**ANNOTATIONS AND COMMENTS**

The false advertising remedies are largely identical to the remedies for infringement of registered and unregistered trademarks.

The statutory basis of the direct false advertising cause of action is 15 U.S.C. § 1125(B). The five-part test for liability is taken from *Osmose, Inc. v. Viance, LLC*, 612 F.3d 1298, 1308 (11th Cir. 2010), and *N. Am. Medical Corp. v. Axiom Worldwide, Inc.*, 522 F.3d 1211, 1224 (11th Cir. 2008), although an alternative phrasing of that test appears in *Suntree Techs., Inc. v. Ecosense Int’l, Inc*., 693 F.3d 1338, 1348-49 (11th Cir. 2012). The relationship between literal falsity and the actual or likely deception prerequisite for liability is taken from *Osmose*, 612 F.3d at 1319.

The test for contributory false advertising is taken from *Duty Free Ams., Inc. v. Estee Lauder Cos.*, 797 F.3d 1248, 1274-76 (11th Cir. 2015); *cf. Inwood Labs. v. Ives Labs*., 456 U.S. 844, 854, 102 S. Ct. 2182, 2188, 72 L. Ed. 2d 606 (1982) (“[I]f a manufacturer or distributor intentionally induces another to infringe a trademark, or if it continues to supply its product to one whom it knows or has reason to know is engaging in trademark infringement, the manufacturer or distributor is contributorially responsible for any harm done as a result of the deceit.”).