

# DOJ Continues Aggressive Enforcement Relating to Website and App Accessibility Under ADA

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The DOJ recently announced a [settlement](#) to remedy allegations that the website, [www.peapod.com](http://www.peapod.com), and corresponding mobile app are inaccessible to those with disabilities in violation of Title III of the Americans with Disabilities Act (“ADA”). Consumers use the Peapod website and app for online grocery shopping and delivery services. Peapod does not have any physical place of public accommodation and its services are available solely through the internet.

Specifically, the DOJ alleged that individuals who are blind or have low vision and use screen reader software may not be able to properly use the website or app for various reasons. For example, the images, buttons, and form fields were unlabeled or had inaccurate alternative text; pop-ups were not being reported to screen readers; tables contained missing header information and proper mark-ups; and boldface type was used to show which fields are required. The DOJ also alleged that individuals who are deaf or hard of hearing could not understand videos presented on the website because the captioning is inaccurate; and individuals who had physical disabilities affecting manual dexterity faced barriers on the website because Java script throughout the website was not available to users who are unable to use a mouse.

The settlement with Ahold U.S.A., Inc. and Peapod, LLC, the owners and operators of [www.peapod.com](http://www.peapod.com), requires the companies to ensure that the website and mobile app conform to the World Wide Web Consortium’s *Web Content Accessibility Guidelines 2.0 Level AA* (“WCAG 2.0 AA”). The settlement also requires the companies to ensure that any new content added to the site or app is also in conformance with the requirements of the WCAG 2.0 AA. In addition, the companies must ensure that any vendors providing third-party content on the site or app provide content in a format that conforms to WCAG 2.0 AA or can be made to conform to WCAG 2.0 AA by Peapod.

The DOJ continues to aggressively pursue its enforcement agenda when it comes to ensuring that websites are accessible to persons with disabilities under the ADA. The Agency intends to issue a Notice of Proposed Rulemaking in [June 2015](#) to provide guidance on website accessibility to private parties covered under Title III. Although the DOJ has yet to issue proposed regulations, it is clear from its [enforcement efforts](#) that the DOJ views the ADA to apply to both online and in-store places of public accommodations.