



May 6, 2026

**VIA EMAIL**

NYC Department of Consumer and Worker Protection  
rulecomments@dcwp.nyc.gov

*Comment also submitted electronically via  
<https://rules.cityofnewyork.us/rule/cancellation-of-subscriptions/>*

Re: Proposed “Click-to-Cancel” Rule

Truth in Advertising, Inc. (“TINA.org”) respectfully submits this comment regarding New York City’s April 8, 2026 proposal to adopt a “click-to-cancel” rule.<sup>1</sup> Home to 8.5 million residents, New York City is the most populated city in the country<sup>2</sup> and its economy is larger than that of most U.S. states (generating \$2 trillion in GDP<sup>3</sup>). Further, research indicates that e-commerce subscribers tend to be concentrated in urban areas of the Northeast.<sup>4</sup> In fact, New York City residents are especially active digital shoppers, with more than 78% making at least one online purchase per week.<sup>5</sup> Given this concentration of digital consumers, deceptive subscription practices disproportionately inflict costs on New York City consumers who are routinely misled into enrolling in subscription programs through deceptive marketing and then encounter unnecessary friction when attempting to cancel. These facts and the persistent issues surrounding subscription-based models lend support to the NYC Department of Consumer and Worker Protection’s (“the Department”) proposed “click-to-cancel” rule.<sup>6</sup>

**I. INTEREST OF COMMENTER**

TINA.org is a nonpartisan, nonprofit consumer advocacy organization dedicated to combating deceptive advertising and consumer fraud; promoting understanding of the serious harms commercial dishonesty inflicts; and working with consumers, businesses, self-regulatory bodies and government agencies to advance countermeasures that effectively prevent and stop deception in the economy. Its website, [www.tina.org](http://www.tina.org), provides information about common deceptive advertising techniques; consumer protection laws, regulatory actions and other lawsuits; and alerts about specific deceptive marketing campaigns.

TINA.org has become a trusted authority on false and misleading tactics, testifying before Congress on issues related to consumer protection, deceptive marketing and economic justice.<sup>7</sup> TINA.org regularly draws on its expertise to advocate for consumer

interests before the FTC and other governmental bodies, and appears as amicus curiae in cases raising important questions of consumer protection law.<sup>8</sup>

Since its inception, TINA.org has received more than 10,000 tips and complaints from consumers, filed legal actions with regulatory agencies against hundreds of companies and entities, published more than 1,600 ad alerts and more than 1,100 news articles, and tracked more than 6,600 federal class actions alleging deceptive marketing. Notably, since 2015, state and federal agencies have obtained monetary judgments of more than \$380 million against wrongdoers based on TINA.org's legal actions and evidence, and returned millions in ill-gotten gains to consumers.

With respect to the marketing of subscriptions specifically, TINA.org has investigated and reported on dozens of companies using deceptive subscription schemes,<sup>9</sup> and has filed complaints with state and federal regulators against seven brands for engaging in such tactics.<sup>10</sup> As a result of these investigations and complaints, six regulatory enforcement actions have been taken cumulatively resulting in more than \$6 million in monetary judgments.<sup>11</sup> TINA.org is also tracking more than 250 class-action lawsuits challenging alleged misleading subscription practices used by a multitude of companies in diverse industries.<sup>12</sup>

In short, the tools available to stop deceptive subscriptions are of central importance to TINA.org's work and mission.

## **II. THE PROPOSED "CLICK-TO-CANCEL" RULE IS NEEDED.**

New York City consumers increasingly rely on subscription-based services for everything from run-of-the-mill goods to digital access, yet too many of these arrangements are structured in ways that obscure material terms and true costs, and then make cancellation unnecessarily difficult. The result is a marketplace where convenience is ensured at sign-up but denied at exit, leaving consumers locked into recurring charges they neither expect nor want. A clear, enforceable "click-to-cancel" rule is a practical and proportionate response to this imbalance.

### **A. Deceptive subscriptions are pervasive.**

Deceptive subscription practices span virtually every consumer industry—from home internet and mobile services, to fitness memberships, food delivery, legal services, vitamins, skin care, clothing, and more.<sup>13</sup> TINA.org investigations of more than 100 products and services sold through problematic subscription programs have uncovered the same playbook across industries: (1) use deceptive marketing to lure consumers in; (2) conceal subscription terms so consumers remain unaware of recurring costs; and (3) impose burdensome cancellation barriers to make termination difficult.

