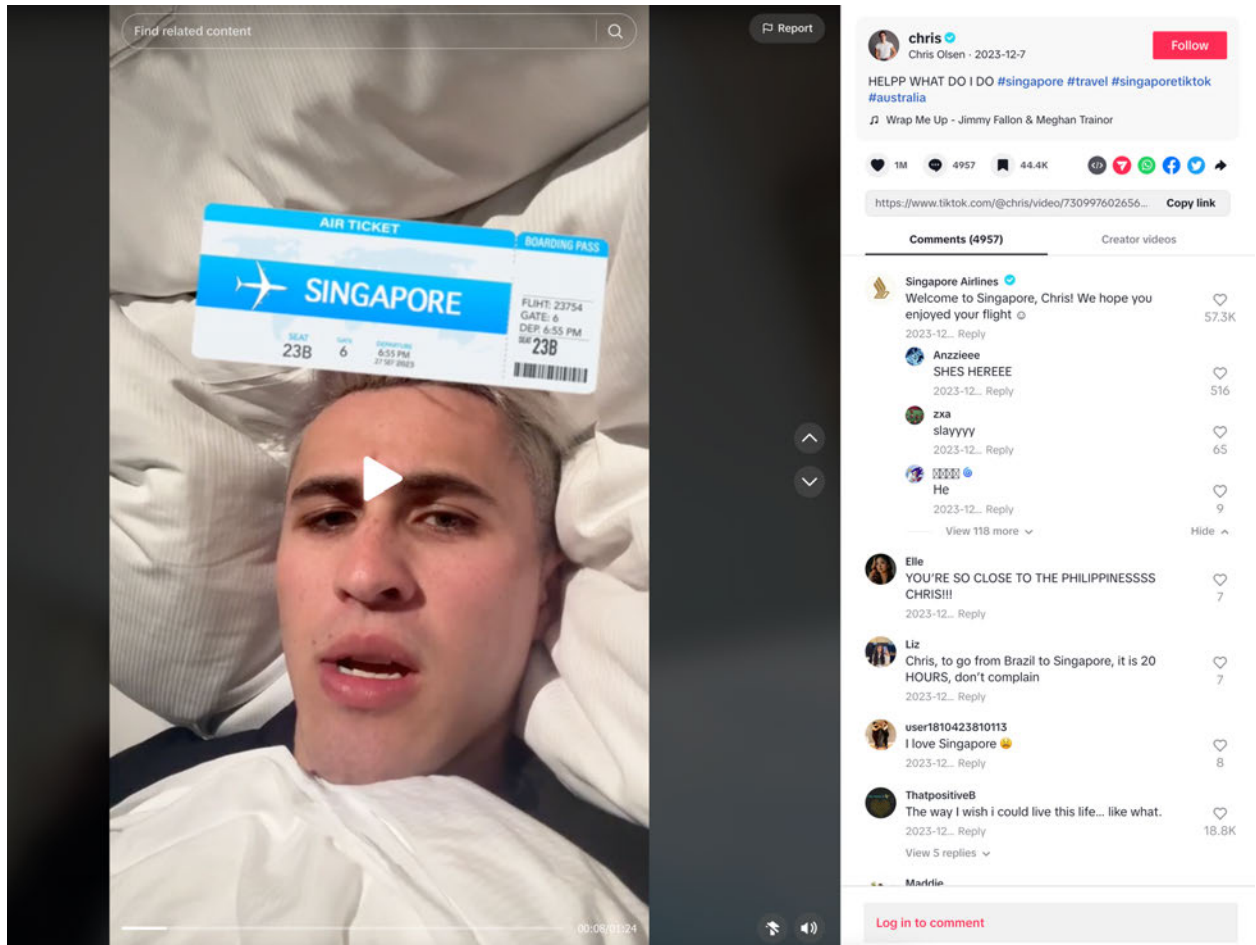
bookmarks. It's been forwarded 10,200 times. The video was made to look like Chris Olsen spontaneously decided to travel to Australia.



