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Thank you all for having me today—and especially thanks to Mary and Phyllis for inviting me. It’s an honor to be here with you all.

I want to speak to you today about trust. That’s *trust*, in the singular—not the plural. Though given the focus of our agency, both *trust* and *trusts* are key Commission priorities.

When we consider our common life together as the American people—and, indeed, as a body public in the first place—trust and fair dealing are at the very center. That is doubly true when it comes to our economic life. As far back as the Book of Leviticus, squirreled away in one of those lengthy compilations of Israelite law, we find the following command: “You shall not cheat in measuring length, weight, or quantity. You shall have honest balances, [and] honest weights.”¹ No human society can long survive without consumer trust—without ordinary people living in the confidence that when they buy and sell and labor, they’re not being misled. This is foundational.

Now, my professional background is in antitrust law. I started my career as an antitrust attorney at the FTC, did a stint in private practice, and then returned to the enforcement side over at DOJ Antitrust. I was detailed over to the Senate Judiciary Committee a couple of times, focusing on the antitrust subcommittee there, and then returned to private antitrust practice at my own firm, before President Trump nominated me to serve on the Commission.

What that means is that, even though I’ve long had some familiarity with the consumer protection side of the FTC’s mission, it wasn’t my main specialty going in. I knew competition law already, but as I’ve served in this role, I’ve had to learn more of the consumer protection issues. That’s meant taking the time to listen to groups like yours, to the divisions and talented career staff at the FTC, and of course listening to affected consumers themselves.

Antitrust cases are complex and can be fairly technical, often fought out on the terrain of economics and hypotheticals. They involve laws where, to say the least, there’s a lot of room for interpretation. When we take up an antitrust case, everyone in the room can be operating in good

¹ Lev 19:35-36

faith, and we can still reach very different conclusions about whether or not conduct falls within the bounds of the law.

But this isn't really the same on the consumer-protection side of things. So many of the consumer protection cases that come to us are cases that leave me outraged, that leave me shocked that anybody could behave so callously. I feel the moral force of these cases a great deal more.

In just the few months I've served on the Commission, I've been struck time and again by how often consumers' trust is betrayed—betrayed by scammers and fraudsters trying to take advantage of working people in search of a better life. Just to name one example: earlier this year, the Commission brought suit against a company that fraudulently sold e-commerce business opportunities to consumers, promising them that they could make tens of thousands of dollars if they were willing to invest the startup costs. Consumers typically paid as much as \$50,000 to this company in the hopes that it would change their life. Worse, the company attempted to lock down consumers with nondisparagement agreements designed to intimidate them into staying silent about the scam.

Working people can't afford to lose tens of thousands of dollars in scams like that. That's not just a difference of opinion. We're talking about basic morality. And that's why, in that case, the Commission ended up securing a settlement that would permanently ban the individuals involved from the industry, and would recover cash and real estate in order to compensate the victims. It's a severe remedy, but a just one.

This was a victory, of course. But it's a bittersweet one. No settlement is ever going to be truly comprehensive. No lawsuit will make everyone whole—or restore the original breach of trust. Being a victim of a scam, especially a scam on that scale, isn't something one just walks away from. Those are the stakes we confront every single day at the Commission. That's the evil we exist to fight.

Tying in with this larger theme of trust, today I want to focus on two principles that inform my thinking on consumer protection cases: first, the centrality of what I call “kitchen table issues,” and second, the need to keep American children safe in an increasingly complex and fast-paced technological environment.

In many ways, these are mutually reinforcing concerns. American families—and, as the father of six kids, soon to be seven, I include myself in this—are concerned about the world they're going to leave to the next generation. That world will look very different when they're in my shoes someday. The incredible rate of technological transformation, even within my own lifetime, has been a remarkable thing to see. And often it seems like things are only accelerating. And yet, the legacy I want to leave my children is a human one—a legacy built on trust, because that's what lasts.