And most—if not all—of these subscription-based companies market to New York City residents.

By way of example, in 2022, TINA.org filed regulatory complaints regarding the meal kit company HelloFresh,<sup>14</sup> which deceptively advertised “free” meals to lure consumers—including those in New York City<sup>15</sup>—to its website and then ensnared them in an improperly disclosed autorenewing subscription.<sup>16</sup>

Similarly, last September, TINA.org filed complaints with state and federal regulators regarding Homeaglow, an online cleaning platform that uses a problematic subscription model that draws in consumers from across the country, including in New York City.<sup>17</sup> Among the issues identified by TINA.org were falsely advertised \$19 home cleanings to entice consumers to Homeaglow’s website where a variety of dark patterns are used to pressure consumers to speed through their transactions likely missing improperly disclosed material subscription terms and then charging steep cancellation fees if members leave within six months.<sup>18</sup>

In addition, TINA.org tracks numerous class-action lawsuits alleging misleading subscription practices by companies selling to New York City consumers, including The New York Times, NFL Enterprises, Peacock TV and Paramount+, among many others.<sup>19</sup> Moreover, numerous enforcement actions have been filed against other subscription-based companies that have financially harmed millions of New Yorkers.<sup>20</sup>

Further, thousands of complaints related to misleading subscriptions and negative-option offers are filed by consumers every year. The FTC has indicated that such complaints have “steadily increase[ed] over the past five years,”<sup>21</sup> noting that in 2024 the Commission received nearly 70 complaints per day on average, up from 42 per day in 2021.<sup>22</sup> And the Department received more than 100 complaints regarding difficult-to-cancel subscriptions in 2025 alone.<sup>23</sup> Like New York City, the FTC has expressed “persistent concerns” regarding “continued unlawful negative option marketing practices in the marketplace.”<sup>24</sup>

In short, far too many companies manipulate consumers with deceptive and misleading subscription offers, which undoubtedly cost consumers in New York City large amounts of money each year on charges they have forgotten about or never wanted in the first place.<sup>25</sup>

## **B. Deceptive subscriptions harm New York City consumers and the economy.**

The goal of companies deceptively employing recurring subscription models is to charge consumers indefinitely—luring consumers in, driving out competitors, and all but ensuring consumers can never leave.<sup>26</sup> This type of deceptive conduct deprives New Yorkers of free choice in their purchasing decisions and costs them significant amounts of money.<sup>27</sup> Indeed, a recent survey found that New Yorkers underestimate how much they spend on subscriptions by more than \$116 per month.<sup>28</sup>

More generally, approximately 37,000 complaints filed with the BBB from 2015 to 2017 reported an average loss of \$186 as a result of deceptive subscriptions.<sup>29</sup> The FBI's Internet Crime Complaint Center recorded more than 9,600 complaints about free trial offers between 2015 and 2019, with losses totaling more than \$28 million over that time span.<sup>30</sup> And these numbers are likely lower because, inter alia, studies have found that less than 10 percent of fraud victims report their losses to the BBB or law enforcement.<sup>31</sup>

Further, a 2024 survey found that more than 85 percent of consumers had at least one paid subscription going unused each month.<sup>32</sup> Similarly, a 2021 study by Chase Bank found that nearly three-quarters of Americans waste more than \$50 a month on unwanted subscription fees.<sup>33</sup> And in a 2022 survey, consumers reported underestimating their actual monthly spend on subscriptions by \$133 (or two-and-a-half times more than what they thought they were paying).<sup>34</sup> Corresponding with this consumer dissatisfaction, since 2013, more than 250 federal class actions have been filed on behalf of consumers complaining about various subscription terms and conditions.<sup>35</sup>

Indeed, the scope of deceptive subscription plans is so extensive that consumer complaints about them are ubiquitous.<sup>36</sup> In fact, issues with deceptive subscriptions are one of the most common types of complaints that TINA.org receives.<sup>37</sup> Consumers generally report unwittingly being enrolled in a subscription, and then finding it impossible to cancel. The following examples are illustrative of the kinds of complaints consumers have had for over a decade. While the consumers quoted below do not identify where they live, their experiences are representative of what consumers across the country, including in New York City, regularly encounter.

