

Ad Law News and Views - February 2026

February 25, 2026

The Winter Olympics may be finished, but our ad law team is competing in spirit too! We asked our attorneys which Winter Olympic sport they'd compete in if given the chance, and the responses were as diverse—and impressive—as their regulatory skills. See which events our team would dominate... or at least attempt with style.

CHAMBERS GLOBAL

And speaking of awards, Chambers and Partners, in its Chambers Global Legal Guide 2026, has recognized Kelley Drye in Privacy & Data Security: The Elite.

Additionally, two of our privacy lawyers were recognized, including:

- [Alysa Hutnik](#) - Privacy & Data Security: Privacy
- [Dana Rosenfeld](#) - Privacy & Data Security, "Eminent Practitioner"

Congratulations to them and the other Kelley Drye practices and lawyers that were recognized. [Read the full list here.](#)

IN THE NEWS

[Gonzalo Mon Quoted on Influencer Marketing Compliance Risks](#)

Partner [Gonzalo Mon](#) was quoted in "Influencer Marketing: How Governance and Contract Execution Shape Brand Exposure" published by Lexology. The article covers compliance risks in the influencer marketing ecosystem, particularly enforcement actions from the FTC and NAD. Gonzalo points out how claims from influencers can create enforcement risk for companies from these regulatory bodies.

[Laura VanDruff Quoted on NetChoice Lawsuit](#)

Partner [Laura Riposo VanDruff](#) was quoted by Privacy Daily in their article, "Consumer Advocates Unsurprised at NetChoice's Challenge of South Carolina AADC." The article covers NetChoice's suit against South Carolina over its Age-Appropriate Design Code (AADC), which challenges the South Carolina's code on first amendment grounds, including its requirement for independent third-party audits.

[Laura VanDruff Quoted on Chatbot Regulation](#)

Partner [Laura Riposo VanDruff](#) was quoted by Bloomberg Law in their article "Chatbot Developers Brace for Impending Wave of State Regulation." The article discusses the possibility of a ramp up in

regulation and enforcement actions on chatbots as concerns over children's privacy rise. Chatbots, which are broadly defined as software that uses artificial intelligence to generate human-like conversation, have been facing an increase in private litigation and some legislative activity.

[Alysa Hutnik Featured in Bloomberg Industry](#)

Partner and Privacy and Information Security practice chair [Alysa Hutnik](#)'s interview with Chris Mufarriage, director of the FTC's Bureau of Consumer Protection, was featured in Bloomberg Industry. Chris joined Alysa for a chat during Kelley Drye's Privacy State of the Union. The article highlights Chris' comments on the FTC's priorities on enforcing children's policy.

[Aaron Burstein and Céline Guillou Quoted in Privacy Daily](#)

Partner [Aaron Burstein](#) and Special Counsel [Céline Guillou](#)'s recent Ad Law Access blog post, "Getting Ready to Use the DROP" was featured in Privacy Daily. The article, "Complying with California DROP Required 'Careful Planning,' Lawyers Say," discusses the new California Delete Request and Opt-out Platform (DROP), which, starting August 1, 2026, will require registered data brokers to use the platform to honor consumer requests to delete personal information.

[Donnelly McDowell Quoted on Ultra-Processed Foods Policy](#)

Partner and Advertising and Marketing practice chair [Donnelly McDowell](#) was quoted by Chemical and Engineering News in their article, "US Ultraprocessed Food Policy Accelerates with Bipartisan Support." The article covers the increased interest for federal and state regulation related to the manufacture and marketing of ultra-processed foods. This increased scrutiny over food manufacturing is in part because of the Make America Healthy Again (MAHA) movement, headed by the Trump Administration and United States Health and Human Services Secretary Robert F. Kennedy, Jr., though both red and blue states are also focused on curbing the consumption of these ultra-processed foods.

LATEST UPDATES

[TaylorMade Accuses Callaway of Slinging Mud \(Balls\)](#)

Last month, TaylorMade filed a lawsuit against Callaway arguing that its competitor coordinated a marketing campaign designed to sling mud at TaylorMade and mislead both consumers and retailers into thinking that Callaway's golf balls are superior to TaylorMade's golf balls, based solely on how the balls appear under a UV light.

[Update on the Wave of CEMA Lawsuits \(February 2026\)](#)

Last year, the Washington Supreme Court issued a significant [decision](#) in a class action lawsuit accusing Old Navy of sending emails that included false or misleading information about the duration of sales. The Court determined that including such information in the emails' subject lines violated the state's Commercial Electronic Mail Act (or "CEMA").

[NAD Decision Provides Guidance on #1 Claims](#)

Nanit sells a smart baby monitor, a WiFi-connected device with a video and audio feed that can track a baby's breathing motion, sleep patterns, and milestones. Nanit advertised that its monitor was the

“#1 baby monitor” and the “#1 smart baby monitor.” Owlet, a competitor, challenged the claims before NAD, arguing that it has higher market share than Nanit in both categories.

40 State AGs Urge Congress to Adopt Senate KOSA Bill

On February 11, 2026, a bipartisan coalition of 40 state attorneys general sent a letter to Congressional leadership expressing support for the Senate version of the Kids Online Safety Act (KOSA), S. 1748.

Ultra-Processed Foods and Consumer Protection: What We Learned from ... West Virginia

Our most recent installment of Kelley Drye’s [State Attorney General Webinar Series](#) featured a [conversation](#) with representatives of the West Virginia Attorney General’s Office, including Chief Deputy Jace Goins, Consumer Protection and Antitrust Division Director Ann Haight, and AAG Abby Cunningham. The discussion centered on the state’s effort to regulate ultra processed foods (“UPFs”) and ingredients associated with UPFs —a subject that has attracted commentary from a wide range of sources, including most recently [a Super Bowl ad](#) featuring professional boxer Mike Tyson. The webinar offered a look at how West Virginia is approaching enforcement and compliance in this developing area.

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](#).