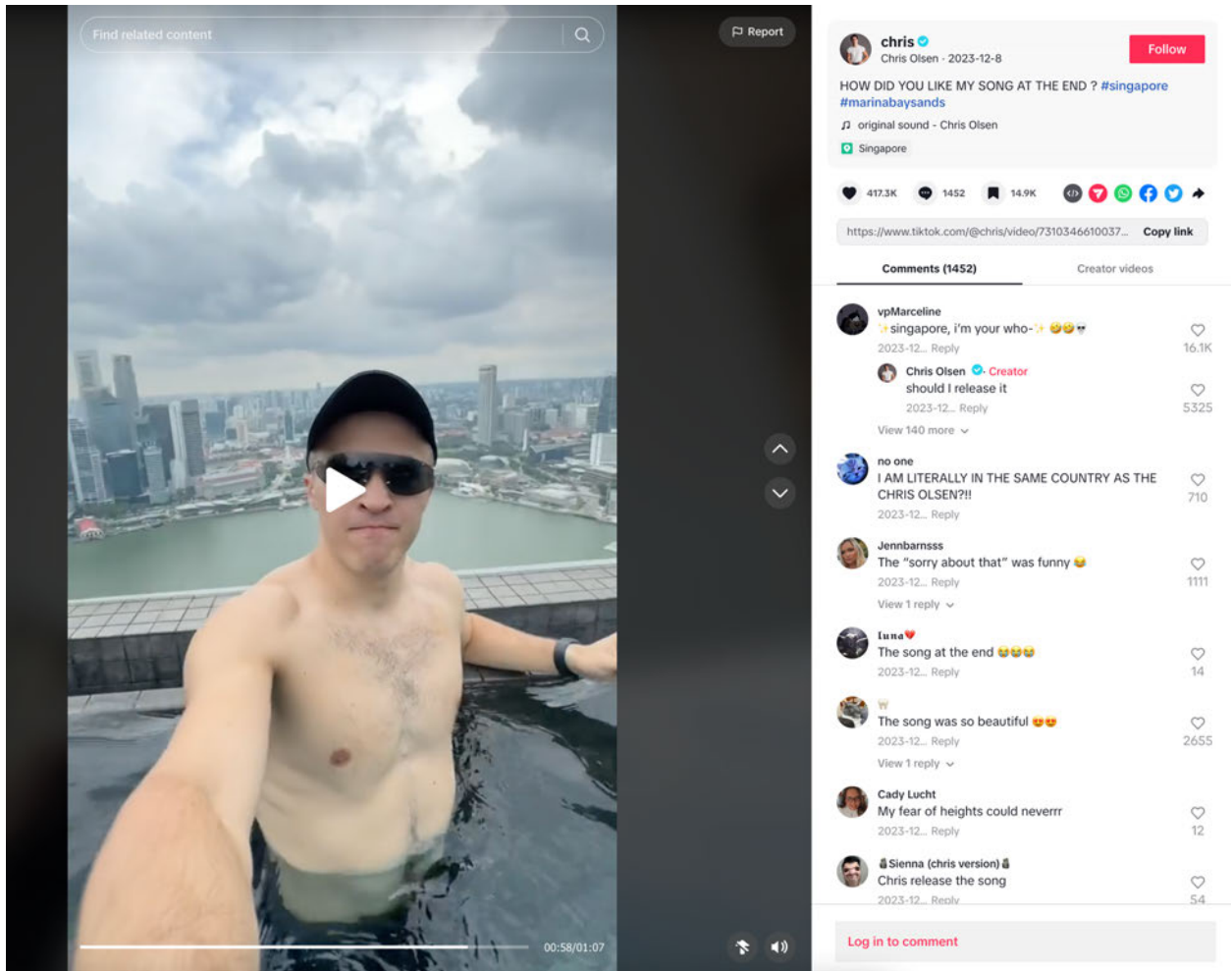
24. Then on December 1, 2023, Chris Olsen posts another TikTok from Australia. Again, he does not disclose that he is being paid to post these TikToks. The TikTok: <https://www.tiktok.com/@chris/video/7307378015858609450>. This video has 655,900 likes, 2138 comments and 19,400 bookmarks.



