

# Wiley Consumer Protection Download (September 23, 2025)

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Federal and State Regulatory Announcements

Select Federal Enforcement Actions

Select State Enforcement Actions

Upcoming Comment Deadlines and Events

More Analysis from Wiley

Welcome to Wiley's update on recent developments and what's next in consumer protection at the Federal Trade Commission (FTC), Consumer Financial Protection Bureau (CFPB), and the state level. Check out our new FTC Consumer Protection and Enforcement Series, where we provide practical insights into emerging FTC priority areas for consumer protection and data privacy enforcement. Recent posts include 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; and Kids' Online Safety Is a Top Priority.

Wiley has also launched a Trump Administration Resource Center and Resource Guide to track Executive branch priorities during the second Administration of President Trump. With Wiley's deep-rooted understanding of Washington and today's evolving regulatory landscape, the Resource Center and Resource Guide provide critical insights, actionable intelligence, practical solutions, and guidance across key industries to help businesses stay ahead of the curve and manage challenges in 2025 and beyond. Please reach out to any of our authors with any questions about recent Trump Administration actions and the potential impact on regulations or enforcement activity.

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## Federal and State Regulatory Announcements

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**CFPB Publishes Semiannual Regulatory Agenda.** On **September 22**, the CFPB published its Semiannual Regulatory Agenda as part of the Spring 2025 Unified Agenda of Federal Regulatory and Deregulatory Actions, which is coordinated by the Office of Management and Budget (OMB) under Executive Order 12866. The Agenda addresses one item: Protecting Consumer Information in the Consumer Reporting Marketplace (Regulation V). On May 15, 2025, the CFPB withdrew its December 2024 Notice of Proposed Rulemaking (NPRM) requesting comment on the CFPB's proposal to amend Regulation V, which implements the Fair Credit Reporting Act (FCRA) (which we discuss here). If the CFPB later determines it necessary to issue a rule implementing the relevant definitions and provisions of the FCRA, it will propose a new rule and seek public comment thereon.

**FTC Announces Workshop on Noncompete Agreements.** On **September 17**, the FTC announced that agency's Labor Task Force will host an October 8 workshop titled "Moving Forward: Protecting Workers from Anticompetitive Noncompete Agreements." The workshop follows several FTC actions focused on noncompete agreements, including a Request for Information (RFI) on employee noncompete agreements and a recent enforcement action in which a company agreed to cease enforcing such agreements (which we discuss here). The workshop will include public statements from FTC Commissioners, employees subject to noncompete agreements, and leading experts in the field.

**New York AG Releases Proposed Rules to Implement SAFE for Kids Act.** On **September 15**, the New York Attorney General (AG) released proposed rules to implement the Stop Addictive Feeds Exploitation (SAFE) for Kids Act. The SAFE for Kids Act, which was signed into law by Governor Hochul on June 20, 2024, requires social media platforms to restrict algorithmically personalized social media feeds and nighttime notifications for users under the age of 18 without parental consent, among other things. The proposed regulations would require social media platforms to develop methods to ascertain a user's age, and companies must offer at least one alternative method for age assurance besides providing a government-issued ID. Additionally, the proposed regulations specify that a social media platform must receive consent from both the minor and the parent before offering algorithmically-personalized feeds and would give parents and minors the option to withdraw their consent at any time.

The deadline to file comments on the proposed rules is December 1, 2025.

**FTC Launches Inquiry into AI Chatbots.** On **September 11**, the FTC issued 6(b) Orders to File a Special Report to seven companies that operate consumer-facing AI chatbots. The FTC's 6(b) authority authorizes the Commission to conduct wide-ranging studies that do not have a specific law enforcement purpose. The Orders seek information about these firms' use of chatbots that interact with children and teens, including how the companies monetize user engagement; share user data with third parties; process user inputs and generate outputs in response to user inquiries; and measure, test, and monitor potentially negative impacts of this technology on children and teens.

**New York AG Issues Consumer Alert on Multi-Phase Scam Targeting Seniors.** On **September 10**, the New York AG issued a consumer alert warning New York residents about a scam that gives fraudsters access to consumer bank and retirement accounts. The scam, known as the “Phantom Hacker,” occurs in three phases, according to the New York AG: “First, victims receive a text, call, or email claiming that their account was hacked, and they are instructed to contact a customer support phone number. Once individuals contact the scammers, they are instructed to download a software program that allows the hackers access to their computer. Then, to convince the victims that this is a legitimate process, the victims receive two separate calls from scammers impersonating their bank and a government agency.” The New York AG reports that since 2024, scammers have used these coordinated attacks to steal a combined \$1 billion from consumers at or near retirement age.

### Select Federal Enforcement Actions

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**FTC and Seven States Sue Online Ticket Marketplace for Allegedly Deceptive Practices and Violation of BOTS Act.** On **September 18**, the FTC and the states of Colorado, Florida, Illinois, Nebraska, Tennessee, Utah, and Virginia filed a complaint in the U.S. District Court for the Central District of California against an online ticket marketplace for alleged violations of the FTC Act, Better Online Ticket Sales Act (BOTS Act), and the consumer protection laws of Colorado, Florida, Illinois, Nebraska, Tennessee, and Utah. The FTC and states allege that the company allowed ticket brokers to violate its policies on obtaining and reselling tickets on its platform and provided a tool for ticket brokers to use to track these trades. Additionally, the FTC and states allege that the company misled consumers by advertising ticket prices that did not include the additional fees for the transaction. The FTC and states seek monetary and injunctive relief.

