

Wiley Consumer Protection Download (February 3, 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 (CFPB), 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 Settles with Two Business Opportunity Companies and Their Officers for Allegedly Deceptive Business Practices. On **January 23**, the FTC filed two stipulated orders in the U.S District Court for the Central District of California to settle allegations against a business

Authors

Duane C. Pozza
Partner
202.719.4533
dpozza@wiley.law
Ian L. Barlow
Of Counsel
202.719.4994
ibarlow@wiley.law
Stephen J. Conley
Associate
202.719.4572
sconley@wiley.law
Lauren N. Lerman
Associate
202.719.4664
llerman@wiley.law
Kimberly S. Alli
Associate
202.719.4730
kalli@wiley.law

Practice Areas

Cyber and Privacy Investigations, Incidents
& Enforcement
FTC and Consumer Protection
Privacy, Cyber & Data Governance
Telecom, Media & Technology

opportunity company and two of its officers, alleging violations of the FTC Act, the Business Opportunity Rule, the Credit Repair Organizations Act, and the Reviews and Testimonials Rule. In August 2025, the FTC filed a stipulated order to settle allegations against a third officer. In February 2025, the FTC filed a complaint against one of the businesses and its officers alleging that the defendants misled consumers by advertising guaranteed profits, supported by false testimonials, if consumers purchased business accelerator products and training courses, but consumers did not receive these profits or the services. The FTC also alleged that the officers offered credit repair and business loan services in which they only signed consumers up for multiple business credit cards. In May 2025, the FTC added additional defendants. The FTC settled with all the defendants for more than \$45.5 million in addition to injunctive relief.

FTC Secures Temporary Restraining Order and Asset Freeze Against Health Plan Companies and Their Officers for Allegedly Deceptive Practices. On **January 12**, the FTC filed a complaint in the U.S. District Court for the Southern District of Florida against nine companies offering health plans, and three of their officers, for alleged violations of the FTC Act, the Telemarketing and Consumer Fraud and Abuse Prevention Act, and Telemarketing Sales Rule. The FTC alleges that the defendants misled consumers by marketing their health plans as comprehensive health insurance without disclosing the limitations on the benefit plans and medical discount memberships sold. On **January 15**, the court granted the FTC's motion for a temporary restraining order and asset freeze. The FTC seeks monetary and injunctive relief.

FTC and Florida AG Secure Judgment Against a Trucking Management Company and Its Executives for Deceptive Advertising. On **January 15**, the U.S. District Court for the Southern District of Florida entered a default judgment and final order against a trucking management company and its executives, granting the FTC's and Florida Attorney General's (AG) motion for permanent injunction and monetary relief. In August 2024, the FTC and Florida AG alleged that the defendants misled consumers in promising high investment returns from using the company's service to purchase and operate a semi-truck in violation of the FTC Act, the FTC's Business Opportunity Rule, the Consumer Review Fairness Act, and Florida's Deceptive and Unfair Trade Practices Act. The final order grants more than \$10 million in monetary relief and grants injunctive relief that bans the defendants from engaging in future business or investment opportunities. In a separate stipulated order, the FTC settled with one of the relief defendants for \$15,000 in addition to assisting with the liquidation of the defendants' semi-trucks.

Select State Enforcement Actions

California AG Sends Letters to Businesses Regarding So-Called "Surveillance Pricing" Practices. On **January 27**, the California AG announced an investigative sweep seeking information about businesses' use of consumer information to set individualized prices for goods and services, a practice that the California AG refers to as "surveillance pricing." The letters request information about companies' use of consumer personal information to set prices; policies and public disclosures regarding personalized pricing; any experiments undertaken by companies; and measures that companies are taking to comply with algorithmic pricing, competition, and civil rights laws.

Massachusetts AG Settles with Ambulance Billing Vendor for Data Breach. On **January 28**, the Massachusetts AG filed a stipulated order in the Superior Court of Massachusetts to settle allegations against an ambulance billing vendor for alleged violations of the Massachusetts Data Breach Notification Law and the Health Insurance Portability and Accountability Act. The Massachusetts AG alleged that the company did not employ effective safeguards to protect consumers' sensitive data that was compromised during a data breach. The company agreed to pay \$515,000 in addition to implementing new cybersecurity measures to protect consumer data.

Texas AG Secures Judgment Against Veterans' Assistance Organization for Deceptive Practices. On **January 23**, the Texas AG announced a final order granting a permanent injunction and monetary relief against a veterans' assistance organization that allegedly misled veterans by misrepresenting its affiliation with the U.S. Department of Veterans Affairs and failing to adequately disclose its contract terms and cancellation procedures.