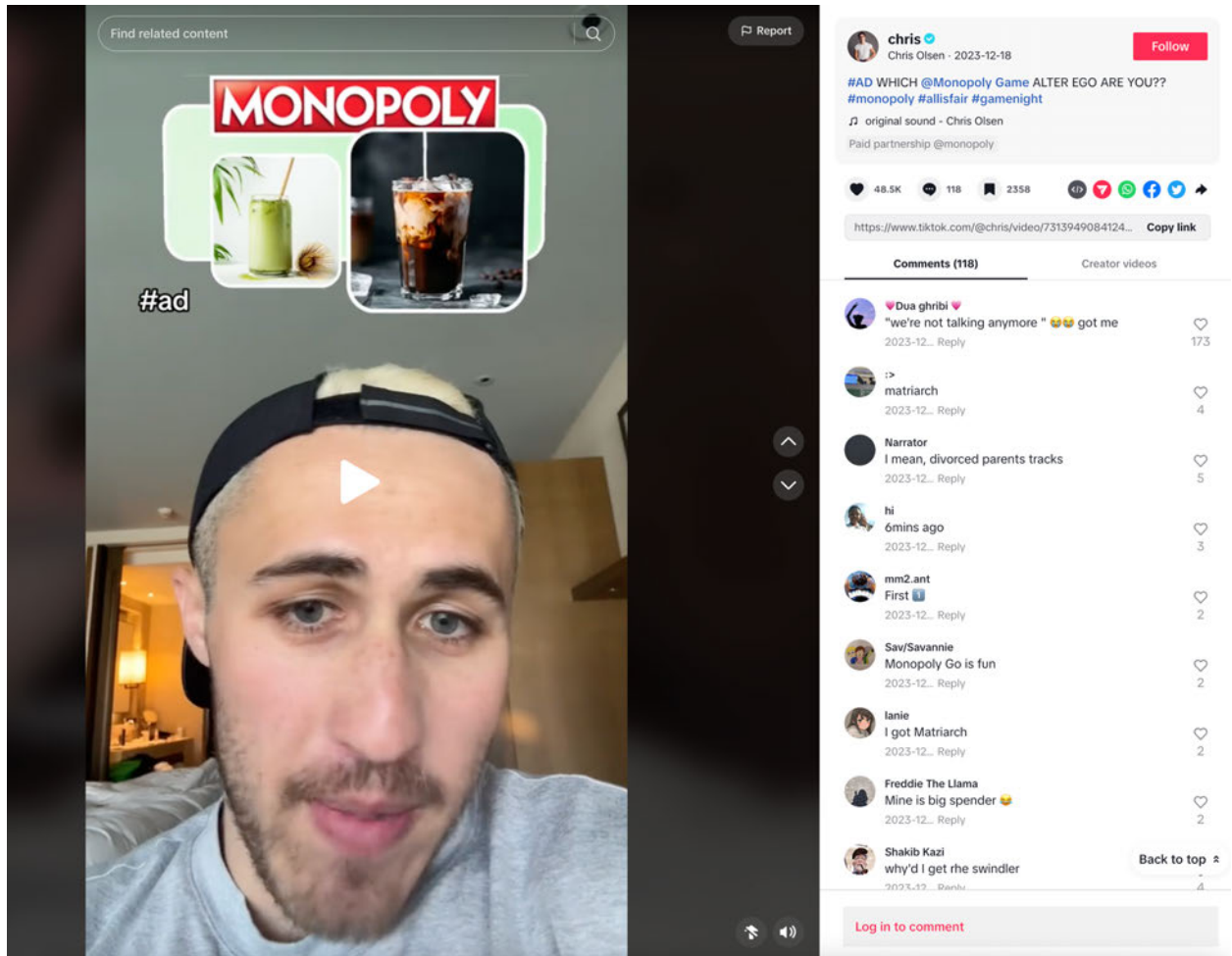
25. Then Chris Olsen subsequently posted a similar video on December 7, 2023 making it look like he was spontaneously decided to travel from Australia to Singapore. Video: <https://www.tiktok.com/@chris/video/7309976026560351531>. This video has one million likes, 5,015 comments and 44,400 bookmarks.



