

Ad Law News and Views - January 2026

January 29, 2026

While much of the country was bundled up in cold winter weather, privacy leaders and regulators braved the icy roads and gathered in our DC office earlier this week for our Privacy State of the Union event. Fittingly held during National Privacy Week, the event featured a full day of lively discussion and valuable insight into the evolving privacy landscape.

Attendees engaged in conversations about practical, real-world approaches to privacy, explored hot topics like children's privacy, advertising and media, and federal and state enforcement priorities, and heard thought-provoking fireside chats with leaders from the FTC and the CPPA.

The event afforded a great opportunity to spark conversations, make new connections, and celebrate the dynamic privacy community — a clear example of how energy, insight, and collaboration fuel progress across the privacy world. Thank you to all who made it out for the event.

UPCOMING EVENT

West Virginia Attorney General's Office: Consumer Protection and Ultra-Processed Foods

Monday, February 2, 2026 | 2:00 p.m. – 3:00 p.m. ET

Please join us for a webinar featuring special guest speakers:

- Jace Goins, Chief Deputy
- Ann Haight, Director, Consumer Protection and Antitrust Division
- Abby Cunningham, Assistant Attorney General, Consumer Protection and Antitrust Division

They will be joined by Kelley Drye State Attorneys General Practice Chair [Paul Singer](#), Advertising and Marketing Chair [Donnelly McDowell](#), Special Counsel [Abby Stempson](#), and Associate [Andrea deLorimier](#). The guest speakers will share insights into West Virginia's current consumer protection priorities and examine the state's new law targeting certain ultra-processed foods and food ingredients, along with its implications for broader consumer protection enforcement. They will also discuss how the state's law, and similar measures targeting ultra-processed foods, operate at the intersection of public health and consumer protection. The guest speakers will explain how the AG's office approaches issues to improve public health outcomes by reducing exposure to harmful ingredients while simultaneously creating enforceable standards that help regulators identify unfair or deceptive practices in the marketing and sale of food products.

Register [here](#).

IN THE NEWS

[Kelley Drye Expands Privacy Practice with Partner Kate Black and Special Counsel Mason Fitch](#)

“We’re thrilled to welcome Kate and Mason to the firm,” says [Alysa Hutnik](#), partner and chair of Kelley Drye’s Privacy and Information Security practice. “Their combined experience across health privacy, emerging technologies, and complex data regulatory frameworks enhances our ability to guide clients through rapidly evolving privacy challenges with practical, business-minded solutions.”

[The FTC’s 20-Year-Consent-Order Policy Is Burdensome and Unfair](#)

Partner [John Villafranco](#) authored “The FTC’s 20-Year-Consent-Order Policy Is Burdensome and Unfair” published by Bloomberg Law. The article discusses the Federal Trade Commission’s 20-year consent order duration, which the agency has not revisited since 1995. Other federal agencies’ consent order duration is much shorter. John argues that the FTC should adopt a new position on consent orders lasting five to 10 years.

[Gonzalo Mon Quoted on “Click to Cancel” Bills in Congress](#)

Partner [Gonzalo Mon](#) was quoted in “‘Click to Cancel’ Bills in Congress Target Consumer Subscriptions That Are Hard to Ditch” for CNBC. The article covers legislative attempts in Congress to create a federal “click to cancel” rule. A House bill, the Unsubscribe Act, was introduced in mid-January as a companion to a Senate measure proposed in July 2025. These efforts are a part of a trend among in the states to curb hard to cancel subscriptions.

[Donnelly McDowell Quoted on Bipartisan Momentum Behind State Food Regulation](#)

Partner and Advertising and Marketing practice chair [Donnelly McDowell](#) was quoted in Chemical & Engineering News’ (C&EN) World Chemical Outlook 2026, in the article “States expected to leapfrog feds on food-chemical regulation,” examining the rapid rise of state-level legislation targeting food formulation, processing, and additives, even as the food industry continues to press for federal standards.

[Laura Riposo VanDruff Quoted in Law.com](#)

Partner [Laura Riposo VanDruff](#) was quoted in “Riding a Wave of Trump Policy Shifts, Law Firms Have Stayed Busy in DC” for Law.com. The article examines how Washington, D.C., law firms navigated shifting regulatory and enforcement priorities in 2025 under the Trump administration, and how those changes affected demand across key practice areas.

LATEST UPDATES

[Center for Industry Self-Regulation Launches Institute for Responsible Influence](#)

The Center for Industry Self-Regulations launched the Institute for Responsible Influence, an entity whose first key initiative will be a certification program designed “to elevate transparency,

strengthen accountability, empower creators, and foster trusted brand partnerships within creator marketing.”

Cat Fight Ends Up in Court

Cleaning cat litter can be a dirty business and, according to a new lawsuit, marketing litter boxes can be even dirtier. The maker of Meowant brand self-cleaning litter boxes filed a lawsuit against its rival PetPivot, alleging that PetPivot is paying influencers to spread crap about how Meowant’s litter boxes allegedly spread crap, rather than clean it.

Update on the Wave of CEMA Lawsuits

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”).

AG Pricing Update: \$4.25M Menards Settlement in Rebate Probe; Colorado AG Targets 2026 Pricing Practices

On December 17, 2025, a coalition of ten state attorneys general [announced a \\$4.25 million settlement](#) with Menards, the third-largest home improvement chain, resolving allegations that the company deceptively marketed its “Menards 11% Rebate Program” in violation of the states’ general consumer protection laws (rather than any “junk fee” or drip-pricing laws). The settlement was led by Illinois, Iowa, Minnesota, and Wisconsin.

AI Chatbots Face Rising Legal and Legislative Scrutiny

AI chatbots are no longer a novelty. They are now embedded in social media platforms, search engines, and educational tools. Providers of AI chatbots face mounting scrutiny nationwide, as advocacy groups and legislators question the effects of chatbots on mental health, particularly for children. Parents and former users [have sued OpenAI](#) over what they allege to be ChatGPT’s failure to prevent suicidal ideation, bringing claims that include allegations of assisted suicide, wrongful death, and involuntary manslaughter.

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](#).