

Wiley Consumer Protection Download (April 7, 2026)

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Welcome to Wiley's update on recent developments and what's next in consumer protection enforcement and regulation. We cover developments with the Federal Trade Commission (FTC), the Consumer Financial Protection Bureau, and state Attorneys General, as well as self-regulatory advertising challenges decided by BBB National Programs' National Advertising Division (NAD). Our recent State Consumer Protection Series also provides practical insights into emerging trends and priorities at the state level, including on automatic renewal laws, "junk fees," and robocalls. Wiley also has an FTC Consumer Protection and Privacy Enforcement Series and Trump Administration Resource Center to provide practical insights into emerging FTC and Executive branch priorities. Please reach out to any of our authors with any questions about recent regulatory or enforcement activity on the federal or state level.

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Select Federal Enforcement Actions

FTC and Maryland AG Settle with Automotive Group and Its Officers for Allegedly Deceptive Business Practices. On **April 2**, the FTC and Maryland Attorney General filed a stipulated order in the U.S. District Court for the Eastern District of Virginia settling

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Practice Areas

Cyber and Privacy Investigations, Incidents & Enforcement

FTC and Consumer Protection

Privacy, Cyber & Data Governance

Telecom, Media & Technology

allegations against an automotive group and its officers for alleged violations of the FTC Act and Maryland's Consumer Protection Act. In a December 2024 complaint, the FTC and Maryland Attorney General (AG) alleged that the company misled consumers by advertising prices that did not include mandatory fees, charging for add-ons without consumer consent, and indicating that financing must be done through the dealership's financing companies. In addition to injunctive relief, the defendants agreed to pay consumer redress for injured customers that meet certain thresholds and a \$3.1 million civil penalty to the Maryland AG.

FTC Settles with an Online Dating Platform for Allegedly Deceptive Data Practices. On **March 30**, the FTC filed a complaint and stipulated order in the U.S. District Court for the Northern District of Texas against an online dating platform and its affiliate company for alleged violations of the FTC Act. The complaint alleges that the companies shared consumers' personal data with third parties without providing a chance to opt out of data sharing, and affirmatively stated that such personal information was not shared with third parties. The defendants agreed to injunctive relief.

FTC Chairman Sends Warning Letters to CEOs of Financial Infrastructure Platforms. On **March 26**, FTC Chairman Ferguson issued letters to four major financial institution platforms and payment providers warning that the companies may be violating Section 5 of the FTC Act by debanking or denying access to financial services to certain consumers. Specifically, the letters express concerns about "efforts to deny [customers] access to services due to their political or religious views," which "raise questions about whether [the company] is acting in accordance with its terms of service." The letters state that any act "to refuse, suspend, or withdraw any service to prospective or existing clients and customers that is inconsistent with your terms of service or otherwise violate the FTC Act" could lead to investigation or enforcement.

FTC Settles with Technology Company, Affiliates, and Officers for Allegedly Deceptive AI Claims and Business Opportunity Schemes. On **March 24**, the FTC filed a stipulated order in the U.S. District Court for the District of Arizona to settle allegations against a technology company, its affiliates, and its officers for alleged violations of the FTC Act, Telemarketing Sales Rule (TSR), and Business Opportunity Rule. In its August 2025 complaint, the FTC alleged that the defendants made false claims about potential earnings, misrepresented the performance of their "conversational AI" products, and failed to provide refunds to consumers who met the refund policy requirements, among other things. The defendants agreed to an \$18 million monetary judgment in addition to injunctive relief.

FTC Settles with Fitness Franchisor for Alleged Violations of the Franchise Rule. On **March 18**, the FTC filed a complaint and stipulated order in the U.S. District Court for the Central District of California against a fitness franchisor and its affiliates for alleged violations of the FTC Act and Franchise Rule. The FTC alleges that the company misrepresented material information to consumers seeking to purchase a franchise, including how long it takes to open franchises, litigation history of the fitness franchisor executives, information about failed franchisees, and franchise disclosure documents. The defendants agreed to pay a \$17 million monetary judgment in addition to injunctive relief.

Select State Enforcement Actions

California AG Sues Charities and Individuals in Connection with Alleged Fraudulent Scheme at San Diego Sporting Venues. On **March 26**, the California AG filed a complaint against three charities and six individuals alleging that the individuals involved “improperly obtain[ed] and divert[ed] charitable funds for personal gain.” Specifically, the complaint alleges that “hospitality companies at major sports venues in San Diego County, including Petco Park and Snapdragon Stadium, allowed Defendants to operate concessions stands and receive funds through programs that were designed to help charities,” and that “Defendants defrauded the public and stole more than \$3.8 million in funds that were intended for charitable purposes; none of the funds were used for charitable purposes.” The complaint seeks \$3.8 million in restitution and damages for violation of California charities laws.