So first, what do I mean by kitchen table issues? Well, at bottom, I'm concerned about the economic issues that confront ordinary American families as they come together every day. All

across this country, that often means how American families plan and strategize to build better lives—to start small businesses, to pursue new opportunities, to leave behind more than they received. This is the American entrepreneurial spirit at work. It’s the greatest asset our nation possesses.

And that’s why it’s so outrageous when their trust in America’s promise is breached. Here’s just one example. Earlier this year, the Commission filed a complaint against a company that allegedly sold supposed “trading training services” intended to help purchasers master the stock market, trade in cryptocurrency, and so on. A defendant in that case claimed, in an Instagram advertisement, that “I have traveled to 42 countries at the age of 29, impacted hundreds of thousands of people, retired my parents, given to my church and earned millions myself.”

Now, we in this room may think of ourselves as sophisticated consumers, people who’d never be taken in by something that obvious. But I think that’s a function of our wealth and status more than our personal competence.

Suppose, on the other hand, you’re a single parent, working hard just to pay the bills in a town left behind by offshoring. You see these sorts of appeals online, appeals that seem to come from real people you can hear from. And so, you make a calculated judgment. You decide to bet on yourself. You make the kind of professional wager that, you think, millions of American entrepreneurs past and present have made. Who *wouldn’t* want to do that? Who wouldn’t want that sort of chance at a better life, that power to invest in family and church and community?

There were, in fact, a lot of Americans who made that bet. In this particular matter, the scammers responsible brought in over *half a billion* dollars by selling these programs. Several of them made out like bandits, walking away with tens of millions of dollars stolen from families just hoping for a better life. Americans deserve better. And they *need* better. Family budgets don’t have line-items for scams, for breaches of trust that cost them their livelihoods.

This is why, as I see it, consumer redress is such a uniquely important part of the Commission’s work. Now, as many of us know, for decades the Commission secured redress via Section 13(b) of the FTC Act, which empowers the Commission to sue in federal court for violations like unfair or deceptive practices. The Supreme Court held in 2021, however, that the Act did not authorize courts in Section 5 cases to award equitable monetary relief like restitution.

Wholly apart from the legal merits of that ruling—which, as painful as it is, I believe was correct as a matter of law—the impact on the Commission’s work was immediately felt. That decision stripped the Commission of one of the most powerful weapons in its arsenal, a weapon wielded to defend those hurt by unfair and deceptive practices. Now, of course, all is not lost. Thanks to the hard work of Commission staff to develop new theories and strategies, in many cases we’ve been able to secure monetary relief through other legal channels. But we can and must do more. As soon as possible, Congress should pass legislation making clear that Section 13(b) permits monetary relief—thereby restoring our consumer protection work to its full power, and

helping us better serve American families. My office stands ready to assist as needed. In the end, Americans should be able to trust that the companies with whom they partner are treating them fairly. And they should *also* be able to trust that when scammers and bad actors exploit innocent people, the law contains the tools necessary to make it right.

Anti-scam efforts will always be part of the Commission's work. But they're not the only part. In addition to focusing on kitchen table issues that affect working people, I'm also concerned about protecting and cultivating America's young people in an age of accelerating technological change. I view this as an essential part of the Commission's consumer protection mission.

America's young people are a population often unaware of how they're being shaped—and, we might even say, catechized—by an incredibly sophisticated information ecosystem unlike anything our parents and grandparents ever confronted.

The manipulation isn't coming from shadowy corners of the internet. It's right there in plain sight. Just this month, the Commission entered into a settlement with Disney, one of the country's most influential entertainment companies. That settlement resolved allegations that the company improperly collected data from kids under 13 by mis-designating videos on its YouTube channels. This data collection, in turn, allowed Disney to more effectively target advertising to those kids. That's an unlawful practice. And the Commission took action to stop it.