- “I ordered some jewelry from this company. I got my jewelry and saw that I was part of there month subscription which I was unaware of. I tried contacting them and customer service. Didn't hear anything from them. Followed online instructions to cancel. But on the website there is no where to goto cancel. I've messaged them on Instagram and gotten nothing back. They made the charges to my card into 3 days and they progressively get more expensive. There Instagram has a lot of commenters so asking the same questions of when they will hear back from customer service. Or that they havent gotten there package. And if you look up this brand they are known for scamming people. So I had to goto my bank to get a new card.” (jewelry company, Feb. 2026 complaint)<sup>38</sup>
- “They mislead me into enrolling into a subscription and they are charging me despite I don't own a house anymore. They are saying there is no way to cancelling the plan. I must pay 210\$ to cancel their service which I have never used more than once.” (Homeaglow, Dec. 2025 complaint)<sup>39</sup>
- “MaxAI . . . offers browser-based AI plugin services and charged me unauthorized subscription fees without my informed consent. In February 2024, I was charged \$300 via Stripe for what I believed to be a one-month trial or annual subscription. In February 2025, I was again charged \$300

without any renewal notice, opt-out reminder, or confirmation from my side. There was no clear cancel button, no effective cancellation workflow before the renewal occurred, and no adequate warning provided. When I reached out to MaxAI’s support to request a refund, they refused and only offered account credits. This practice is highly misleading....” (MaxAI, May 2025 complaint)<sup>40</sup>

- “I first saw the ad on a facebook reel. When I went to their page, it reads as if you can get the shower head and filter for \$0 if you sign up for a subscription for filters(\$33) every 3 months. When I went to the second page, again in bold, larger font lettering again states \$0 due today. I went ahead with purchase and immediately received a noticed I had a \$160 charge pending. I quickly went back to their site and went through the process(with my reading glasses this time, which I thought weren't needed the first time because I could read all the larger font) the read in smaller/grayed out font that if I were to keep the product 10 days, I would then be charged. I immediately sent an email to cancel my order, but received another email this morning the order had already shipped.” (showerhead company, May 2025 complaint)<sup>41</sup>
- “In December 2024 I ordered perfume from this company as a Christmas gift for my daughter. At the beginning of January 2025, I noticed that the company charged my credit card over \$42. When I disputed the charge they said it was for my monthly subscription. I asked that they refund the money & cancel the subscription since I had never agreed or subscribed to anything! They reversed the charges in short order. However—it is now February and I now see another \$42+ charge on my credit card from this company” (perfume company, Feb. 2025 complaint).<sup>42</sup>
- “If you try to cancel your service, they will make it so difficult that you will cry. I had to talk to 5 different people who all gave me different information, was assured that my service was canceled multiple times, only to continue receiving bills, it was a nightmare . . .” (internet and cable company, Sept. 2024 complaint).<sup>43</sup>
- “Once you sign up for auto-renew, they make it near impossible to cancel. Thus they are participating in the kind of financial abuse of elders that they should be protecting us from. Avoid at all costs” (national senior service organization, June 2023 complaint).<sup>44</sup>
- “I tried to call and cancel, they told me it was canceled, but it was not. I received packages from them filled with . . . things I don’t eat. I called the bank to file a dispute and set up a stop payment, but that didn’t stop, they just kept changing the amount they were charging, so the stop payment didn’t do anything. Now left with no options, I have to close my card!” (meal-kit company, Apr. 2022 complaint).<sup>45</sup>

- “They charge your card \$39 every single month even if you do not shop that month. I would have never even shopped on their website if I known that. No where did I see I would be charged \$39. I think it’s sneaky and not good business. And I also see I’m not the only one who had this problem. I would have never known they were taking money out if it wasn’t for me checking my bank statement because they don’t send you a receipt to your email like they do when you order something” (children’s clothing company, Apr. 2021 complaint).<sup>46</sup>
- “I have been trying to cancel my monthly subscription/membership for MONTHS. No response on live chats, no response through customer service. They keep charging me 50 dollars . . .” (lingerie company, Jan. 2020 complaint).<sup>47</sup>
- “[S]ent for the free bottle of . . . oil plus an extra one bottle they charged me \$98/93 . . . THAT IS FRAUD . . . i realize I have been scammed and as I am a pensioner they have taken my xmas money for my kids. i want to cancel the order and get my money back can you help me please as that amount for 1 bottle is outrageous there is no phone number to ring” (weight-loss company, 2016 complaint).<sup>48</sup>
- “In August, they took my money but never sent me the product. I contacted them via email to inform them of this and asked them to cancel my subscription since they did that. In September, they again took my money and never sent my product. Again, I contacted them for a refund and cancellation. It happened again this week. I emailed them on Wednesday and today. I called today and they stated that they have not received any communication from me. They also said they would not refund my money unless I send them the bottles. But, being I am not receiving the product, how am I suppose to mail the bottles to them?” (multilevel marketing company, 2013 complaint).<sup>49</sup>

