

Ad Law News and Views - May 2025

May 30, 2025

EVENT RECAP

We held two workshops in the month of May highlighting our State AG and Privacy practice groups. In Chicago, our AG group hosted **Navigating Consumer Protection in a Shifting Political Landscape**, bringing together legal professionals, state regulators, and thought leaders to discuss consumer protection enforcement, regulatory trends, and the evolving challenges facing businesses. In NYC, our Privacy group hosted the Interactive Advertising Bureau (IAB) workshop focused on **Health Insights & Beyond**, discussing the current legal and regulatory landscape, and related opportunities and challenges for adtech privacy and health-related advertising. Special guests included industry experts, adtech vendors, and regulators from neighboring states.

Thank you to all that attended. If you are interested in receiving more information about events at Kelley Drye, please contact Business Development and Marketing Manager, [Ann Koepke](#).

UPCOMING EVENTS

Navigating the Maze of Influencer Marketing

Webinar: Wednesday June 4, 2025 | 1:00 pm - 1:30 pm

The FTC's requirements for influencer campaigns have gotten more complicated, and they aren't always intuitive. Unfortunately, many companies aren't complying with the new requirements, leaving them open to challenges. Although enforcement from the FTC has decreased, enforcement from other sources has increased.

Join Kelley Drye Partner Gonzalo Mon as he covers what you need to know in just 30 minutes. Gonzalo will address topics including:

- Influencer disclosures
- Gifting campaigns
- Recent NAD cases and class actions
- Tips for managing influencer programs

If you are interested in attending this webinar, please contact [Ann Koepke](#).

IN THE NEWS AND LATEST UPDATES

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the Advertising and Privacy Law Resource Center [here](#).

Bipartisan Coalition of State AGs Oppose Federal Effort to Block State AI Laws

If you've been keeping tabs on the AI legal landscape lately, one thing is clear: states aren't waiting. Over the past year, lawmakers across the country have introduced—and in some cases passed—a flurry of bills aimed at regulating the use of AI systems, particularly in the areas of consumer protection, data privacy, and transparency. From algorithmic bias bans to generative AI labeling and ADMT restrictions, a patchwork of new AI rules is quickly taking shape.

Missouri Attorney General Introduces New Rule Requiring Social Media Companies to Offer Competitor Content Moderators

Utilizing regulatory powers under its UDAP law, the Missouri Merchandising Practices Act (the "MMPA"), Missouri Attorney General Andrew Bailey [announced](#) a new rule, codified as 15 C.S.R. § 60-19, that would prohibit social media companies from requiring their users to rely on the company's in-house content moderation algorithm. Instead, social media companies must offer "algorithmic choice" to users. In a press release, the Missouri AG called the rule the first of its kind in the nation.

NAD Finds Advertiser Responsible for Influencer Post it Didn't Request

A beauty influencer posted a video on TikTok that purported to show how Huda Beauty's Easy Bake Setting Spray is stronger and lasts longer than Charlotte Tilbury Beauty's competing spray. Huda reposted the video on its Instagram account. Although the influencer doesn't have a formal relationship with Huda and wasn't required to post the video, she does periodically receive free products from the company.

Multistate Coalition Urges CFPB to Prioritize and Distribute Consumer Refunds

Last week, Washington Attorney General Nick Brown, a bipartisan coalition of attorneys general from ten other states, and the California Department of Financial Protection and Innovation [wrote](#) the Consumer Protection Financial Bureau's Acting Director, Russell Vought, pressing the CFPB to issue "long-delayed restitution" to consumers allegedly harmed by a business offering online training for tech positions.

NAD Holds Puffery Analysis Depends on Material Connection Disclosure

Church & Dwight ran ads for TheraBreath Mouthwash that featured a dentist in a white lab coat identifying him as Dr. Harold Katz. In some of the ads, Dr. Katz holds the product and states: "It's a better mouthwash. I guarantee it."

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](#).