

# Ad Law News and Views - December 2025

December 22, 2025

As we wrap up another busy year, we thought we'd pause and highlight some of the numbers, milestones, and behind-the-scenes activities that powered our team. From blog posts and podcasts to events—and plenty of coffee and miles in between—2025 kept us moving all year long.

So, in the spirit of year-end reflection (and borrowing a page from Spotify Wrapped), we've pulled together a snapshot of the year in numbers. Below is Ad Law Wrapped: a look at the content we've shared, the conversations we had, and the work that kept us busy throughout the year.

Thanks for reading, listening, and engaging with us. We're looking forward to what's next!

## UPCOMING EVENT

Kick off 2026 with a clear, grounded look at where privacy is headed, and what it means for the teams actually doing the work. This intimate, one-day, in-person forum held inside Kelley Drye's new DC office brings together regulators, in-house counsel, and industry luminaries for candid, practical conversations on the issues shaping privacy programs right now.

This forum prioritizes dialogue over decks and real-world insight over theory. You'll hear directly from state enforcers and the FTC, engage in open discussion, and connect with peers navigating the same regulatory and operational pressures.

From regulator fireside chats to practitioner panels, join us to hear meaningful dialogue on:

- Kids' privacy and age verification
- Health data and sensitive information
- Adtech and targeted advertising
- State AG enforcement priorities
- FTC enforcement and policy priorities
- Federal and state policy outlook for 2026

Learn more about the event and secure your spot [here](#).

## IN THE NEWS

### [A Look at the Wave of 2025 Email Marketing Suits in Wash.](#)

Partner [Gonzalo Mon](#) wrote "A Look At The Wave Of 2025 Email Marketing Suits in Wash." published by Law360. The article details a 2025 decision by the Washington State Supreme Court that focused

on the scope of Washington's Commercial Electronic Mail Act (CEMA) and opened the door for lawsuits about how retailers advertise sales and other offers. The Washington Supreme Court's decision expands CEMA to include false or misleading subject lines in marketing emails. Gonzalo covers some of the more than 30 lawsuits that have arisen regarding misleading subject lines and the nuances between the complaints. He concludes with tips for companies to reduce risk in their email marketing campaigns in the wake of this decision.

## Key Risks for Cos. As MAHA Reshapes Food Regulation

Partner and Advertising and Marketing practice chair [Donnelly McDowell](#), Partner and State Attorneys General practice chair [Paul Singer](#), and Associate [Andrea deLorimier](#) authored "Key Risks For Cos. As MAHA Reshapes Food Regulation" for Law360. The article discusses the "Make America Healthy Again" movement (MAHA), and the far reaches of its impact on legislative and regulatory priorities.

## Washington's Spam Email Ruling Means Retailers Should Be Careful

Partner [Gonzalo Mon](#) authored "Washington's Spam Email Ruling Means Retailers Should Be Careful" published by Bloomberg Law. The article covers the Washington Supreme Court's ruling in *Brown v. Old Navy LLC*, which affects the content businesses can put in the subject lines of marketing emails sent to Washington residents. Gonzalo explains the case, the Court's ruling, and how retailers can reduce risk in this area.

## New California Ultra-Processed Foods Law May Set Table for National Wave of Regulation

Partner and Advertising and Marketing practice chair [Donnelly McDowell](#) was quoted in "New California Ultra-Processed Foods Law May Set Table for National Wave of Regulation" by Law.com. The law directs state regulators to make rules about ultra-processed foods in public schools, and adopts a broader definition than other states passing similar laws. California's law defines ultra-processed foods in terms of ingredients' functions, like stabilizers and thickeners or artificial coloring agents. This legislation comes during a wave of regulation and scrutiny over food, in part from the "Make America Healthy Again" movement. Donnelly notes the risks the law creates for food companies doing business in California for private lawsuits.

## EdTech Joint Settlement Shows Enforcers' Focus on Protecting Kids' Data

Partner [Laura Riposo VanDruff](#) was quoted in "EdTech Joint Settlement Shows Enforcers' Focus on Protecting Kids' Data" by Privacy Daily. The article reports on a joint settlement between three states and the software company Illuminate Education. The settlement resolved claims that Illuminate failed to protect students' data with basic security measures.

## LATEST UPDATES

### NY Law Requires Disclosure of "Synthetic Performers" in Ads

Last week, New York's Governor signed a first-of-its kind law that will require companies to

conspicuously disclose when their ads include any “synthetic performer,” a term that generally refers to an asset that was created using AI or other software and is intended to emulate an actual human.

## FTC Quietly Reopens Click to Cancel Rulemaking in Response to Petition

In July, the Eighth Circuit vacated the FTC’s “Click to Cancel Rule.” Since then, the FTC has continued to challenge cancellation practices under other authority. For example, in September, the FTC announced a \$7.5 million settlement with an ed tech provider over cancellation practices under the Restore Online Shoppers’ Confidence Act (or “ROSCA”).

## State AGs Continue Actions Against “RealPage Landlords,” Multistate Settles for \$7 Million

A bipartisan multistate group of nine attorneys general settled a lawsuit against the largest landlord in the U.S., Greystar Management, for \$7 million as part of ongoing litigation in the rental market industry. In the lawsuit filed in January 2025 in coordination with U.S. DOJ, the states alleged that landlords provided data to RealPage’s algorithms to generate pricing recommendations and engaged in discussions that included pricing strategies. The AGs said that the companies understood that their data would create increased profits by recommending set rental prices to all landlords using the platform. The nine AGs’ case continues against five other rental management companies.

## State AGs Push Back (Again) Against Proposed State Law AI Ban

With the federal government again threatening to prevent states from regulating AI, another bipartisan coalition of 36 state attorneys general is speaking out through a National Association of Attorneys General policy letter. This time, the preemption language is being proposed in the National Defense Authorization Act. The letter follows one from a 40-AG group in May 2025, pushing back on a similar proposal in the “Big, Beautiful Bill.”

## NAD Addresses Disclosures on TikTok Shop

Procter & Gamble filed an NAD challenge against Blueland, arguing that influencers promoting Blueland’s cleaning products on the TikTok Shop did not adequately disclose their connection to the company. The influencer posts generally fell into four categories.

## AG CHRONICLES

Be sure to check out [AG Chronicles](#): a monthly newsletter breaking down State Attorneys General consumer protection issues and highlighting news from the states. You may subscribe [here](#).