



Aristotle

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205 Pennsylvania Avenue, S.E.
Washington, D.C. 20003

October 5, 2010

Shawn Werth
Secretary
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

RE: Advisory Opinion Request 2010-19 (Google); Supplementary Comment

Dear Ms. Werth:

Aristotle International urges the Commission to grant Google's request to confirm that text ads generated by Google's AdWords program satisfy the disclaimer requirement of 11 C.F.R. §110.11 with an opinion including one or more supporting rationales.

Aristotle believes that the "impracticability," exception to the disclaimer requirement provides the best fit for the circumstances of Google's program and is most consistent with prior Advisory Opinions, most notably Advisory Opinion 2002-09. However, virtually any rationale would be preferable to the "no rationale" approach of Draft C. Among other deficiencies, with Draft C it will be impossible for regulated entities to determine whether their advertising programs are materially indistinguishable from Google's and therefore covered by the opinion. Even if Google itself changed the AdWords program in minor ways application of Draft C would be in doubt.

Moreover, Draft C is internally inconsistent, first declaring the Commission could not reach a response, but immediately concluding the proposed activity is permissible. If Commissioners agree that the activity is permissible, but cannot agree (by four votes) on a single rationale, the opinion should present alternative rationales.

Respectfully,



David M. Mason, JD
Senior Vice President, Compliance Services

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