



Ad Law News and Views - November 2025

November 24, 2025

WE'RE MOVING

After many wonderful years at the Georgetown Waterfront, we're excited to share that, effective December 9, Kelley Drye's Washington, D.C. office is moving to a new waterfront, the Wharf, and will be located at:

670 Maine Avenue SW
Suite 600
Washington, DC 20024

We look forward to welcoming you to our new office soon. Please update your records accordingly. Our phone numbers will remain the same.

HAPPY THANKSGIVING

Thanksgiving is almost here, and we know lawyers love a good debate... especially when it's over food. We asked the team to vote on their favorite side dishes and pies, and the results are in. With stuffing and pecan pie winning big and the rest of the favorites spread across the board, here's a peek at what's making its way onto everyone's holiday plates.

No matter which way you slice it, Thanksgiving is about more than just pie—it's about gratitude. We're especially grateful for our incredible team, the work that drives us, and the clients who make it meaningful.

CONGRATULATIONS

We're honored to share that Kelley Drye's Advertising Law practice group is once again recognized by Best Lawyers in its 2026 Best Law Firms report with a National Tier 1 ranking. We are grateful to our clients for their continued trust and partnership.

Read our full announcement [here](#).

CLIENT ADVISORY

Subscribe to Advertising & Marketing alerts [here](#) to receive advisories right to your inbox.

MAHA is Coming for Ultra-Processed Foods and Other Food Reforms; Red and Some Blue States are Answering

The Make America Healthy Again (MAHA) movement is reshaping state and federal regulatory

priorities. At the state level, legislatures are advancing measures targeting ultra-processed foods (UPFs), including restrictions on UPFs in schools, statewide bans, and front-of-package labeling requirements. The federal government has previewed increased enforcement of direct-to-consumer pharmaceutical advertising laws and the development of potential guidelines to limit the marketing of certain foods to children.

Collectively, these actions signal a shift toward more aggressive regulation and enforcement in consumer health and nutrition markets. For businesses, MAHA's influence is creating new compliance and litigation risks, particularly for food and beverage manufacturers, pharmaceutical companies, retailers, and digital advertisers. Legally, these developments raise questions of federal preemption, administrative authority, and consistency across state regimes, issues that are likely to shape both regulatory strategy and enforcement trends moving forward. [Read more.](#)

Get these and other stories in real time when you subscribe to the [Ad Law Access blog](#).

What We Learned from ... South Carolina

South Carolina Attorney General Alan Wilson and Jared Libet, Assistant Deputy Attorney General in the Consumer Protection Unit, recently joined a Kelley Drye webinar to discuss the core philosophy behind their office's practice and the state's approach to consumer protection, as well as IRS regulations and their impact on consumer protection settlements.

[Part One](#): Leveling the Playing Field in Consumer Protection

[Part Two](#): IRS Regulations Affecting Consumer Protection Settlements

New York's Algorithmic Pricing Disclosure Law Takes Effect

New York Attorney General Letitia James recently announced that on November 10, 2025, New York's Algorithmic Pricing Disclosure Act (the "Act") officially took effect. Codified at N.Y. Gen. Bus. Law § 349-a, the Act requires that companies making use of consumer-specific data to set prices clearly and inform consumers when those prices have been determined by an algorithm. It was enacted as part of New York's omnibus budget bill, which also introduced other consumer protection measures, including amendments to the state's Automatic Renewal Law that we covered in June. This measure reflects emerging legislative interest in addressing "surveillance pricing", or individualized pricing practices that rely on personal data to adjust the cost of goods or services.

State Attorneys General Announce AI Task Force

The Attorney General Alliance released a statement on the creation of an Artificial Intelligence Task Force in a "bipartisan initiative" chaired by North Carolina Attorney General Jeff Jackson and Utah Attorney General Derek Brown. The AGs also issued their own announcements, which included statements from partners OpenAI and Microsoft.

Recycling Old Tricks: State AGs Probe Plastics Industry Collusion in Latest ESG Probe

This month, the attorneys general of Florida, Texas, Iowa, Nebraska, and Montana sent letters to various environmental groups expressing "collective concern" about potentially anti-competitive recycling practices. The letters, sent to the Consumer Goods Forum, the Green Blue Institute and the U.S. Plastics Pact, vary slightly depending on the recipient, but make the same general allegations.

Is “America’s Coffee” Made in America?

According to the mission statement on its website, “Black Rifle Coffee Company serves coffee and culture to people who love America.” The company serves that coffee in bags that proudly feature the American flag and bear the slogan “America’s Coffee.”

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](#).