The tactics employed to trick consumers into subscriptions that are difficult to cancel also have an especially burdensome impact on susceptible populations, including those with limited financial resources,<sup>50</sup> seniors,<sup>51</sup> the disabled,<sup>52</sup> children (and their parents),<sup>53</sup> non-native English speakers and people with low digital literacy.<sup>54</sup>

Of course, the harms of deceptive subscriptions are not limited to consumers. Such dishonest practices inflict systemic damage on the economy. Bad advertising can drive out good: When consumers become suspicious of advertising claims, persuading them that an honest representation is true becomes more costly—a special obstacle for new market entrants, who account for a disproportionate share of innovative products and must rely on advertising to overcome consumer wariness.<sup>55</sup> Capital is likewise being misdirected to businesses that profit off of deceptive subscription practices, further emboldening them to keep consumers locked in subscription contracts. In significant ways, such issues have worsened over time as more and more companies have adopted the subscription model.<sup>56</sup>

### III. CONCLUSION

Deceptive subscription marketing is a harmful and widespread problem that impacts New York City residents. Accordingly, TINA.org urges the Department to adopt the proposed “click-to-cancel” rule.

Sincerely,



Laura Smith, Esq.  
Legal Director  
Truth in Advertising, Inc.



Bonnie Patten, Esq.  
Executive Director  
Truth in Advertising, Inc.

---

<sup>1</sup> N.Y.C. Dept. of Consumer and Worker Prot. Notice of Public Hearing and Opportunity to Comment on Proposed Rule on Cancelling Subscriptions, <https://rules.cityofnewyork.us/wp-content/uploads/2026/04/DCWP-NOH-Proposed-Rules-Relating-to-Cancellation-of-Subscriptions.pdf>; N.Y.C. Proposed Rule on Cancellation of Subscriptions, <https://rules.cityofnewyork.us/rule/cancellation-of-subscriptions/>.

<sup>2</sup> NYC Department of City Planning, Population, <https://www.nyc.gov/content/planning/pages/planning/population>; NYC/EDC, Why NYC, <https://edc.nyc/why-nyc>; State of the New York City Economy 2025, NYC/EDC, New York City Economic Development Corporation, [https://edc.nyc/sites/default/files/2025-12/NYCEDC-2025-State-of-NYC-Economy\\_12-12-2025.pdf](https://edc.nyc/sites/default/files/2025-12/NYCEDC-2025-State-of-NYC-Economy_12-12-2025.pdf).

<sup>3</sup> State of the New York City Economy 2025, NYC/EDC, New York City Economic Development Corporation, [https://edc.nyc/sites/default/files/2025-12/NYCEDC-2025-State-of-NYC-Economy\\_12-12-2025.pdf](https://edc.nyc/sites/default/files/2025-12/NYCEDC-2025-State-of-NYC-Economy_12-12-2025.pdf).

<sup>4</sup> Tony Chen et al., *Thinking Inside the Subscription Box: New Research on E-Commerce Consumers*, McKinsey & Company (Feb. 2018), <https://www.mckinsey.com/~/media/McKinsey/Industries/Technology%20Media%20and%20Telecommunications/High%20Tech/Our%20Insights/Thinking%20inside%20the%20subscription%20box%20New%20research%20on%20ecommerce%20consumers/Thinking-inside-the-subscription-box-New-research-on-ecommerce-consumers.pdf>. See also *What Percentage of Consumers Pay for Online Subscription Services?*, Payments Journal (June 24, 2020), <https://www.paymentsjournal.com/what-percentage-of-consumers-pay-for-online-subscription-services/>; Robert Gombos Atila, *Subscription Economy Impact: How Local Services Should Adapt*, Jasmine Business Directory (June 11, 2025), <https://www.jasminedirectory.com/blog/subscription-economy-impact-how-local-services-should-adapt>.

---

<sup>5</sup> New York E-commerce Trends: Strategies to Dominate the NYC Market, API DOTS, Aug. 15, 2025, <https://apidots.com/blog/nyc-ecommerce-trends/>.