Select NAD Advertising Challenge Case Decisions

On **January 28**, NAD found certain Made in the USA (MUSA) claims by a manufacturer of climbing products for line workers and arborists were misleading. The NAD determined that the company's unqualified MUSA claims for its climbers were misleading because consumers could not identify what parts contained more than a negligible amount of content of undetermined origin. The NAD also determined that consumers would not understand that a MUSA stamp on the bottom of buckets the company sold applied only to the hard plastic bottom of that bucket, not the entirety, and that the company is responsible for claims made on its website, even when the company is a reseller of products made by a third party. Finally, the NAD determined that using American flag imagery conveyed an implied MUSA message when displayed adjacent to product descriptions and other U.S.-origin references but not in other contexts.

Federal and State Regulatory Announcements

FTC Submits Negative Option Rule ANPRM for OIRA Review. On **January 30**, the FTC announced that it submitted to the Office of Information and Regulatory Affairs (OIRA) an Advance Notice of Proposed Rulemaking (ANPRM) related to the Rule Concerning the Use of Prenotification Negative Option Plans, or "Negative Option Rule." On July 2, 2025, the U.S. Court of Appeals for the Eight Circuit issued a decision vacating the revised Negative Option Rule, impacting the FTC's enforcement of the rule. The FTC submitted the Negative Option Rule ANPRM pursuant to Executive Orders (EOs) 12866, *Regulatory Planning and Review*, and 14215, *Ensuring Accountability for All Agencies*, which require agencies to submit their proposed and final "significant regulatory actions" for review by OIRA. Once OIRA completes review, the FTC can publish the planned ANPRM in the Federal Register.

FTC Submits Rental Housing Fees ANPRM for OIRA Review. On **January 30**, the FTC announced that it submitted an ANPRM related to rental housing fees for OIRA review, pursuant to EOs 12866 and 14215. Chairman Ferguson stated that the ANPRM will "solicit [] public comment on the need for a new rule to

prevent the imposition of deceptive or unfair fees on renters seeking long-term housing options.”

FTC Chairman Appoints Deputy Director for Consumer Protection Bureau. On **January 30**, FTC Chairman Andrew Ferguson appointed Levi Swank as Deputy Director of the FTC Consumer Protection Bureau. Prior to joining the FTC, Swank was a consumer protection litigator and partner at a Washington DC law firm.

FTC Hosts Age Verification Workshop. On **January 28**, the FTC hosted a workshop to discuss age verification technologies that companies use to obtain the age information of individuals visiting their websites and online services. The FTC workshop brought together researchers, industry representatives, consumer advocates, and government regulators to discuss several topics including age verification and estimation tools; regulatory contours of age verification; how to deploy age verification more widely; and how age verification technologies interact with the Children’s Online Privacy Protection Act Rule. We summarize key takeaways of the event [here](#).

FTC Hosts Workshop on Noncompete Agreements. On **January 27**, the FTC’s Joint Labor Task Force hosted a workshop titled “Moving Forward: Protecting Workers from Anticompetitive Noncompete Agreements.” The workshop followed several FTC actions focused on noncompete agreements, including a Request for Information on employee noncompete agreements, a recent enforcement action in which a company agreed to cease enforcing such agreements, and a series of warning letters sent to health care companies warning them to review and eliminate any anticompetitive noncompete agreements they may have. The video of the event is available [here](#).

Upcoming Events and Deadlines

FTC to Host Workshop on the Impact of Data-Driven Economy to Consumers. The FTC will host a workshop on **February 26, 2026** entitled “Measuring Injuries and Benefits in the Data-Driven Economy.” The workshop will examine how to best “understand and measure consumer injuries and benefits that may result from the collection, use, or disclosure of consumer data.” Specifically, the workshop will explore developments since the FTC’s December 2017 Informational Injury workshop and will feature discussions on: [1] quantifying informational injuries and the potential benefits of consumer data collection and use; [2] the impacts of data breaches on consumers and efforts to minimize injuries; [3] the costs and benefits of behavioral and contextual advertising; and [4] measuring consumers’ privacy preferences, beliefs, and decisions. The agenda for the workshop is available [here](#).

More Analysis from Wiley

Key Takeaways from FTC Age Verification Workshop: COPPA Updates May Be on Horizon

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

Cyber Enforcement Hits Hard: New York DFS Imposes \$19 Million in Penalties

Subscription Cancellation Policies Remain a Top FTC Priority

Amidst Scrutiny of E-Commerce Platforms, FTC Brings First INFORM Consumers Act Case

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

Executive Order on Ticket Resale Market Calls for Greater FTC Enforcement

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