

**UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:**        **Lina M. Khan, Chair**  
                                  **Rebecca Kelly Slaughter**  
                                  **Alvaro M. Bedoya**  
                                  **Melissa Holyoak**  
                                  **Andrew Ferguson**

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| <p><b>In the Matter of</b></p> <p><b>ACCESSIBE INC., a corporation, and</b></p> <p><b>ACCESSIBE LTD., a limited liability</b><br/><b>company.</b></p> |
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**FILE NO. 222-3156**

**AGREEMENT CONTAINING  
CONSENT ORDER**

The Federal Trade Commission (“Commission”) has conducted an investigation of certain acts and practices of accessiBe Inc., a corporation, and accessiBe Ltd., a limited liability company (collectively “Proposed Respondents”). The Commission’s Bureau of Consumer Protection (“BCP”) has prepared a draft of an administrative Complaint (“draft Complaint”). BCP and Proposed Respondents, individually or through their duly authorized officers, enter into this Agreement Containing Consent Order (“Consent Agreement”) to resolve the allegations in the attached draft Complaint through a proposed Decision and Order to present to the Commission, which is also attached and made a part of this Consent Agreement.

**IT IS HEREBY AGREED** by and between Proposed Respondents and BCP, that:

1. The Proposed Respondents are:
  - a. Proposed Respondent accessiBe Inc., a Delaware corporation with its principal office or place of business at 1140 Broadway, 14th floor, New York, NY 10001-7504.
  - b. Proposed Respondent accessiBe Ltd., an Israeli limited liability company with its principal office or place of business at Victoria House, 1st floor, 3 Ha’melacha Street, Tel Aviv 6721503, Israel.
2. Proposed Respondents neither admit nor deny any allegations in the Complaint, except as specifically stated in the Decision and Order. Only for purposes of this action, Proposed Respondents admit the facts necessary to establish jurisdiction.
3. Proposed Respondents waive:
  - a. Any further procedural steps;

- b. The requirement that the Commission's Decision contain a statement of findings of fact and conclusions of law; and
  - c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order issued pursuant to this Consent Agreement.
4. This Consent Agreement will not become part of the public record of the proceeding unless



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**In the Matter of**

**ACCESSIBE INC., a corporation, and**

**ACCESSIBE LTD., a limited liability  
company.**

**DECISION AND ORDER**

**DOCKET NO. C-**

**DECISION**

The Federal Trade Commission (“Commission”) initiated an investigation of certain acts and practices of the Respondents named in the caption. The Commission’s Bureau of Consumer Protection (“BCP”) prepared and furnished to Respondents a draft Complaint. BCP proposed to present the draft Complaint to the Commission for its consideration. If issued by the Commission, the draft Complaint would charge the Respondents with violations of the Federal Trade Commission Act.

Respondents and BCP thereafter executed an Agreement Containing Consent Order (“Consent Agreement”). The Consent Agreement includes: 1) statements by Respondents that they neither admit nor deny any of the allegations in the Complaint, except as specifically stated in this Decision and Order, and that only for purposes of this action, they admit the facts necessary to establish jurisdiction; and 2) waivers and other provisions as required by the Commission’s Rules.

The Commission considered the matter and determined that it had reason to believe that Respondents have violated the Federal Trade Commission Act, and that a Complaint should issue stating its charges in that respect. The Commission accepted the executed Consent Agreement and placed it on the public record for a period of 30 days for the receipt and consideration of public comments. The Commission duly considered any comments received from interested persons pursuant to Section 2.34 of its Rules, 16 C.F.R. § 2.34. Now, in further conformity with the procedure prescribed in Rule 2.34, the Commission issues its Complaint, makes the following Findings, and issues the following Order:

## **Findings**

1. The Respondents are:
  - a. Respondent accessiBe Inc., a Delaware corporation, with its principal office or place of business at 1140 Broadway, 14th floor, New York, NY 10001-7504. accessiBe Inc. is a wholly owned subsidiary of accessiBe Ltd.

6. The disclosure must comply with these requirements in each medium through which it is received, including all electronic devices and face-

unless the representation is non-misleading, including that, at the time such representation is made, they possess and rely upon competent and reliable evidence





the Complaint. Any money not used is to be deposited to the U.S. Treasury. Respondents have no right to challenge any activities pursuant to this Provision.

- E. In the event of default on any obligation to make payment under this Order, interest, computed as if pursuant to 28 U.S.C. § 1961(a), shall accrue from the date of default to the date of payment. In the event such default continues for 10 days beyond the date that payment is due, the entire amount will immediately become due and payable.
- F. Each day of nonpayment is a violation through continuing failure to obey or neglect to obey a final order of the Commission and thus will be deemed a separate offense and violation for which a civil penalty shall accrue.
- G. Respondents acknowledge that their Taxpayer Identification Numbers (Social Security or Employer Identification Numbers), which Respondents have previously submitted to the Commission, may be used for collecting and reporting on any delinquent amount arising out of this Order, in accordance with 31 U.S.C. § 7701.

### **VIII. Customer Information**

**IT IS FURTHER ORDERED** that Respondents must directly or indirectly provide sufficient customer information to enable the Commission to efficiently administer consumer redress to all purchasers or subscribers to accessWidget. If a representative of the Commission requests in writing any information related to redress, Respondents must provide it, in the form prescribed by the Commission representative, within 14 days.

### **IX. Acknowledgments of the Order**

**IT IS FURTHER ORDERED** that Respondents obtain acknowledgments of receipt of this Order:

- A.

## **X. Compliance Reports and Notices**

## **XI. Recordkeeping**

**IT IS FURTHER ORDERED** that Respondents must create certain records for 10 years after the issuance date of the Order, and retain each such record for 5 years, unless otherwise specified below. Specifically, each Respondent must create and retain the following records:

- A. Accounting records showing the revenues from all goods or services sold, the costs incurred in generating those revenues, and resulting net profit or loss;
- B. Personnel records showing, for each person providing services in relation to any aspect of the Order, whether as an employee or otherwise, that person's: name; addresses; telephone numbers; job title or position; dates of service; and (if applicable) the reason for termination;
- C. Copies or records of all consumer complaints and refund requests, whether received directly or indirectly, such as through a third party, and any response;
- D. A copy of each unique advertisement or other marketing material making a representation subject to this Order;
- E. For 5 years from the date of the last dissemination of any representation covered by this Order:
  - 1. All materials that were relied upon in making the representation; and
  - 2. All tests, studies, analysis, demonstrations, other research or other such evidence in Respondents' possession, custody, or control that contradicts, qualifies, or otherwise calls into question the representation, or the basis relied upon for the representation, including complaints and other communications with consumers or with governmental or consumer protection organizations;
- F. For 5 years from the date created or received, all records, whether prepared by or on behalf of Respondents, that tend to show any lack of compliance by Respondents with this Order; and
- G.

## **XII. Compliance Monitoring**

**IT IS FURTHER ORDERED** that, for the purpose of monitoring Respondents' compliance with this Order:

A.

complaint had never been filed, except that the Order will not terminate between the date such complaint is filed and the later of the deadline for appealing such dismissal or ruling and the date such dismissal or ruling is upheld on appeal.

By the Commission.

April J. Tabor  
Secretary

SEAL:  
ISSUED: