

Press Coverage | May 29, 2026

# Social Media Advertising Poses Compliance Risks Following FTC Warnings

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Brooke K. Conkle | Christopher J. Capurso

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Brooke Conkle and Chris Capurso, a partner and counsel in Troutman Pepper Locke's Consumer Financial Services Practice Group, were quoted in the May 29, 2026, *Car Dealership Guy* article, "Social Media Advertising Poses Compliance Risks Following FTC Warnings."

Brooke Conkle, partner at Troutman Pepper Locke, made a similar suggestion with social media use and not updating listings could trigger regulators' attention.

"Advertising a vehicle after it's been sold is the historic bait and switch model," Conkle told CDG.

"But there's no intent with social media posts, in most instances, I should say. From a regulator's perspective, that can still be a problem. If there's a pattern of advertising cars that you can't actually sell or prices that aren't really available anymore, that's the kind of behavior that gets regulators' attention...If a vehicle has been sold, as a best practice, I would recommend, you know, updating that social media caption to say, 'Hey, this one went quick, it's already been sold,' so it turns into sort of, um, positive advertising for you."

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Conkle and fellow counsel at Troutman Pepper Locke Christopher Capurso were aligned with Crowell's mention of needing solid policies in place concerning employees' use of social media on behalf of the business.

"It's a difficult balancing act. If you are a dealer, you want your salespeople to be engaged with the inventory," Conkle said. "They're out there trying to make a deal and get exposure for the vehicles and the dealership...It probably requires some really strict and sensitive sort of guidelines for your salespeople. So if they are posting about store inventory or deals, then they need to identify their relationship to the dealership and avoid quoting kind of specific prices or payments unless they are using language that has been vetted by the dealer."

Put it this way: Capurso compared a social media policy for employees to other forms of communication with customers.

"It's just another example of needing employee oversight, like when either through text message or orally they say something about how great the car is, and then it's interpreted as an express warranty, and then you're on the hook for that...Just because an employee does something on their personal device, they're still an employee, they're still acting in their employment capacity, and the dealerships need to have something in place to be able to kind of police that."

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