

Wiley Consumer Protection Download (March 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 State Enforcement Actions

California DFPI Settles With Crypto Kiosk Operator for Alleged Overcharges. On **February 17**, the California Department of Financial Protection and Innovation (DFPI) entered into a consent order with a crypto kiosk operator for alleged noncompliance with the state's Digital Financial Assets Law (DFAL). The DFPI's investigation allegedly found that the crypto kiosk operator purportedly violated

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FTC and Consumer Protection

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DFAL's transaction fees and charges limit when processing withdrawals, in violation of Financial Code 3904. The crypto kiosk operator agreed to pay \$174,874.28 in restitution to California consumers.

Select NAD Advertising Challenge Case Decisions

NAD Recommended Personal Finance Technology Company Remove Broad Marketing Claims. On **February 26**, NAD recommended a personal finance technology company discontinue several advertising claims about its paid subscription app based on internal customer survey data. NAD found that several claims, including that members save \$200 per month on average and that 8 in 10 customers "feel more in control" about their finances, relied on a required yes-or-no response methodology which can inflate affirmative responses and undermine the reliability of the data. Other claims, such as customers "having a clearer picture of their money" and "improved ... money conversations with their partner," were considered too broad by NAD based on the more limited wording of the survey questions. The company agreed to comply with all of NAD's recommendations.

NAD Referred Technology Manufacturer to Regulatory Authority for Not Discontinuing Previously Noticed Advertising Claims. On **February 26**, NAD announced its intention to refer a technology manufacturer to appropriate regulatory authorities for failure to undertake a good-faith effort to comply with its commitments in a past NAD inquiry. In January 2024, the company agreed to permanently discontinue online claims that several of its hair dryers were the "fastest." However, NAD stated that numerous noncompliant advertisements have continued to appear on the company's website and social media since then.

NAD Challenges Virtual Health Care Provider's Advertising Claims. On **February 25**, NAD challenged a virtual health care provider's express and implied claims about its perimenopause and menopause services, specifically an Instagram post stating, "Join the 91% of patients who find relief within 2 months." The health care provider agreed to discontinue these claims before NAD could reach a decision on the claims' merits.

NAD Recommends Skincare Manufacturer Clarify Marketing Claims. On **February 19**, NAD recommended that a maker of skincare products for men clarify and/or provide scientific support for several of its advertising claims, including app-based ratings and before-and-after photos. NAD found that the company should clarify the basis for its app's "100/100" health score for one of its products, which the manufacturer issued based on the product's lack of "harmful parabens" or a "harmful UV filter." NAD also determined that the company's before-and-after photos constituted product performance claims and, thus, required reliable scientific evidence for support. The company agreed to comply with NAD's recommendations and permanently discontinued the claim "Trusted by 20,000 men (5-star rating)" before NAD ruled on its merits.

Federal and State Regulatory Announcements

FTC Hosts Workshop on the Impact of Data-Driven Economy to Consumers. On **February 26**, the FTC hosted a workshop entitled "Measuring Injuries and Benefits in the Data-Driven Economy." The workshop examined methods to "understand and measure consumer injuries and benefits that may result from the collection, use, or disclosure of consumer data." Specifically, the workshop featured 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. We summarize the workshop in more detail here.

FTC Issues COPPA Policy Statement Regarding Age Verification Technologies. On **February 25**, the FTC released a Policy Statement announcing that the agency will not bring enforcement action under the Children's Online Privacy Protection (COPPA) Rule against companies for collecting, using, or disclosing personal information for the sole purpose of determining a user's age via age verification technologies, as long as certain detailed conditions are met. The statement also announces that the FTC intends to initiate a review of the COPPA Rule to address age-verification mechanisms. We cover the Policy Statement in more detail here.

FTC and DOJ Launch Joint Public Inquiry Regarding Business Collaborations. On **February 23**, the FTC and U.S. Department of Justice (DOJ) launched a Joint Public Inquiry seeking input on potential guidance concerning collaborations among competitors. Specifically, the Public Inquiry will help the agencies develop new guidance to replace the previous 2000 Antitrust Guidelines for Collaborations Among Competitors, which were withdrawn in December 2024. The agencies are seeking public comments related to what topics would benefit from additional guidance, what new technologies and business models would benefit from additional guidance, and what significant legal, economic, or technological developments should be considered in any revisions to the 2000 guidance. Comments are due **April 24, 2026**. We cover the Joint Public Inquiry in more detail here.

New York AG Issues Consumer Alert and Online Guide About "Pig Butchering" Scams. On **February 17**, the New York AG issued a Consumer Alert and Online Guide about "pig butchering" scams, which occur when fraudsters spend time gaining victims' trust before taking their money. According to the Alert, these scams are perpetrated over social media, dating apps, unsolicited text messages, or ads. The Consumer Alert warns that scammers will transition the conversation to encrypted platforms such as WeChat or WhatsApp in order to shield their identity from law enforcement. The Consumer Alert encourages potential victims to file a complaint online or to call the New York AG's office.

[More Analysis from Wiley](#)

[FTC Examines Consumer Injuries and Benefits in the Data-Driven Economy](#)

[FTC Announces COPPA Policy Enforcement Statement, Forthcoming Rule Review](#)

[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

Migrating from Traditional Algorithms to Post-Quantum Cryptography: What Your Organization Needs to Know

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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