

# Ad Law News and Views

## January 19

January 19, 2024

### UPCOMING WEBINARS

#### Data Privacy Week Exclusive 2024 Privacy Litigation Trends: CIPA Claims (What's New)

January 23 | 3:00 p.m. – 4:00 p.m. ET

Privacy litigation is on the rise. The spike in cases under the California Invasion of Privacy Act (CIPA) is likely to continue in 2024 with more cases expanding over additional technologies and with evolving theories of liability.

Join Kelley Drye Privacy Litigation partners [Lauri Mazzuchetti](#) and [Whitney Smith](#), and Privacy & Information Security chair [Alysa Hutnik](#) as they delve into some of the most pressing privacy litigation issues for businesses in the new year.

Topics include:

- The types of businesses on the radar and ways to avoid becoming a target
- New and frequently alleged claims and the technologies that may be affected
- How businesses should think about proceeding through settlement, litigation, and mass arbitration
- Mitigation options for businesses and practical tips on how to respond
- What's next

[Register Here](#)

### 2024 State Attorneys General Webinar Series

January 25 | 12:00 p.m. – 1:00 p.m. ET

Join Kelley Drye's State Attorneys General Ad Law team in our upcoming webinar led by Kelley Drye's Co-Chair, [Paul Singer](#), Special Counsel [Abby Stempson](#), and Senior Associate [Beth Chun](#).

This month will feature General Letitia "Tish" James, the 67th Attorney General of the state of New York, as our esteemed guest. Attorney General James is a lifelong public servant whose impactful career has left an indelible mark on the citizens of New York. Attorney General James is a champion

of consumer protection rights and her devotion to combatting the opioid epidemic, protecting the vulnerable, and her commitment to social justice make her a legal pioneer.

[Register Here](#)

## IN THE NEWS AND LATEST UPDATES

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### Calling and Texting Regulations Tightening: FCC Adopts 1:1 TCPA Consent and Do-Not-Text Rules

At its last open meeting of 2023, the FCC voted to adopt [new rules](#) “to protect consumers from unwanted and illegal text messages and calls.” Among the changes are a new “one-to-one” consent requirement for autodialed telemarketing texts and phone calls, clarification on the applicability of the Do-Not-Call Registry to text messages, and a limited text blocking mandate. These changes are discussed in more detail below, along with an overview of additional proposals on which the FCC is seeking public comment.

### SDNY Allows False Advertising Suit Over “Carbon Neutral” Claims to Move Forward

A 2022 class action lawsuit against Danone Waters’ Evian spring water will move forward, thanks to a judge in the Southern District of New York, who decided this week that he could not determine as a matter of law that the term “carbon neutral” does not have the capacity to mislead consumers.

### When a “Sponsored” Disclosure May not be Enough

NAD recently reviewed posts promoting Cariuma sneakers that appeared on the Facebook and Instagram accounts of *Travel + Leisure*, *US Weekly*, and *The Quality Edit*. The posts claimed that various celebrities wore the sneakers, encouraged consumers to buy the sneakers before they sold out, and included links to make a purchase or learn more. Each post was labeled as “sponsored.”

### Top 5 State Privacy Issues We’re Monitoring This Year

The year ahead promises to be busy on the state privacy front. As we’ve covered on this blog, states are continuing to fill the gap at the federal level by implementing comprehensive state laws that guarantee consumer privacy rights and regulate data sales, targeted advertising, and sensitive data.

### NY AG Gets Serious Over Cancellation Practices

Last month, the New York AG filed a lawsuit against Sirius XM Radio, alleging that the company “sells subscriptions that are easy to purchase, and extremely difficult to cancel.” Consumers who want to cancel their subscriptions are forced to “undergo a lengthy and burdensome endurance contest that Sirius created and implemented as a strategy for keeping as many consumers from cancelling as possible.”

### NAAG Capital Forum Wrap Up 2023 Part II- New NAAG Presidential

## Initiative

As we covered in [part I](#), the National Association of Attorneys General (NAAG) finished the year with its 2023 Capital Forum in early December, focusing heavily on AI.

## NAAG Capital Forum Wrap Up 2023 Part 1- More AI and AGs

The National Association of Attorneys General (NAAG) closed out the year with its 2023 Capital Forum in early December. This year's Forum focused heavily on AI questions and concerns and past and future NAAG Presidential Initiatives. In this first post, we will cover the highlights of the AI panels.

## Lessons from an Italian Christmas Scandal

Chiara Ferragni is an Italian influencer with almost 30 million followers on Instagram. At last count, that's more than the number of followers we have at Ad Law Access, so she must be doing something right. But a recent scandal that caught the attention of Italian authorities, including the [Prime Minister](#), suggests that she may have also done a few things wrong.

## FTC Proposes Changes to COPPA Rule: What Businesses Need to Know

The Federal Trade Commission (FTC) [announced](#) a Notice of Proposed Rulemaking (NPRM) to amend the Children's Online Privacy Protection Act Rule (COPPA Rule). The COPPA Rule applies to operators of websites and online services that are directed to children under 13 or that have "actual knowledge" they are collecting personal information from children under 13. It imposes notice, consent, data security, and data minimization requirements. Below we summarize highlights from the rulemaking.

## Top Advertising Law Developments in 2023

If you follow our blog, you already know that there have been a number of significant developments in the world of advertising law over the past 12 months. In this post, we highlight ten of those developments and consider what they might mean for the future.