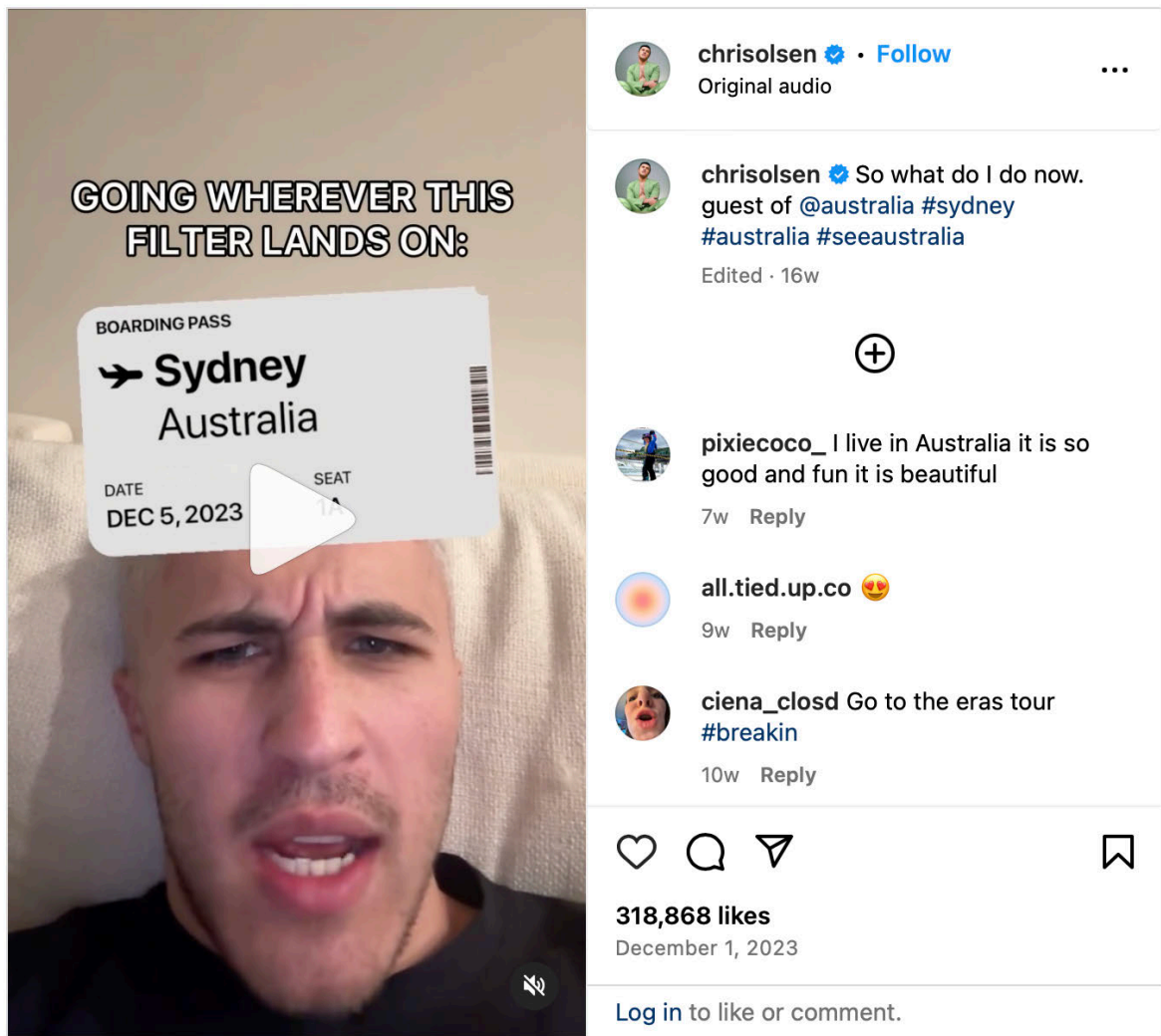
26. When in Singapore, Chris Olsen posted a TikTok on December 8, 2023 promoting the Marina Bay Sands hotel in Singapore. He did not disclose if this post was an advertisement or if he got a free or discounted stay in exchange for this post. Video <https://www.tiktok.com/@chris/video/7310346610037361962>. This video has 417,300 likes, 1456 comments and 14,900 bookmarks.



