HBW INSIGHT
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Advertising Law In 2024: Attorneys Tuning In For ‘Clean Beauty,’ ‘Dark Patterns’ Developments

by HBW Insight Team

Attorneys are watching how the Federal Trade Commission and other authorities address online marketing practices this year that are increasingly viewed as potentially harmful to consumers.

2024 promises to be a busy year in the regulation of digital advertising, data privacy, and AI as it relates to intellectual property.

Rulemaking proposed by the US Federal Trade Commission stands to impact common online marketing practices increasingly viewed as "dark patterns" as well as ratings and review fraud, while enforcement of varying state privacy laws is expected to ramp up, among other burgeoning challenges for digital marketers.

Meanwhile, high-profile federal court cases are likely to provide legal clarification this year around use of "clean beauty" claims in the cosmetics space.

Read attorney responses to HBW Insight’s prompt:

“2024 will the year of…”

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... ratings and reviews.

As product reviews have become central to marketing plans and consumers' purchase decisions, up has popped the fake review industry, which is valued at more than $1 billion dollars. That is a lot of money being directed to bump up the reputations of products and businesses. Both government and tech companies understand the value of these reviews, but are struggling to prevent rampant fraud. Despite these efforts, many consider the problem unsolvable and likely to get worse as artificial intelligence makes the reviews easier to write and avoid detection. How effective can the FTC and state regulators be in policing ratings and reviews? And how committed will review platforms and tech companies be toward that objective when the ratings and reviews lead to sizeable profits? Expect this problem and corresponding crackdown to grow substantially in 2024.

Read Villafranco's take on the FTC's revived penalty offense authority and prospects for collecting civil penalties from alleged violators.

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