

# Ad Law News and Views - October 2025

October 29, 2025

The need for pro bono assistance continues to grow nationwide, emphasizing how essential lawyers are in ensuring justice for all. Last week's National Pro Bono Week celebrated that commitment, and the difference attorneys can make for individuals and organizations who might otherwise go without counsel.

This year, members of Kelley Drye's Advertising Law practice, including [Aaron Burstein](#), [Darby Hobbs](#), [Katrina Hatahet](#), [Donnelly McDowell](#), [Gonzalo Mon](#), [Katie Rogers](#), and [Christie Thompson](#), have dedicated their time to matters ranging from advocating for children and asylum seekers to advising nonprofit organizations that strengthen their communities.

The team also proudly continues its longstanding partnership with the Legal Aid Society of the District of Columbia. This year, Kelley Drye joined the Making Justice Real Campaign, raising a record-breaking amount—and yes, a few pies were thrown in the process! Thanks to the generosity of our colleagues, we led our firm size category and ranked in the Top 10 of 75 participating firms. That support helped Legal Aid DC surpass its fundraising goal, expand services to immigrant communities, and continue fighting fearlessly for those most in need.

## IN THE NEWS

### Aaron Burstein Quoted on US Bulk Data Rule

Partner [Aaron Burstein](#) was quoted in "Ad Tracking Tools Subject to Further Scrutiny Under US Bulk Data Rule" published by *MLex*. The article covers the bulk data rule, also known as the Data Security Program, which restricts the sale or sharing of Americans' personal data with certain countries. The rule has a broad scope, which may include many website tracking tools and companies that use them. [Read more.](#)

### Laura VanDruff Discusses the CPPA's Recent Decision Against Tractor Supply Company

Partner [Laura Riposo VanDruff](#) was quoted in "CPPA's Tractor Supply Decision Offers Lessons As Enforcement Focus Moves From Education to Deterrence" by *Cybersecurity Law Report*. The article covers the California Privacy Protection Agency's (CPPA) recent decision against Tractor Supply Company, which was fined \$1.35 million for violating Californians' privacy rights. Laura provides some background on the significance of the decision, since it is the highest fine yet resulting from a CCPA investigation. [Read more.](#)

### Paul Singer Interviewed by Billboard on Ticketmaster Lawsuit

Partner and State Attorneys General practice chair [Paul Singer](#) was interviewed by *Billboard* on the

Federal Trade Commission’s lawsuit against Ticketmaster and Live Nation, as well as general background information on state and FTC enforcement on matters of consumer protection. Seven state AGs and the FTC are coordinating on the Ticketmaster lawsuit, which claims the company did not enforce its policies against using bots to purchase large amounts of tickets. [Read more.](#)

## Donnelly McDowell Quoted on State MAHA Laws

Partner and Advertising and Marketing practice leader [Donnelly McDowell](#) was quoted in “Food Companies Face Growing Patchwork of State MAHA Laws” by *Law.com*. The article covers the Make America Healthy Again (MAHA) food related legislation in a number of states. The regulatory push is from many Republican-controlled states, which Donnelly says represents a big shift in food regulation. He also mentions the compliance challenges that come from this changing landscape. [Read more.](#)

## LATEST UPDATES

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## Three Compliance Curve Balls to Watch Under Maryland’s Comprehensive Privacy Law (MODPA)

While October 1, 2025—the effective date of Maryland’s Online Data Privacy Act (“MODPA” or the “Act”)—has come and gone, businesses still have some time to ensure their practices are compliant. By its own terms, MODPA does not apply to “any personal data processing activities before April 1, 2026,” (though it requires data protection assessments for certain processing activities that occur on or after October 1, 2025) and requires the Maryland Attorney General to consider whether to provide a 60-day cure period for alleged violations until April 1, 2027. With these buffers in mind, we highlight some of the particularly challenging features of MODPA and practical ways that businesses can address them.

## Uncertainty in the Charitable Sector: Insights from the NAAG NASCO Conference and Other AG Matters

Charities serve a vital role in communities throughout the United States, providing essential services and advancing the public good. In recognition of their contributions, they are granted favorable tax treatment, which is balanced by heightened oversight from regulatory and enforcement authorities—including state attorneys general and, in some jurisdictions, secretaries of state. These officials are responsible for registering charitable organizations, overseeing their activities, and protecting charitable assets. A recent example of this oversight is the settlement between Kars-R-Us.com Inc. and its owners with 19 states and the FTC, following allegations of deceptive charitable fundraising practices.

## California Takes Action on Youth Online Safety: FAQs on the Digital Age Assurance Act

On October 13, 2025, California Governor Gavin Newsom signed AB 1043, the Digital Age Assurance Act, into law.

The Big Tech-supported measure, which takes effect on January 1, 2027, adopts an app-store centric

age assurance model, where the operating system providers (think: Apple iOS, Google Android) are responsible for communicating age signals to app developers upon request. The new law follows a recent trend of shifting away from age checks on individual sites or services (and the attendant data security risks that have resulted, exemplified most recently by the Discord data breach that exposed 70K photo IDs) and towards a model that relies on age checks at the operating system level.

## Newsom Signs Trio of New Privacy Laws with Potentially Big Implications

2025 has further solidified California's position as a first-mover in U.S. privacy law. On October 8, 2025, California Governor Gavin Newsom signed three new pieces of privacy legislation into law, including the California "Opt Me Out Act," which will require web browsers to include built-in opt-out preference signal functionality and has been subject to both praise and criticism from stakeholders.

## NAD Revives "Review Hijacking" Concept Dropped from FTC Rulemaking

When the FTC proposed its consumer reviews and testimonials rule in 2023 (discussed here), it included a provision targeting so-called "review hijacking" — the practice of reusing reviews written for one product to promote a "substantially different" one. The FTC defined "substantially different product" as a product that differs "in one or more material attributes other than color, size, count, or flavor." According to the agency, this practice misleads consumers by suggesting that reviews for a particular product apply equally to a new or different version.

## AG CHRONICLES

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