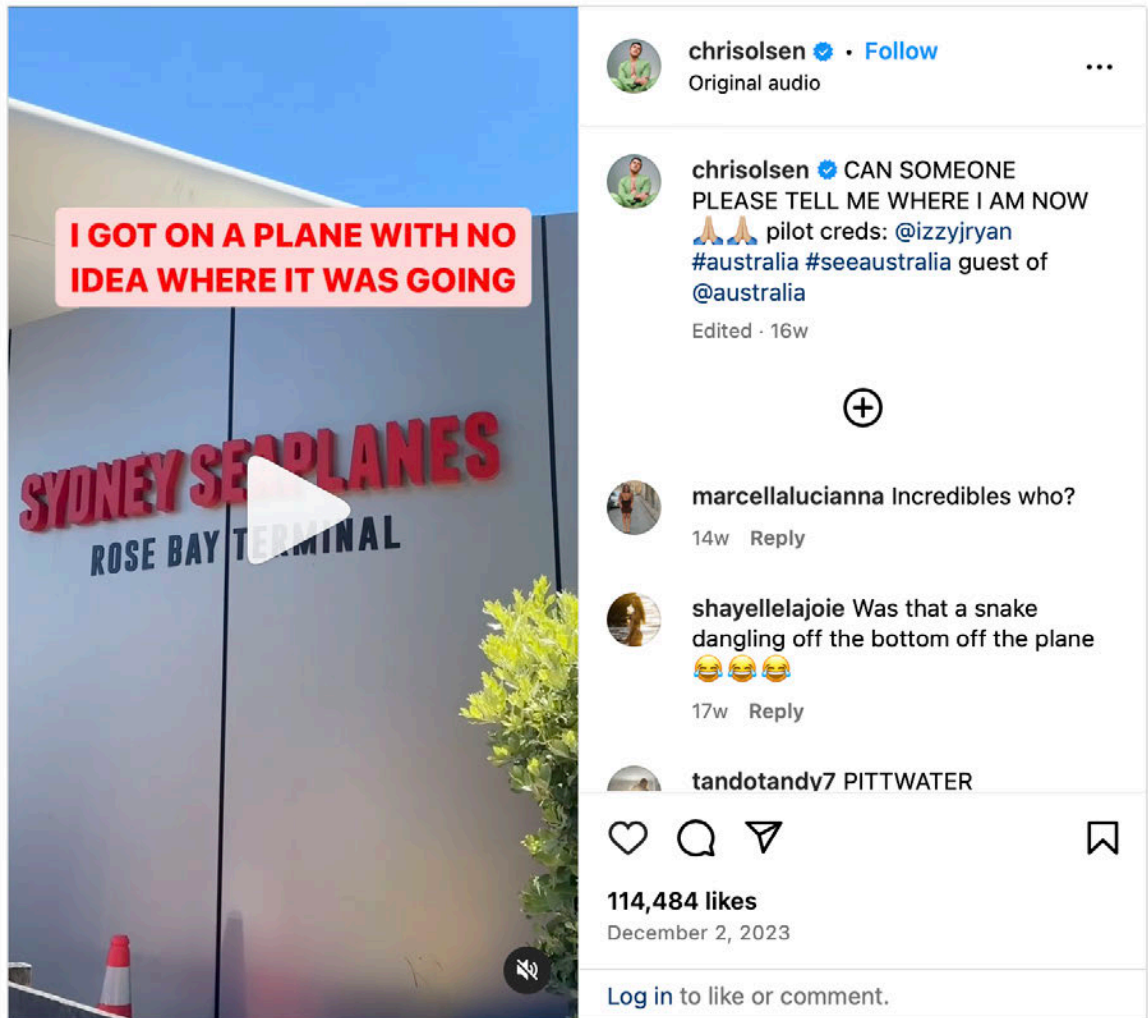
27. Olsen clearly knows that he needs to disclose when he is making advertisements. Some of his TikToks are clearly labeled as ads and he makes clear and conspicuous disclosure that he is posting advertisements. Take for example the below advertisement he posted for the game Monopoly.