<sup>6</sup> TINA.org has submitted several comments to the FTC regarding deceptive subscriptions practices. See TINA.org's Comment to FTC Re: Petition for Renewed Click to Cancel Rulemaking, FTC-2025-0792 (Jan. 2, 2026), [https://truthinadvertising.org/wp-content/uploads/2023/06/1\\_2\\_26-comment-to-FTC-re-Click-to-Cancel-rulemaking-petition.pdf](https://truthinadvertising.org/wp-content/uploads/2023/06/1_2_26-comment-to-FTC-re-Click-to-Cancel-rulemaking-petition.pdf); TINA.org's Comment to FTC Re: Negative Option Rule; Project No. P064202 (June 20, 2023), [https://truthinadvertising.org/wp-content/uploads/2023/06/6\\_20\\_23-Negative-Option-Rule-Comment-to-FTC.pdf](https://truthinadvertising.org/wp-content/uploads/2023/06/6_20_23-Negative-Option-Rule-Comment-to-FTC.pdf); TINA.org's Comment to FTC Re: In the Matter of MoviePass, Inc. – Consent Agreement (Commission File No. 192 3000) (July 15, 2021), [https://truthinadvertising.org/wp-content/uploads/2021/07/FTC-2021-0032-0003\\_attachment\\_1.pdf](https://truthinadvertising.org/wp-content/uploads/2021/07/FTC-2021-0032-0003_attachment_1.pdf); TINA.org's Comment to FTC Re: The FTC Should Update Its Negative Option Rule (Dec. 2, 2019), [https://truthinadvertising.org/wp-content/uploads/2019/12/12\\_2\\_19-comment-to-FTC-re-NOO-Rule.pdf](https://truthinadvertising.org/wp-content/uploads/2019/12/12_2_19-comment-to-FTC-re-NOO-Rule.pdf). See also Brief for Amicus Curiae Truth In Advertising, Inc. In Support of Respondent, *Custom Comm'ns v. Fed. Trade Comm'n*, 142 F.4th 1060 (8th Cir. 2025) (No. 24-3137), <https://truthinadvertising.org/wp-content/uploads/2025/03/Custom-Comm-v-FTC-TINA-Amicus-Brief.pdf>.

<sup>7</sup> Safeguarding American Consumers: Fighting Fraud and Scams During the Pandemic Before the Subcomm. on Consumer Prot. and Com. of the Comm. on Energy and Com., 117th Cong. (Feb. 4, 2021) (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/house-testimony-2021-summary-action/>; Curbing COVID Cons: Warning Consumers about Pandemic Frauds, Scams, and Swindles Before the Subcomm. on Consumer Prot., Prod. Safety, and Data Sec. of the Comm. on Com., Sci., & Transp., 117th Cong. (Apr. 27, 2021), (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/senate-testimony-2021-summary-action/>.

<sup>8</sup> See, e.g., Brief for Amicus Curiae Truth In Advertising, Inc. In Support of Respondent, *Custom Comm'ns v. Fed. Trade Comm'n*, 142 F.4th 1060 (8th Cir. 2025) (No. 24-3137), <https://truthinadvertising.org/wp-content/uploads/2025/03/Custom-Comm-v-FTC-TINA-Amicus-Brief.pdf>; Brief for Amici Curiae Truth In Advertising, Inc., et al. in Support of Plaintiff-Appellee, *Fed. Trade Comm'n v. Quincy Bioscience Holding Co., Inc.* (2d Cir. July 24, 2025) (No. 25-12), [https://truthinadvertising.org/wp-content/uploads/2021/12/7\\_24\\_25-TINA-amici-motion-and-brief.pdf](https://truthinadvertising.org/wp-content/uploads/2021/12/7_24_25-TINA-amici-motion-and-brief.pdf); Brief of Amici Curiae Truth In Advertising, Inc., et al. in Support of Respondent, *Intuit, Inc. v. Fed. Trade Comm'n* (5th Cir. June 21, 2024) (No. 24-60040), <https://truthinadvertising.org/wp-content/uploads/2024/06/Intuit-v-FTC-TINA-Amici-Brief.pdf>; Brief for Truth In Advertising, Inc. as Amicus Curiae Supporting Respondent, *AMG Capital Mgmt., LLC v. Fed. Trade Comm'n*, 593 U.S. 67 (2020) (No. 19-508), [https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389\\_19-508%20brief.pdf](https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf); Brief of Amici Curiae Truth In Advertising, Inc., et al. in Favor of Appellants and in Support of Reversal, *Fed. Trade Comm'n v. Quincy Bioscience Holding Co., Inc.* (2d Cir. Mar. 6, 2019) (No. 17-3745), <https://truthinadvertising.org/wp-content/uploads/2018/03/Prevagen-Amici-Curiae-brief.pdf>.

