

# Wiley Consumer Protection Download (May 19, 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 or the 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 Settles with Online Digital Photo and Video Platform for Allegedly Deceptive Subscription Practices.** On **May 13**, the FTC filed a complaint and stipulated order in federal court against an

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## Practice Areas

Cyber and Privacy Investigations, Incidents & Enforcement

FTC and Consumer Protection

Privacy, Cyber & Data Governance

Telecom, Media & Technology

online digital photo and video platform for alleged violations of the FTC Act and Restore Online Shoppers' Confidence Act (ROSCA). The FTC alleges that the company charged consumers without adequately disclosing material terms, failed to obtain informed consent, and made it difficult for users to cancel subscriptions. The company agreed to pay \$35 million in addition to injunctive relief.

**FTC and Nevada AG Settle with Investment Training Companies and Officers for Allegedly Deceptive Business Practices.** On **May 13**, the FTC and Nevada Attorney General (AG) filed a stipulated order in the federal court settling alleged violations of the FTC Act, Telemarketing Sales Rule, ROSCA, Telemarketing and Consumer Fraud and Abuse Prevention Act, and Nevada's deceptive trade practices statute against an investment training company and two individual defendants. In the May 2025 complaint, the FTC and the Nevada AG alleged that the defendants deceived consumers by charging recurring fees for training on investing and other financial topics and marketing their products as easy ways to make money, while having salespeople serve as the educators for these trainings and without having records of customers successfully using these trainings to make money. In August 2025, three of the defendants agreed to pay \$36 million in addition to injunctive relief. The proposed order settles allegations against the remaining defendants for \$795.8 million in addition to injunctive relief. Defendants are expected to surrender over \$100 million in assets and payments while the remainder of the judgement will be suspended due to an inability to pay.

**DOJ and Illinois AG Sue a Home Repair Company and Its Owner for Allegedly Deceptive Business Practices.** On **May 11**, the Department of Justice (DOJ), on behalf of the FTC, and Illinois AG filed a complaint in federal court against a home repair company and its owner for alleged violations of the FTC Act, Rule on the Use of Consumer Reviews and Testimonials, and Gramm-Leach-Bliley Act. The complaint alleges that the company misled consumers by creating thousands of false online profiles and fake reviews for local brick-and-mortar home repair companies that did not exist and subsequently outsourcing services purchased by consumers to third-party providers that were frequently unqualified or failed to deliver services. The DOJ and Illinois AG seek monetary and injunctive relief.

## Select State Enforcement Actions

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**Massachusetts AG Settles with Lease-to-Own Fintech for Allegedly Deceptive Financing Practices.** On **May 13**, the Massachusetts AG announced a settlement with a lease-to-own fintech company settling alleged violations of Massachusetts's Consumer Protection Act and the Consumer Lease Act. The Massachusetts AG alleged that the company misled consumers about the true cost and structure of its financing, including by promoting an "Early Buyout Option," while placing barriers that made it difficult for consumers to exercise that lower-cost option. The company agreed to pay \$7.8 million in monetary relief in addition to injunctive relief.

**California DFPI Issues Desist and Refrain Order to Consumer Debt Collector for Alleged Unlawful and Deceptive Statements.** On **May 11**, the California Department of Financial Protection and Innovation (DFPI) issued a Desist and Refrain Order to a consumer debt collector for allegedly making unlawful and deceptive statements to consumers in an attempt to collect a debt in violation of the California Consumer Financial Protection Law. Specifically, the Order alleges the debt collector falsely threatened legal action against consumers. The Order also alleges that the debt collector failed to obtain a license under the Debt Collection

Licensing Act.

**Texas AG Settles with Electronics Manufacturer for Allegedly Misleading Data Collection Practices.** On **May 11**, the Texas AG announced a settlement with an electronics manufacturer resolving allegations that the company violated the Texas Deceptive Trade Practices Act (DTPA). In its December 2025 complaint, the Texas AG alleged that the company collected consumers' viewing data without adequately disclosing how this data was collected and used, or receiving explicit consent to collect the data. The company agreed to monetary relief.

**Texas AG Sues Streaming Platform for Allegedly Misleading Data Collection Practices.** On **May 11**, the Texas AG announced a complaint against a streaming platform for alleged violations of the DTPA. The complaint alleges that the company misled consumers by representing that it did not collect or share user data, while tracking detailed information about users' viewing habits, devices, and interactions, and selling that information to third parties. The Texas AG seeks monetary and injunctive relief.

