

Ad Law News and Views - December 2024

December 19, 2024

UPCOMING WEBINAR

Privacy Enhancing Technology: Key Points to Know

Friday, January 10, 2025, from 12:00 p.m. - 1:00 p.m. EST

Privacy-Enhancing Technologies (PETs) are everywhere all at once. However, there are often questions to better understand types of PETs and how they fit into a complicated privacy legal framework. Join Kelley Drye's Partner and Chair of the Privacy and Information Security practice [Alysa Hutnik](#) as she addresses the PETs topic in plain language examples and dive into key topics such as:

- Popular PETs and how they work
- How PETs map to and can help support privacy legal compliance
- Best practices for working with your internal teams on PETs
- Real world use cases of how PETs can be deployed

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[FTC Releases Narrowed Junk Fees Rule for Ticketing and Lodging](#)

Fourteen months after proposing a far-reaching rule that would have overhauled the way fees are disclosed across sectors (see our previous discussion [here](#)), the FTC today [announced](#) a significantly curtailed final rule limited to the sale of live-event tickets and short-term lodging. The Rule, which still applies to both business-to-consumer and business-to-business transactions, requires covered industries to include a clear and conspicuous disclosure of the total price whenever a price offer is made, meaning that ticketing and hotel sites will need to include total pricing information upfront if they display a price.

[DC AG Sues Amazon for Failing to Deliver Prime Membership Benefits for Certain DC Zip Codes](#)

DC Attorney General Brian Schwalb recently [filed a lawsuit](#) against Amazon for allegedly deceiving

some District residents into paying for Prime delivery benefits they are not receiving, in violation of the Consumer Protection Procedures Act (CPPA). The [complaint](#) alleges Amazon quietly instituted exclusionary practices in its Prime Membership delivery program for certain ZIP codes in DC starting in 2022, while continuing to charge full subscription fees for consumers living in the “excluded” ZIP code areas.

Trump Announces Ferguson to Serve as FTC Chair, Nominates Meador for Open Commissioner Spot

Yesterday, President-elect Trump announced his picks to round out the Federal Trade Commission for his second administration. Trump tapped current Republican Commissioner Andrew Ferguson to be elevated to chair the agency, and nominated Mark R. Meador to fill the commissioner vacancy that will be left behind upon Chair Khan’s departure. As we previously discussed in a post [here](#) predicting what to expect pre- and post-inauguration at the FTC, Chair Khan is expected announce her resignation prior to Trump’s inauguration on January 20. Even if she did not and made an unusual attempt to hold over into the Trump administration, the Republican-controlled Senate’s anticipated confirmation of Meador would moot the move. Current Democratic Commissioners Slaughter and Bedoya, as well as Republican Commissioner Holyoak, are also expected to remain on the Commission.

State AGs Combat ESG: Multistate Coalition Sues BlackRock, State Street, and Vanguard for Alleged Antitrust & Consumer Violations in Coal Markets

Texas Attorney General Ken Paxton, joined by ten other Republican-led states, filed a lawsuit in the U.S. Eastern District of Texas against BlackRock, State Street, and Vanguard, accusing them of illegally conspiring to manipulate coal markets. The [104-page complaint](#) alleges that these investment firms leveraged their substantial ownership stakes in major U.S. coal producers to “artificially” constrain the supply of coal, resulting in diminished competition, higher energy prices for consumers, and “cartel-level profits” for the defendants.

FTC Delivers \$2 Million Reminder About the Mail Order Rule

Yesterday, the FTC announced a court order requiring GOAT – an online marketplace for sneakers, apparel, and accessories – to pay more than \$2 million for violating the Mail Order Rule, which requires companies to have reasonable shipping practices. The FTC’s complaint also alleged that GOAT offered an “Assurance of Authenticity” and “Buyer Protection” for consumers that received deficient products but that the company did not put a system in place to honor its policies.

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