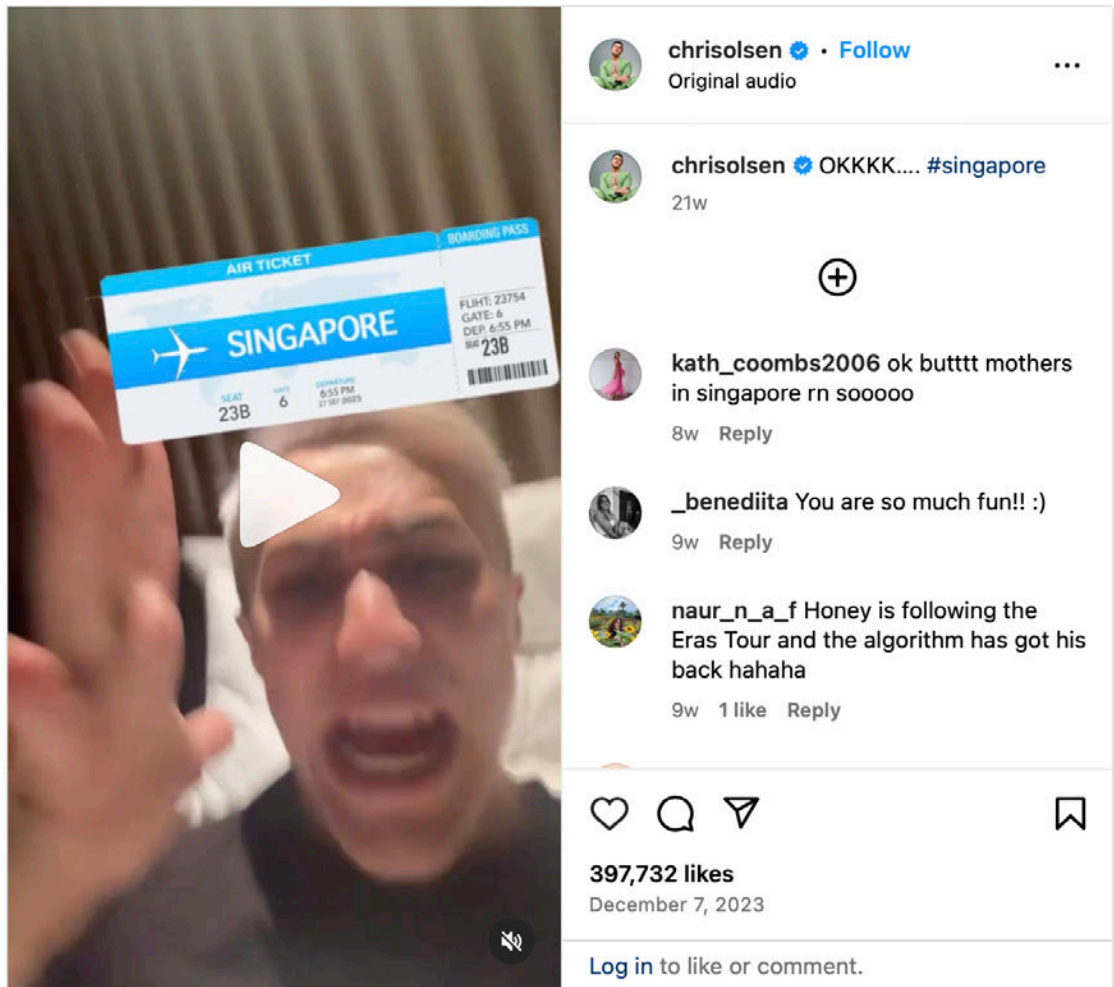
28. Olsen also posted the Australia content on his Instagram page. On December 1, 2023 he posted the same TikTok video to Instagram reels. He got 352,249 likes on this post and the post received 1,416 comments. He captioned the post “So what do I do now. Guest of @australia #sydney #australia #seeaustralia.



29. On December 2, 2023, he posted the same TikTok video about the Australia on his Instagram page. The video received 118,539 likes and

