



Office of the Director  
Bureau of Consumer Protection

United States of America  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

**The National Advertising Division Annual Conference 2022**  
**The Next Era of Ad Law**

*Remarks of Samuel Levine*  
*Director, Bureau of Consumer Protection, Federal Trade Commission*      *for consumers through*  
*Act.*

<sup>2</sup> *It is difficult to overstate the impact this has had. For decades, the Bureau of Consumer Protection had relied on Section 13(b) in the overwhelming majority of its cases. In fact, in the four years before AMG was decided, the Commission used the authority to return more than \$11 billion to consumers.*<sup>3</sup>

*AMG dealt a devastating blow to our ability to protect the public, and the decision marked a real inflection point. I'm sure that many expected – and perhaps some hoped – that we would retreat from our mission. That we would stop seeking redress in our cases. That we would settle for injunctions against further lawbreaking, and wait on Congress to restore our authority. We return money to consumers who've been harmed. It's not easy. Alternative paths to monetary relief can be slower and more challenging. It's absolutely urgent that Congress restore our authority. But when we pursue a case and get inadequate relief, even if it means needing to invest greater resources – and take more time – we did when we could seek monetary relief under 13(b).*

Importantly, as we inventory our tools to ensure we can continue deliver

<sup>1</sup> I wish to thank Katherine Worthman for her substantial assistance in preparing these remarks. The views expressed here are my own and do not necessarily represent the views of the Federal Trade Commission or any Commissioner.

<sup>2</sup> *AMG Capital Management, LLC v. FTC*, 141 S. Ct. 1341 (2021).

<sup>3</sup> See FTC Refunds to Consumers, Refunds by date, Fiscal Years 2017-2020, available at [https://public.tableau.com/app/profile/federal.trade.commission/viz/Refunds\\_15797958402020/RefundsbyCase](https://public.tableau.com/app/profile/federal.trade.commission/viz/Refunds_15797958402020/RefundsbyCase).

we're not just playing defense. We are undertaking a broader strategic pivot to ensure that we are deterring misconduct market-wide, providing clear rules of the road for industry, and seeking remedies that fix incentives and protect consumers going forward. And we are doing so not only by seeking significant monetary relief but also by securing strong injunctive relief to prevent future unlawful behavior.

Our strategy rests on three pillars. First, we are focusing our enforcement resources on the actors who are causing the most harm to consumers. Second, in pursuing these actors, we are seeking strong relief that not only brings them into compliance with the law but ensures that consumers are protected going forward. And third, when we identify broader problems in the market that are not being remedied through case-by-case enforcement alone, we are deploying additional tools to protect the public.

Today I'll discuss how we're applying this strategy in two key priority areas for the Commission: protecting consumers' pocketbooks in a challenging economy, and curbing unlawful commercial surveillance. I'll then spend a few minutes talking about national advertising in particular,

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Walmart,<sup>5</sup>

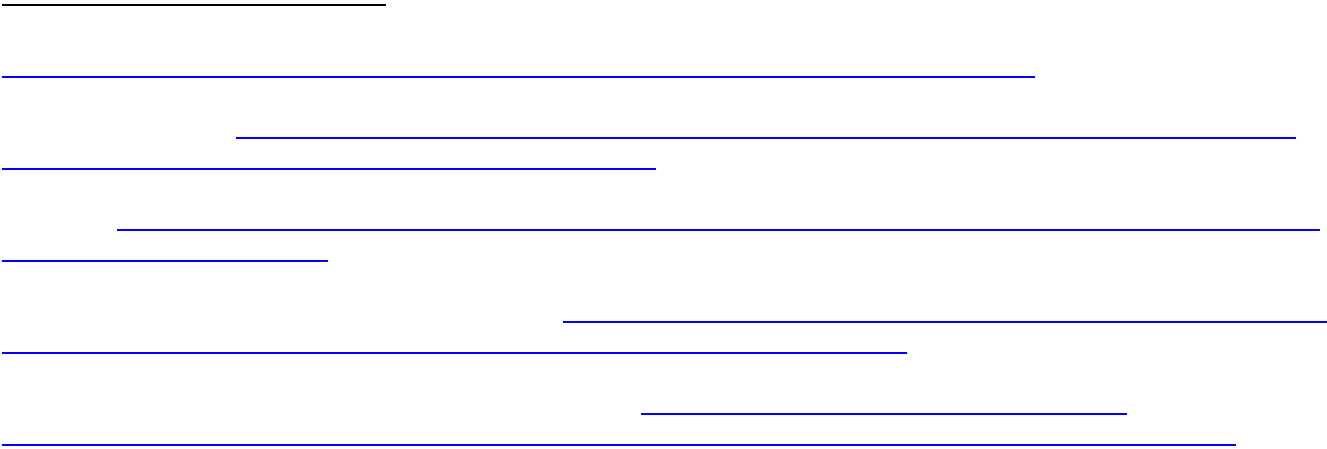








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indefinitely retained their sensitive data in violation of COPPA.<sup>43</sup> And we brought an order enforcement action against Twitter, which we charged with deceptively using consumers' phone numbers collected for security purposes to serve targeted advertising.<sup>44</sup>

As notable as the cases we've brought are the remedies we are s

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from our critical work, and is in fact redoubling our efforts – bringing cases of consequence, seeking cutting-edge remedies, and pursuing marketwide initiatives to protect the public. I am proud of our successes to date, and want to single out two groups in particular that have made them possible. First, so many of our cases were built and prosecuted in partnership with the Department of Justice and with state enforcers, who are on the frontlines of fighting for consumers. A second, and most importantly, none of our victories would be possible without our extraordinary BCP staff. Our attorneys, consumer education specialists, data analysts, investigator paralegals, and technologists play different roles throughout the Bureau, but they share a deep commitment to our mission that is unrivaled anywhere in the government. It is thanks to them that I am confident that the coming year will bring more victories for consumers, and a more fair market for us all.

Thank you again for having me. I'm happy to take your questions.