Colorado AG Settles with Realtor for Alleged Deceptive Marketing and Illegal Contract Terms. On **March 24**, the Colorado AG announced it had entered a consent judgement with a realtor company for allegedly using deceptive acts to convince homeowners to enter into unlawful “Homeowner Benefit Agreements” (HBAs) in violation of the Colorado Consumer Protection Act.” In its April 2025 complaint, the AG alleged that the company used high pressure sales tactics and misrepresented certain terms of the HBAs. Additionally, the HBAs themselves allegedly contained unlawful terms, including decades-long contract terms, illegal commissions, and early termination fees. Under the consent judgement, the Defendant agreed to void all HBA contracts with Colorado consumers, pay \$400,000 in civil penalties, and pay \$600,000 to Colorado for consumer restitution and education efforts, among other relief.

New York AG Sues Solar Power Company and Lenders for Alleged False Advertising Pertaining to Solar Equipment and Home Improvement Costs. On **March 17**, the New York AG filed a complaint against a company selling residential solar power systems and other home improvement services, and two lending partners. The complaint alleges that the solar power company violated New York’s consumer protection laws by misleading consumers about the costs of both their solar power systems and home improvement work and falsely stating that they would receive solar tax credits. The complaint also claims that the solar power company’s lending partners violated New York consumer protection laws by charging them hidden fees. The complaint seeks restitution and damages, along with civil penalties.

Washington AG Settles with Property Management Company for Alleged Deceptive Practices Targeting Low-Income Seniors. On **March 17**, the Washington AG announced a consent decree with a property management company for allegedly failing to disclose to low-income senior tenants how their rent would be calculated and increased in the future. The AG also alleged that the property management company misrepresented the quality of the apartment units, the availability and quality of building amenities, and safety measures at the properties. The consent decree requires the property management company to pay \$2.5 million in restitution and to fund Washington Consumer Protection Act enforcement, and also requires the property management company to pay \$4.5 million over the next four years to improve four of the properties involved in the proceeding. It also involves ongoing monitoring and requirements to comply with the Washington Consumer Protection Act.

Select NAD Advertising Challenge Case Decisions

NAD Recommends Clarification of Claims for Early-Stage Cancer-Detection Product. On **March 24**, the National Advertising Division (NAD) recommended the maker of an at-home health test for early-stage oral and throat cancer clearly distinguish that the test does not itself diagnose early-stage cancer, but only detects biomarkers associated with such early-stage cancers. NAD did uphold several claims that the test was “revolutionary,” “simple-to-use,” lasted only “a few minutes,” and was the first of-its-kind on the market. The test maker agreed to comply with the recommendations.

NAD Discourages Implied “Human Grade” Claims for Fresh Pet Food Product. On **March 17**, NAD recommended that the maker of a fresh pet food product avoid statements that could imply the pet food product was human grade. Specifically, NAD recommended the termination or modification of a statement by a dog owner that the pet food was “made with the same level of quality I want in my own food.” The pet food maker agreed to abide by NAD’s recommendation and voluntarily terminated a second statement that said the product was made “[t]he same way you make healthy food for people.”

Federal and State Regulatory Announcements

FTC Publishes FY 2026-2030 Strategic Plan. On April 3, the FTC published a new Strategic Plan which will guide the agency through Fiscal Years (FY) 2026-2030. The plan identifies three goals: (1) protecting Americans from unfair or deceptive acts or practices in the marketplace; (2) protecting Americans from unfair methods of competition, preventing illegal monopolies, and promoting competition; and (3) maximizing mission outcomes through operational efficiency.

FTC Submits FY 2027 Budget Request to Congress. On April 3, the FTC submitted its annual budget request seeking \$426.71 million and 1,183 full-time equivalent positions for the FTC in FY 2027. The budget request also included the Annual Performance Report for FY 2025 and Annual Performance Plan for FY 2026 and FY 2027, as required by the Government Performance and Results Act Modernization Act of 2010.

FTC and DOJ Seek Comment on Premerger Notification and Report Form. On March 25, the FTC and Department of Justice (DOJ) announced a joint request for information regarding the effectiveness of the Hart-Scott-Rodino Antitrust Improvements Act’s (HSR Act) premerger reporting requirements. Under the HSR Act, parties to certain mergers and acquisitions are required to submit premerger notification forms that disclose certain information about their proposed transactions. The agencies adopted an updated HSR form which took effect in February 2025 and was later vacated by a federal district court in February 2026. Accordingly, the FTC and DOJ currently use the original HSR form. The joint request for information seeks input on the effectiveness, implementation, and potential areas for further refinement of an updated form, as well as ways to increase efficiency and reduce the burden for non-problematic transactions. Comments are due **May 26, 2026**.

FTC Testifies Before the Joint Economic Committee. On **March 25**, Associate Director of the FTC's Division of Marketing Practices, Lois Greisman, testified before the Joint Economic Committee of the U.S. Senate and U.S. House of Representatives about the agency's work to combat fraud. The testimony highlighted 40 enforcement actions related to business opportunities, investment or other money-making schemes, unlawful robocalls, technical support scams, government or business impersonation frauds, and unfair or deceptive fees, among other domestic and foreign-based frauds. According to the testimony, imposter scams have been the most frequently reported fraud each year since 2020.

FTC Chairman Launches Healthcare Task Force. On **March 20**, FTC Chairman Ferguson issued a memorandum directing the FTC's Bureaus of Competition, Consumer Protection and Economics, as well as the Office of Policy Planning and Office of Technology to form a Healthcare Task Force. The Task Force is instructed to coordinate efforts to identify and lead targeted enforcement within the healthcare space. According to the memorandum, the full Task Force will meet at least once a month and report to the Chairman on a quarterly basis. Additionally, the Task Force will seek to expand its membership to agency and law enforcement partners with relevant expertise, including the Department of Health and Human Services and the DOJ.

New York and Illinois AGs Issue Consumer Alerts Regarding Tax-Related Scams. On **April 1**, the New York AG issued a consumer alert warning New York consumers about tax preparation fraud scams. The consumer alert specifically focuses on scams perpetrated through the use of AI technologies, including fake videos of government officials or celebrities providing false tax information, tax-related phishing emails, clone phone calls impersonating Internal Revenue Service officials or tax preparers, and false information provided in AI search engines through scammers, including false phone numbers and links. On March 23, 2026, the Illinois AG issued a similar consumer alert warning Chicago consumers about tax scams that lead to identity theft.

Upcoming Events and Deadlines

FTC Seeks Comment on Negative Option ANPRM. Comments on the FTC's Advance Notice of Proposed Rulemaking (ANPRM) regarding the agency's Negative Option Rule are due **April 13**. As we summarized here, the ANPRM seeks comment on negative option practices in which consumers are charged on an ongoing basis unless they take some affirmative action to cancel. The ANPRM also seeks comment on whether to restore aspects of the amended Negative Option Rule, also known as the "Click-to-Cancel" Rule, that was struck down in an Eighth Circuit decision last year. Additionally, the ANPRM asks for information related to the marketplace for negative option programs, negative option practices, methods to address unlawful practices, whether an amended rule is necessary, and if so, how the FTC should handle exemption requests, among other things.

FTC Seeks Comment on Rental Housing Fee Practices. Comments on the FTC's ANPRM seeking comment on the prevalence of unfair or deceptive practices related to "advertised rent and other fees and charges in the rental housing industry" are due **April 13**. The ANPRM notes that "[c]onsumers in the market today for rental housing, including renters and prospective renters, must navigate a wide array of hidden or misleading fees and charges that can appear at every stage of the rental cycle—from application to move out. These fees and

charges obscure the total rent, causing renters to pay well above what is advertised.” The ANPRM asks over 70 questions seeking a wide array of data about rental fee advertising, compliance costs with a potential rule regulating rental fee advertising, and how rental housing providers determine rent.

[More Analysis from Wiley](#)

California’s AI Executive Order Establishes New Trust and Safety Procurement Standards

President Trump’s “Made in America” Executive Order Seeks to Enforce Accuracy of U.S.-Origin Claims

White House Releases National Legislative Policy Framework for AI

New York Finalizes RAISE Act for Frontier AI Models; Law Takes Effect January 1, 2027

Webinar: Hot Topics in Advertising Law

FTC Seeks Comment on Updates to Negative Option Marketing Rule

FTC Examines Consumer Injuries and Benefits in the Data-Driven Economy

FTC Announces COPPA Policy Enforcement Statement, Forthcoming Rule Review

After Federal Court Vacates HSR Rule, DOJ and FTC Seek Public Comment on the Future of Premerger Notification

New National Cyber Strategy and EO Lays Out a Path for Combating Cybercrime and Promoting Innovation

DOJ and FTC Seek Public Input on New Competitor Collaboration Guidance – an Opportunity for Businesses and Trade Groups

FTC and DOJ Signal Expanded Antitrust Scrutiny of DEI, ESG, and “Viewpoint Competition” Initiatives

FTC Sends Warning Letters to Data Brokers on PADFA Compliance

Five Privacy Checkpoints to Start 2026

SB 361: Defending Californians’ Act – Expanding Requirements for Data Brokers

White House Issues Executive Order to Promote National AI Policy Framework and Challenge Certain State AI Laws

2025 State AG Robocall Enforcement Trends: Targeting of VoIP Service Providers Continues, With Coordinated AG Scrutiny of “Intermediate” Providers

AI Chatbots: How to Address Five Key Legal Risks

Automatic Renewals and Risks: State Negative Option Laws and Enforcement Are Trending

Expanding Patchwork of State "Junk Fees" Laws Presents Compliance Challenges

State AGs Discuss Consumer Protection Priorities: Privacy, Health, Junk Fees, and Coordination at the Forefront

California Finalizes Pivotal CCPA Regulations on AI, Cyber Audits, and Risk Governance

The Fair Credit Reporting Act - Who Is Covered and How to Comply

PADFA Enforcement - What Companies Need to Know

Practical Tips for When Your Company Gets an FTC CID

Webinar: Navigating FTC Health Care Advertising and Privacy Compliance in the Trump Administration: Key Insights for Health Service Providers

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