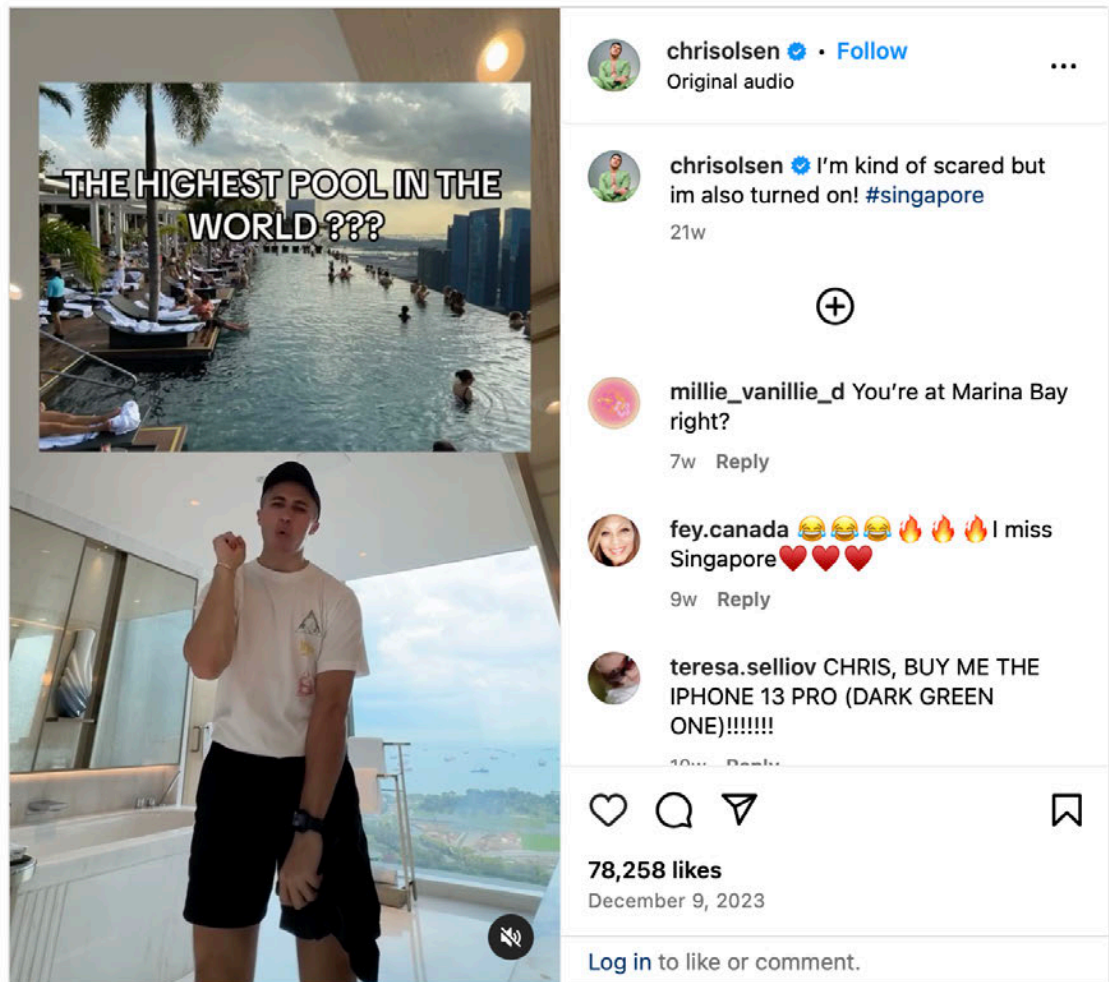


30. On December 7, 2023 he posted the same Singapore video he posted on TikTok to his Instagram page.



31. On December 9, 2023 he posted on Instagram the same video promoting the Marina Bay Sands Hotel in Singapore that he posted to TikTok. There is no advertising disclosure

anywhere in the post or in the video.



32. Multiple people on TikTok pointed out that Chris Olsen was clearly paid by the Australian Tourism Board but that he did not disclose properly when he made his travel related TikToks. A TikToker from the account @NotAnnaReportsNews made a TikTok on January 25, 2024 titled "Chris Olsen and other influencers not disclosing sponsored

trip to australia?”¹⁶ where Anna says “Influencers have legal guidelines that they have to follow and sponsorships have to be clearly disclosed...It feels very misleading. This was not an impulsive trip. This was a very well planned trip that had all expenses paid for it. They are influencing other people to go there.” TikTok creator Alice from the account @Aliceisgratified made a TikTok about Chris Olsen’s undisclosed Australia posts on social media. She said “the fact that it has now come out in the media so publicly that he was paid to do this is just such an erosion of trust between him and his audience. He was essentially lying by saying I am taking an impromptu trip to Sydney...All three influencers in this campaign have worked on many commercial campaigns before and they will know well what their responsibilities are in terms of disclosure...A creator just not tagging something like this, I don’t think for much longer will be seen as a whoopsie daisy I forgot moment and it really will be seen as misleading and damaging. I really hope that this kind of situation and the PR trouble that Chris has gotten into because of this will see more of a move to better more responsible disclosure.”¹⁷

33. Despite multiple social media accounts discussing this and The Sydney Morning Herald reporting¹⁸ that influencers were given \$90,000 in their visit to Australia, Olsen never went back and corrected the disclosure of his posts. There was not any press apparently about his visit to the Marina Bay Sands Hotel in Singapore but press not picking up on a likely connection certainly does not mean there is not one.