**FTC Settles with Education Technology Provider for Allegedly Misleading Practices.** On **September 15**, the FTC filed a complaint and stipulated order in the U.S. District Court for the Northern District of California against an educational technology provider for alleged violations of the FTC Act and Restore Online Shoppers’ Confidence Act. The FTC alleges that the company failed to explain to consumers how to cancel their subscriptions for its online learning tools and continued to charge consumers after they canceled their subscriptions. The company agreed to pay \$7.5 million in addition to injunctive relief.

**FTC Settles with Two Individual Defendants of Student Debt Relief Company for Allegedly Deceptive Practices.** On **September 11**, the FTC filed two stipulated orders in the U.S. District Court for the District of Nevada settling claims brought against two executives of a student debt relief company alleging violations of the FTC Act, Telemarketing Sales Rule (TSR), Gramm-Leach-Bliley Act, and Impersonation Rule. In the 2024 complaint, the FTC alleged that the company and its executives misled consumers by promising debt relief that was not delivered and falsely claimed to be affiliated with the U.S. Department of Education. In December 2024, the district court judge granted the FTC’s motion to freeze the company’s assets. The two executives who settled with the FTC have agreed to pay a combined \$45.9 million in addition to injunctive relief. The litigation against the other defendants remains ongoing.

**FTC Chairman Sends Warning Letters to Health Care Companies Regarding Noncompete Agreements.** On **September 10**, FTC Chairman Andrew Ferguson sent warning letters to several health care employers and staffing firms, cautioning that certain noncompete agreements may violate Section 5 of the FTC Act. The letter states that “[w]hile narrowly tailored noncompetes can serve valid purposes in certain circumstances,” available evidence indicates that some employers may impose noncompete agreements that may be overly broad in duration or geographic scope, or inappropriate for certain roles entirely. The letter encourages the companies to “conduct a comprehensive review” of their employment agreements, discontinue any identified noncompete agreements that may be unfair or anticompetitive under the FTC Act, and notify relevant employees of the discontinuance.

### Select State Enforcement Actions

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**California, Colorado, and Connecticut AGs Announce Investigative Sweep for Potential Privacy Law Violations.** On **September 9**, the California AG announced that the California, Colorado, and Connecticut AGs, along with the California Privacy Protection Agency, are conducting an investigative sweep for instances of potential noncompliance with responding to opt-out requests submitted via the Global Privacy Control (GPC), which is a browser setting or extension that signals to businesses a consumer’s request to stop selling or sharing their personal information with third parties. As part of the sweep, the agencies sent letters to businesses that allegedly do not appear to be processing consumer opt-out requests submitted via the GPC. The California Consumer Privacy Act and other state laws give consumers the right to request that businesses stop selling or sharing their personal information.

### Upcoming Events and Comment Deadlines

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**CFPB Requests Comment on Proposed Legal Standard Applicable to Supervisory Designation Proceedings.** Comments are due **September 25** on a CFPB Proposed Rule to adopt a standard definition of “risks to consumers” in the context of Section 1024(a)(1)(C) of the Consumer Financial Protection Act of 2010 (CFPA). Section 1024(a)(1)(C) authorizes the Bureau to supervise a nonbank covered person who the Bureau has reasonable cause to determine, by order and after notice, is engaging or has engaged in conduct that poses risks to consumers with regard to the offering or provision of consumer financial products or services. The proposed rule would provide that “conduct that poses risks to consumers with regard to the offering or provision of consumer financial products or services” consists of conduct that: “(a) presents a high likelihood of significant harm to consumers; and (b) is directly connected to the offering or provision of a consumer financial product or service as defined in section 1002 of the CFPA.”

**FTC Seeks Comments Regarding Gender-Affirming Care for Minors.** Comments are due **September 26** on an FTC RFI regarding potential unfair or deceptive trade practices regarding gender-affirming care for minors.

**FTC Issues RFI on Employee Noncompete Agreements.** Comments are due **November 3** on an FTC RFI regarding Employer Noncompete Agreements. The FTC is seeking information from to better understand the scope of noncompete agreements, and “to inform possible future enforcement actions.” The FTC is requesting

information from employees and employers facing hiring difficulties due to noncompete agreements. The RFI also asks what reasons employers have given for using noncompete agreements.

### [More Analysis from Wiley](#)

[FTC Takes on Noncompete Agreements as New State Laws Take Effect](#)

[Amidst Scrutiny of E-Commerce Platforms, FTC Brings First INFORM Consumers Act Case](#)

[Congressional Activity on AI Builds on White House's Action Plan](#)

[Open Banking, Financial Data Rights, and What It Means for Crypto](#)

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[Colorado Proposes New Privacy Rules Focused on Minors' Online Data](#)

[Cyber Regulatory Harmonization: The Prospects and Potential Impacts of Current Efforts](#)

[White House Launches AI Action Plan and Executive Orders to Promote Innovation, Infrastructure, and International Diplomacy and Security](#)

[With "Click-to-Cancel" Rule Now Vacated by 8th Circuit, What's Next for FTC?](#)

[Update: Enforcement of DOJ Data Security Program Set to Begin July 9](#)

[Building a Digital Asset Regulatory Framework: The GENIUS Act and Next Steps](#)

[Texas Responsible AI Governance Act Enacted](#)

[FTC Reviews Its Approach to Kids' Online Activity – What Comes Next?](#)

[Privacy, AI, and Consumer Protection Takeaways from FTC Chairman's House Testimony](#)

[Webinar: Navigating FTC Health Care Advertising and Privacy Compliance in the Trump Administration: Key Insights for Health Service Providers](#)

State Privacy Enforcement Ramp-Up Continues with New Actions in California and Texas

Executive Order on Ticket Resale Market Calls for Greater FTC Enforcement

What to Expect from New FTC Leadership on Digital Health Care

FTC Adopts Amended Children's Online Protection Act Rule

FTC Announces Rule on "Junk Fees" and Pricing Disclosures in Certain Industries

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