<sup>9</sup> TINA.org's Ad Alerts: Results Using the "Subscriptions" Filter, <https://truthinadvertising.org/ad-alerts/?f-search=&f-tactic%5B%5D=4700>.

<sup>10</sup> TINA.org's Shapes, Inc investigation, <https://truthinadvertising.org/brands/shapes-inc/>; TINA.org's Homeaglow Investigation, <https://truthinadvertising.org/brands/homeaglow/>;

---

TINA.org’s HelloFresh Investigation, <https://truthinadvertising.org/brands/hellofresh/>;  
TINA.org’s Savage X Fenty Investigation, <https://truthinadvertising.org/brands/savage-x-fenty/>;  
TINA.org’s FabKids Investigation, <https://truthinadvertising.org/brands/fabkids/>;  
TINA.org’s Adore Me Investigation, <https://truthinadvertising.org/brands/adore-me/>;  
TINA.org’s O2PUR Investigation, <https://truthinadvertising.org/brands/o2pur/>.

<sup>11</sup> Settlement Agreement, *In the Matter of Scott Barth*, DCP Case No. 82403 and 86039 (Utah Div. of Consumer Prot. Dept. of Com. Jan. 20, 2017), <https://truthinadvertising.org/wp-content/uploads/2017/01/O2Pur-Settltmt-Agrmt-w-Scott-Barth.pdf>; Settlement Agreement, *In the Matter of: Alpha Int’l Mktg. LLC*, No. 86039 (Utah Div. of Consumer Prot. Dept. of Com. Jan. 4, 2017), <https://truthinadvertising.org/wp-content/uploads/2017/01/O2Pur-Settltmt-Agrmt-w-Alpha-Intern.pdf>; Motion to Enter Stipulated Order for Permanent Injunction and Monetary Judgment, *Fed. Trade Comm’n v. AdoreMe, Inc.*, No. 1:17-cv-09083 (S.D.N.Y. Nov. 20, 2017), <https://truthinadvertising.org/wp-content/uploads/2017/11/FTC-v-AdoreMe-settlement-motion.pdf>; Press Release, Off. N.Y. State Att’y Gen., A.G. Schneiderman Announces Settlement With Adore Me Lingerie Company For Deceptive Advertising (Mar. 20, 2018), <https://ag.ny.gov/press-release/2018/ag-schneiderman-announces-settlement-adore-me-lingerie-company-deceptive>; Stipulation for Entry of Final Judgment, *State of California v. AdoreMe, Inc.*, No. 18cv332846 (Cal. Super. Ct. Aug. 20, 2018), <https://truthinadvertising.org/wp-content/uploads/2019/01/Adore-Me-Final-Judgment.pdf>; Final Judgment and Injunction Pursuant to Stipulation, *State of California v. Lavender Lingerie, LLC d/b/a Savage X Fenty*, No. 22CV402737 (Cal. Super. Ct. Nov. 23, 2022), <https://truthinadvertising.org/wp-content/uploads/2021/12/CA-v-Savage-x-Fenty-order.pdf>; *In the Matter of AdoreMe, Inc.* Settlement Agreement (June 9, 2023), [https://truthinadvertising.org/wp-content/uploads/2021/12/NC\\_AdoreMe\\_Settlement-Agreement.pdf](https://truthinadvertising.org/wp-content/uploads/2021/12/NC_AdoreMe_Settlement-Agreement.pdf); *Pennsylvania v. TFG Holding, Inc.* Assurance of Voluntary Compliance (Oct. 21, 2025), <https://www.attorneygeneral.gov/wp-content/uploads/2025/10/Executed-PA-AVC-for-Filing-JustFab-1.pdf>.

