

Ad Law News and Views - October 30, 2021

October 29, 2021

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LATEST UPDATES

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Consumer Litigation Under the California Consumer Privacy Act (CCPA)

Partners [Laura Riposo VanDruff](#) and [Aaron Burstein](#) spoke at the Lexology webinar covering Consumer Litigation Under the California Consumer Privacy Act (CCPA). This webinar highlighted emerging trends across the docket of cases, provided an update on key cases involving consumers asserting CCPA-related claims, and provided practical tips. View the webinar [here](#).

Made in USA Tracker - October 2021

The latest issue of our newsletter designed to help you to monitor Made In USA issues at the Federal Trade Commission and compiles an comprehensive list of Made In USA closing letters.

DirectConnect - October 2021

In this issue of Direct Connect, the big news is the FTC making good on its promise to use its [Penalty Offense Authority](#) to make sweeping civil penalty threats to industry.

FTC to Increase Enforcement on Subscription Services

Earlier today, the FTC issued a policy statement warning marketers against using “dark patterns” to trick or trap consumers into subscription services. The statement is primarily intended to assist marketers by providing guidance on the FTC’s interpretation of existing law as it applies to various types of “negative option” programs, including automatic renewals, subscriptions, and free-to-pay trials.

It Ain’t Easy Being Yeezy: California Sues Kanye West’s Apparel Brand for Alleged Shipping Delays

As supply chain woes continue, late last week several District Attorneys on behalf of the State of California filed a lawsuit against Kanye West’s apparel brand, Yeezy, alleging that the Yeezy companies violated state law because they failed to ship items within thirty days and failed to provide adequate delay notices, or provide an offer of a refund. According to the Complaint, the issues could go back at least four years, preceding the current COVID-related delays. The state seeks civil penalties, restitution, injunctive relief, and attorneys’ fees.

Next Up – Earnings Claims: Notice of Penalty Offenses Sent to 1,100 Direct Selling Companies and Others in the Gig Economy

In its third recent Penalty Offense Authority notice, the FTC today [notified](#) more than 1,100 companies offering “money-making opportunities” that it intends to pursue civil penalties of up to \$43,792 per violation for misrepresentations related to potential earnings and related characteristics about the opportunity. [Recipients](#) of the notice include virtually every major direct selling company and others in the gig economy such as Amazon, DoorDash, Lyft, and Uber.

Kelley Drye attorneys and industry experts provide timely insights on legal and regulatory issues that impact your business. Our thought leaders keep you updated through [advisories and articles](#), [blogs](#), [newsletters](#), [podcasts](#) and [resource centers](#). [Sign up here](#) to receive our email communications tailored to your interests. Follow us on [LinkedIn](#) and [Twitter](#) for the latest updates.

TOP AD LAW ACCESS BLOG POSTS

A collection of the most read new and old [Ad Law Access](#) blog posts:

- [Read This Before Scanning A Driver's License In New Jersey](#)
- [FTC Blankets Companies With Warning Letters Over Endorsements and Reviews](#)
- [California to Tighten Rules for Automatic Renewals](#)
- [CPRA Update: How to Prepare for Privacy Compliance as an Employer](#)
- [eHarmony Agrees to Pay up to \\$2.2 Million to End Auto-Renewal Suit](#)
- [Six FTC Rules and Guides You Should Know](#)
- [Bad Break for belVita Breakfast Biscuits](#)
- [FTC Chair Khan's Vision for Privacy – and Some Dissents](#)
- [CPRA Update: California Legislature Makes Technical Changes to CPRA](#)
- [Allbirds Faces Lawsuit Over Green Claims](#)
- [Peloton Faces Uphill Ride on “Ever-Growing” Claims](#)
- [Privacy Law Update: Colorado Privacy Bill Becomes Law: How](#)

Does it Stack Up Against California and Virginia?

- [Pushing the Boundaries of Existing Authority: Section 19 Post-AMG Capital Management](#)
- [Health and Fitness Apps and IoT Technologies Should Take Note: FTC Expands Interpretation of its Health Breach Notification Rule](#)
- [Post-AMG Scorecard \(Updated\): FTC Claims for Monetary Relief in 13\(b\) Actions Dwindle](#)
- [CARU Announces Changes to Guidelines for 2022](#)
- [Second Circuit Limits Copyright Damages To Those Incurred Within Three Years Prior to Suit](#)
- [FTC/FDA Cease and Desist Letters to Companies Touting Diabetes Cures: Is the FTC Testing the Limits of Its Civil Penalty Authority?](#)
- [CPRA Update: What is a “Contractor?”](#)
- [Ad Law Access Podcast – Deepfake Best Practices Amid Developing Legal Practices](#)
- [Florida Takes Page Out of TCPA’s Book with New Legislation](#)
- [The CCPA Non-Discrimination Right, Explained](#)
- [No More Deference for Amazon’s Reference Prices](#)
- [Privacy Litigation Trend: The Latest on Session Replay Lawsuits, and Practical Considerations for Risk Mitigation](#)
- [Fashion Sustainability Claims Can’t Shake Scrutiny](#)
- [Earth Day = Green Guides](#)
- [Deepfake Best Practices Amid Developing Legal Practices](#)
- [The Pink Tax: Discrimination or Actual Differentiation?](#)
- [What You Should Know about the FTC’s Mail Order Rule](#)

UPCOMING EVENTS

Compliance Training for Non-Lawyers

DSA ENGAGE 2021: Annual Meeting

October 31, 2021", "Webinar

[Donnelly McDowell](#)

[Basics of Advertising: A New Take on Substantiation, Disclosures & Social Media](#)

Association of National Advertisers

November 15, 2021", "Webinar

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