### Select NAD Advertising Challenge Case Decisions

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**NAD Recommends Methodology Disclosure for Financial Metrics for Workplace Savings Provider.** On **May 18**, NAD recommended that a provider of 401(k) and other financial savings products to businesses and their employees include a clear and conspicuous disclosure of its methodology underlying a claim of Annual Recurring Revenue. NAD determined that potential customers may rely on the claims in the press release and that a succinct description of the methodology was therefore needed. Although it disagreed with certain elements of NAD's decision, the company agreed to comply with the recommendations.

**NAD Recommends Modification of Certain Performance Claims for Cannabis Storage Product.** On **May 14**, NAD recommended that a maker of cannabis storage products modify certain claims about moisture stability and terpene preservation to clarify that performance is dependent on specific conditions of use. However, NAD did find sufficient support for the company's claims that the storage product, when used as instructed, maintained moisture stability and preservation of cannabinoids and terpenes better than conventional storage methods. The company agreed to comply with NAD's recommendations.

### Federal and State Regulatory Announcements

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**California DOJ Releases Proposed Regulations Governing Age Assurance and Parental Consent for Social Media Platforms.** On **May 14**, the California Department of Justice (California DOJ) released a Notice of Proposed Rulemaking to implement Senate Bill 976 (SB 976), also known as the "Protecting Our Kids from Social Media Addiction Act." SB 976 requires the California AG to adopt regulations implementing the legislation's purposes, including rules regarding age assurance and parental consent. Among other things, the California AG's proposed regulations would require that social media platforms make a reasonable determination as to whether a social media user is a minor. Moreover, the proposed regulations would require that if a social media operator has actual knowledge that a user is a minor, the operator may not provide certain social media feed or notification features without verifiable parental consent. The proposed

regulations would also define standards for what constitutes verifiable parental consent. Comments on the California DOJ's proposed rules are due **June 30**.

**California Appoints Rohit Chopra to Lead New Business and Consumer Services Agency.** On **May 12**, California Governor Gavin Newsom announced the appointment of former CFPB Director Rohit Chopra to serve as Secretary of the state's new Business and Consumer Services Agency (BCSA). The BCSA will officially launch on **July 1, 2026**, and will have oversight over fee disclosures, prescription drug costs, privacy and consumer data protections, and scams and predatory practices, among other things. The BCSA will facilitate coordination across a number of departments, including the Department of Consumer Affairs (DCA), Department of Real Estate (DRE), and the Department of Financial Protection and Innovation (DFPI).

**FTC Chairman Reminds Technology Companies of TAKE IT DOWN Act May 19 Compliance Deadline.** On **May 11**, FTC Chairman Andrew Ferguson sent letters to more than a dozen technology companies reminding them of a key TAKE IT DOWN Act May 19 compliance deadline. The TAKE IT DOWN Act is the first comprehensive federal enforcement scheme to address nonconsensual intimate imagery (NCII)—including AI-generated “deepfake” content—appearing on online platforms. The Act requires online platforms to establish a “notice and removal” process for NCII and to remove such content within 48 hours of a valid request. The Chairman's letter advises that the agency will “vigorously enforce” the Act, which carries potential civil penalties up to \$53,088 per violation.

## Upcoming Events and Deadlines

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**FTC and ICFC to Co-Host Financial Services Workshop.** On **May 14 and 15**, the FTC and George Mason University Law School's Institute for Consumer Financial Choice (ICFC) will cohost a workshop on the “developments in the financial services marketplace in the five years since the creation of the Consumer Financial Protection Bureau's Taskforce on Federal Consumer Financial Law.” The first day will feature remarks from the Director of the FTC's Bureau of Consumer Protection and two panel discussions on innovation in the financial services marketplace and on the impact of new products and technologies on consumers, businesses, and regulators. The second day will feature three panel discussions focused on a report from the Taskforce on Federal Consumer Financial Law.

**FTC and DOJ Seek Comment on Premerger Notification and Report Form.** On **March 25**, the FTC and DOJ announced a Joint Request for Public Comment regarding the effectiveness of premerger reporting requirements in the Hart-Scott-Rodino Antitrust Improvements Act (HSR Act). 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 that 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**.

## [More Analysis from Wiley](#)

May 19 Deadline for TAKE IT DOWN Act Compliance: Is Your Company Prepared?

SECURE Data Act: U.S. House Introduces New National Privacy Framework

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

Zero Day Factory: How to Manage Risks from New AI-Driven Vulnerability Discovery Capabilities

Utah Amends App Store Accountability Act (ASAA) – Key Obligations Delayed Until May 6, 2027

Managing Agentic AI in Real-World Use: From Outputs to Actions

Major Changes to Connecticut's Consumer Privacy Law Will Take Effect July 1, 2026

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

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

Key Areas to Watch as Website Technology Litigation Continues to Surge

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

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

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

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

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