In addition, following TINA.org’s investigation and regulatory complaints regarding FabKids’ deceptive subscription practices, several states entered into a \$4.8 million multistate settlement with the brand’s parent company. *See* Press Release, Penn. Att’y Gen., AG Sunday Secures Settlement Valued at \$4.8 Million with Online Clothing Retailer for Deceptive Advertising and Billing Practices (Oct. 23, 2025), <https://www.attorneygeneral.gov/taking-action/ag-sunday-secures-settlement-valued-at-4-8-million-with-online-clothing-retailer-for-deceptive-advertising-and-billing-practices/>.

<sup>12</sup> TINA.org’s Class-Action Tracker: Results Using the “Subscriptions” Filter, <https://truthinadvertising.org/legal-action/class-action-tracker/?f-search=&f-tactic%5B%5D=4700>.

<sup>13</sup> TINA.org’s Ad Alerts: Results Using the “Subscriptions” Filter, <https://truthinadvertising.org/ad-alerts/?f-search=&f-tactic%5B%5D=4700>;  
TINA.org Legal Actions, Brands & Industries: Results Using the “Subscriptions” Filter, <https://truthinadvertising.org/legal-action/brands-industries/?f-tactic%5B%5D=4700>.

<sup>14</sup> Of note, HelloFresh’s U.S. headquarters are in New York City. HelloFresh, Careers, <https://careers.hellofresh.com/global/en/usa>; HelloFresh, Discovering the Vibrant Work Culture at HelloFresh US, <https://careers.hellofresh.com/global/en/blogarticle/discovering-the-vibrant-work-culture-at-hellofresh-us>.

---

<sup>15</sup> Meal Delivery In New York City With HelloFresh, <https://www.hellofresh.com/eat/nyc-food-delivery>.

<sup>16</sup> TINA.org HelloFresh Investigation, <https://truthinadvertising.org/brands/hellofresh/>.

<sup>17</sup> Homeaglow Apartment Cleaning Services in New York, NY, <https://www.homeaglow.com/us/ny/new-york/apartment-cleaning/>; Homeaglow House Cleaning Services in New York, NY, <https://www.homeaglow.com/us/ny/new-york/house-cleaning/>. See also Letter from TINA.org to New York State Attorney General's Office Re: Homeaglow's Multifaceted Deceptive Advertising Scheme (Sept. 8, 2025), [https://truthinadvertising.org/wp-content/uploads/2025/09/9\\_8\\_25-letter-to-NY-re-Homeaglow.pdf](https://truthinadvertising.org/wp-content/uploads/2025/09/9_8_25-letter-to-NY-re-Homeaglow.pdf).

<sup>18</sup> TINA.org Homeaglow Investigation, <https://truthinadvertising.org/brands/homeaglow/>.

<sup>19</sup> See TINA.org's Class-Action Tracker: Subscriptions for The New York Times, *Perkins et al. v. The New York Times Co.*, <https://truthinadvertising.org/class-action/subscriptions-for-the-new-york-times/>; TINA.org's Class-Action Tracker: Subscriptions to The New York Times, *Moses et al v. The New York Times Company d/b/a The New York Times*, <https://truthinadvertising.org/class-action/subscriptions-to-the-new-york-times/>; TINA.org's Class-Action Tracker: NFL+ Premium Subscriptions, *Oyler et al. v. NFL Enterprises LLC*, <https://truthinadvertising.org/class-action/nfl-premium-subscriptions/>; TINA.org's Class-Action Tracker: Peacock TV, *Winston et al. v. Peacock TV LLC*, <https://truthinadvertising.org/class-action/peacock-tv/>; TINA.org's Class-Action Tracker: Paramount+, *Adkins et al. v. Paramount Global*, <https://truthinadvertising.org/class-action/paramount/>. See also TINA.org's Class-Action Tracker: DAZN Subscriptions, <https://truthinadvertising.org/class-action/dazn-subscriptions/>; TINA.org's Class-Action Tracker: Nord Security Subscriptions, <https://truthinadvertising.org/class-action/nord-security-subscriptions/>; TINA.org's Class-Action Tracker: Hotmart, <https://truthinadvertising.org/class-action/hotmart/>; TINA.org's Class-Action Tracker: Noom Weight-Loss App, <https://truthinadvertising.org/class-action/noom-weight-loss-app/>; TINA.org's Class-Action Tracker: Bespoke Subscriptions, <https://truthinadvertising.org/class-action/bespoke-subscriptions/>; TINA.org's Class-Action Tracker: Subscriptions to The Epoch Times, <https://truthinadvertising.org/class-action/subscriptions-to-the-epoch-times/>; TINA.org's Class-Action Tracker: HungryRoot Subscriptions, <https://truthinadvertising.org/class-action/hungryroot-subscriptions/>; TINA.org's Class-Action Tracker: Subscriptions for Frey Products, <https://truthinadvertising.org/class-action/subscriptions-for-frey-products/>; TINA.org's Class-Action Tracker: Blue Apron's 2-Person Plan Subscription, <https://truthinadvertising.org/class-action/blue-aprons-2-person-plan-subscription/>; TINA.org's Class-Action Tracker: MoviePass Subscriptions, <https://truthinadvertising.org/class-action/moviepass-subscriptions/>; TINA.org's Class-Action Tracker: Amazon Prime's "Free Titles at Audible", <https://truthinadvertising.org/class-action/amazon-primers-free-titles-at-audible/>; TINA.org's Class-Action Tracker: FloSports Subscriptions, <https://truthinadvertising.org/class-action/flosports-subscriptions/>; TINA.org's Class-Action Tracker: Starz Free 7-day Trial, <https://truthinadvertising.org/class-action/starz-free-7-day-trial/>.

