

State Attorneys General Step Up Enforcement Against Pandemic-Related Fraud

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The COVID-19 pandemic has not slowed the work of State Attorneys General nationwide in enforcing consumer protection laws. Indeed, from the beginning of the pandemic, multiple State Attorneys General – such as those from California, Texas, and New York – alerted the public that they would vigorously protect their jurisdictions from COVID-19-related fraud, scams, and price gouging. Most jurisdictions – including the District of Columbia – have price gouging laws that trigger when states of emergencies are declared, which protect consumers against inflated prices for essential items such as food and health care supplies. States all across the country have declared states of emergencies in their efforts to navigate the pandemic.

Many State AGs have also taken the proactive measure of sending public inquiries to prominent e-commerce platforms, urging them to prevent price gouging by sellers.

Since then, State AGs have continued to open a number of consumer-related investigations in jurisdictions all over the country impacted by the coronavirus.

With respect to health care, for example, the Michigan Attorney General recently opened an investigation into an entity that allegedly engaged in the fraudulent sale of N-95 masks and another entity for potential mislabeling of face masks; and the Maryland Attorney General is also looking into allegedly fraudulent purveyors of PPE.

Concerns over fraud related to antibody testing also led the Nebraska Attorney General to issue warning letters, and the Colorado Attorney General to send cease-and-desist letters, to

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certain businesses about such testing.

Other recent COVID-19 consumer-related inquiries include the Florida AG's probe of a prominent cruise line's marketing, and, as the nation swiftly adopted shelters-in-place so that many workers began exclusively working from home, a bipartisan group of 25 State AGs urged the FCC to join them in requesting that the telecommunications industry commit to protect consumers facing difficulty in keeping up with their connectivity plans as a result of COVID-19.

And, of course, State AGs continue to keep a watchful eye over data privacy concerns on behalf of consumers, particularly with respect to compliance with the Children's Online Privacy Protection Act (COPPA). For example, the New York Attorney General recently reached a resolution with a prominent video conferencing platform stipulating to COPPA compliance, and the Florida Attorney General has sought information on privacy protections for children using a prominent social media platform.

Wiley is well-positioned to counsel clients to effectively navigate these types of inquiries. To find out more about our State Attorneys General Practice, [click here](#). We also will hold a webinar – "Managing Consumer Protection Risks: State AG Priorities and Enforcement in the COVID-19 World" – on Thursday, June 4, at 1:00 p. m. EDT ([RSVP here](#)).

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