We have laws like COPPA for a reason—because Congress knows, just like parents do, that children aren't sophisticated consumers capable of making informed judgments about the advertising messages they receive. I understand that NAD is also concerned with this issue, too.

Protection of children's data, though, is just the tip of the iceberg. The Commission has a lot of work ahead of us across this whole field.

Take the challenge of design decisions. Silicon Valley's design labs have spent the last few decades developing—with the aid of psychologists—a whole host of strategies to make sure nobody ever leaves their platforms. That means infinite scroll, autoplay, haptic feedback, dark patterns, and so much more. Under these conditions, are young people in a position to make informed decisions about the purchases they make? About the amount of time they invest in these apps? Those are certainly consumer protection questions.

Or take the problem of deepfake images—in particular, sexually explicit ones. Deepfakes alone are enough of a risk, eroding trust in public discourse. But many apps go much further. Young people can make all the right choices. And still, false photorealistic images of them in compromising situations can spread like wildfire. That's abuse. It's exploitation. And it must stop. That's why Congress passed the *TAKE IT DOWN Act*, which the Commission will enforce—to end this plague of AI-generated CSAM.

And I'm sure all of us have seen the stories about the children and teens who've built parasocial relationships with AI chatbots. That's a problem in its own right. Kids should be out in

the world making relationships with other kids, not falling down a hole of automated opinion reinforcement. The bot isn't going to tell you something you don't want to hear. But human friends care enough to do just that, when needed.

But as most of us know quite well, the problem goes well beyond that. In the last few weeks, we've heard the stories of chatbots advising children on the best methods for committing suicide. Or, sometimes, the chatbots "encourage" them to go through with it. These are novel consumer protection issues the Commission cannot ignore.

Defending American families from the worst features of the digital age doesn't mean compromising America's technological leadership. America's digital prowess is the envy of the world, and it will remain that way. But when these tools and devices pass into the hands of children, a different set of considerations come into play. In the household, innovation shouldn't be "permissionless." No—parents have the final say. There's a word for people who want "permissionless" access to your children: predators.

Parenting well requires careful individual judgment. No two kids are the same. But that doesn't change this fact: American families should be able to trust that when their kids use modern technology, that technology serves their good rather than undermining it. That's the basic logic of products liability law, in the common-law tradition. And it's the basic moral intuition that underpins the Commission's work.

Kitchen table issues, and protecting kids in the digital age. As I see it, these are two linchpins of the consumer protection work in which we're engaged. They certainly don't exhaust our consumer protection mission—not even close. But these are crucial priorities that serve the interests of America's working people.

As I've suggested today, much of our consumer protection work focuses on advertising and marketing practices. And that's the vector by which a lot of our work on kitchen table issues, and our work to keep kids safe from exploitative tech, proceeds. But I certainly don't want to imply that advertising, itself, is the problem.

Mad Men is one of my favorite TV shows. I suspect it's probably a favorite around here, too. And Don Draper has a quote in that show that I really like: "Advertising is based on one thing: Happiness." What he's getting at is that the heart of the economy isn't just false happiness—but a *real* kind of happiness. If our glittering world of sales and marketing and commerce were all a sham, it wouldn't have lasted this long. No—our economy works, and advertisers succeed, because when they behave fairly and justly, everyone thrives.

At its best, advertising runs on trust. It's the trust that perhaps, someone else has come up with something that will make your life even better than you ever imagined—and they're offering you the opportunity to get it at a fair price. That's human creativity and ingenuity at its very best.

And I admire the fact that this is an industry that's done a great deal to regulate itself. The NAD exemplifies something that I suspect a lot of Americans would find counterintuitive. It's the idea that companies can compete vigorously in the marketplace, including against one another, but still come together around common ethical standards to help the public get a fair deal.

That's the kind of thing that builds trust. And building trust builds a strong public, and a strong country. In the end, that's really the point of our consumer protection work.

Thank you. I look forward to your questions.