¹⁶ NotAnnaReportsNews, “Chris olsen and other influencers not disclosing sponsored trip to Australia?”, TikTok. January 25, 2024, <https://www.tiktok.com/@notannareportsnews/video/7328209318573198638>

¹⁷ Aliceisgratified, “UH-HO! Back in November and early December much-loved TikTok personality Chris (Chris Olson) took a trip to Australia 'on a whim', and though the content wasn't disclosed as an ad it got my compliance spidey senses tingling”, TikTok. January 23, 2024, <https://www.tiktok.com/@aliceisgratified/video/7327345596879097121>

¹⁸ Mary Ward, *Drunken nights, nauseous seaplane ride: Influencers given \$90,000 visit to Australia*, THE SYDNEY MORNING HERALD, (December 17, 2023), <https://www.smh.com.au/national/drunken-nights-nauseous-seaplane-ride-influencers-given-90-000-visit-to-australia-20231215-p5ert9.html>

CAUSE OF ACTION
(Violations of the District of Columbia Consumer Protection Procedures Act)

34. The allegations of paragraphs 1 through 33 are re-alleged as if fully set forth here.
35. The CPPA is a remedial statute that is to be broadly construed. It establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia §28-3901(c).
36. Travelers United has standing to bring this Count under §28-3905(k)(1)(D)(i) “Subject to sub-paragraph (ii) of this subparagraph, a public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such practice.” Travelers United is a public interest organization, with members in the District, that has done significant advocacy work against deceptive advertising across the travel industry, both locally in DC and on the federal level. Deceptive and misleading social media advertising is a trade practice in violation of a law of the District.
37. The District’s Consumer Protection Procedures Act §28-3901(d) states “in construing the term ‘unfair or deceptive practice’ due consideration and weight shall be given to the interpretation by the Federal Trade Commission and the federal courts of the term “unfair or deceptive act or practice,” as employed in section 5(a) of An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes, approved

September 26, 1914 (38 Stat. 719; 15 U.S.C. § 45(a)).” The Federal Trade Commission (FTC) has long had guides concerning the use of endorsements and testimonials in advertising.¹⁹ The Federal Trade Commission’s 2019 “Disclosures 101 for Social Media Influencers” clearly states that “simple and clear language” should be used such as “advertisement,” “ad” and “sponsored” to disclose when a social media post is an advertisement.²⁰ The Federal Trade Commission updated their guides concerning the use of endorsements and testimonials in advertising on July 26, 2023 (88 FR 4810) and states “when there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement, and that connection is not reasonably expected by the audience, such a connection must be disclosed clearly and conspicuously.”

38. Chris Olsen’s undisclosed advertisements related to travel is a misrepresentation of material fact which has a tendency to mislead §28-3904(e) and fail to state a material fact if such failure tends to mislead §28-3904(f) when he advertises products and services online through her social media channels without disclosing he received money to show those products.

39. Chris Olsen knew and should have known that reasonable consumers he was advertising to without disclosure may believe he just liked a certain product and may purchase that product accordingly, without realizing that he was being paid to promote a product.

Consumers were deceived by the lack of disclosure.

¹⁹ FEDERAL TRADE COMMISSION 16 CFR Part 255 Guides Concerning the Use of Endorsements and Testimonials in Advertising, (last visited March 12, 2024) <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>

²⁰ Disclosures 101 for Social Media Influencers – The Federal Trade Commission (last visited March 12, 2024) https://www.bulkorder.ftc.gov/sites/bulkorder.ftc.gov/files/publications/1001a_influencer_guide_508.pdf

Prayer for Relief

WHEREFORE, Travelers United respectfully requests this Court enter a judgment in its favor and grant relief against Defendants, Christopher Olsen and Chris Olsen Media LLC, as follows:

- (a) Permanently enjoin and restrain Defendants, pursuant to D.C. Code § 28-3905(k)(2)(D), from engaging in conduct determined to be in violation of the CPPA;
- (b) Permanently enjoin Defendants from advertising on social media without disclosing that he is advertising;
- (c) Order the Defendant to pay statutory damages to Travelers United pursuant to D.C. Code § 28-3905(k)(2)(A), for each and every violation of the CPPA proven at trial;
- (d) Order the Defendant to pay punitive damages in an amount to be determined at trial, pursuant to D.C. Code § 28-3905(k)(2)(C);
- (e) Award Travelers United the costs and reasonable attorneys' and expert fees for its investigation and this action, pursuant to D.C. Code § 28-3905(k)(2)(B); and
- (f) Grant such further relief as the Court deems just and proper.

Jury Demand

Travelers United demands a trial by jury.

Respectfully submitted,

Dated: July 2, 2024

/s/ Lauren Wolfe

LAUREN WOLFE (D.C. Bar # 1048660)
Counsel, Travelers United

2833 Alabama Ave SE #30736
Washington, D.C. 20020

Travelers United Telephone: 202-713-9596
Email: lauren.wolfe@travelersunited.org