<sup>20</sup> See e.g., Press Release, N.Y. State Att'y Gen., Attorney General James Sues SiriusXM Radio for Trapping Consumers in Unwanted Subscriptions (Dec. 20, 2023), <https://ag.ny.gov/press-release/2023/attorney-general-james-sues-siriusxm-radio-trapping-consumers-unwanted>; Press Release, N.Y. State Att'y Gen., Attorney General James Secures \$740,000 from Online Mental Health Provider for its Burdensome Cancellation Process (Dec. 28, 2023), <https://ag.ny.gov/press-release/2023/attorney-general-james-secures-740000-online-mental->

---

[health-provider-its](#); Press Release, N.Y. State Att’y Gen., Attorney General James Secures \$600,000 from Fitness Company Equinox for its Hard-to-Cancel Memberships (May 30, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-secures-600000-fitness-company-equinox-its-hard-cancel>; Press Release, N.Y. State Att’y Gen., Attorney General James Sues Queens Gym for Misleading Customers (June 13, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-sues-queens-gym-misleading-customers>; Press Release, N.Y. State Att’y Gen., Attorney General James Sues Uber for Trapping Customers in Costly Subscriptions (Dec. 15, 2025), <https://ag.ny.gov/press-release/2025/attorney-general-james-sues-uber-trapping-customers-costly-subscriptions>;

<sup>21</sup> Press Release, Fed. Trade Comm’n, *Federal Trade Commission Announces Final “Click-to-Cancel” Rule Making It Easier for Consumers to End Recurring Subscriptions and Memberships* (Oct. 16, 2024), <https://www.ftc.gov/news-events/news/press-releases/2024/10/federal-trade-commission-announces-final-click-cancel-rule-making-it-easier-consumers-end-recurring>.

<sup>22</sup> *Id.*

<sup>23</sup> N.Y.C. Dept. of Consumer and Worker Prot. Notice of Public Hearing and Opportunity to Comment on Proposed Rule on Cancelling Subscriptions, <https://www.nyc.gov/assets/dca/downloads/pdf/about/DCWP-NOH-Rules-Relating-to-Subscription-Cancellations.pdf>.

<sup>24</sup> Rule Concerning the Use of Prenotification Negative Option Plans, Advanced notice of proposed rulemaking (Mar. 13, 2026), <https://www.federalregister.gov/documents/2026/03/13/2026-04952/rule-concerning-the-use-of-prenotification-negative-option-plans>.

<sup>25</sup> Ben Cohen, *The Real Reason You’re Paying for So Many Subscriptions*, WALL ST. J. (Jan. 19, 2024), <https://www.wsj.com/business/cancel-subscriptions-save-money-streaming-peacock-da7e6123>.

<sup>26</sup> *See, e.g.,* Caruso & Cox, *Silence as Consumer Consent: Global Regulation of Negative Option Contracts*, 73 AM. U. L. REV. 1611, 1624 (2024) (“Negative option contracts fundamentally differ from most other contracts. Absent regulation, a consumer can sign up once and, via negative option, essentially obligate themselves to pay for some good or service indefinitely. While they may offer some efficiencies and benefits [ . . . ], these contracts also present real consumer risks and are highly susceptible to abuse.”).

<sup>27</sup> *See FTC v. Am. Screening, Ltd. Liab. Co.*, 105 F.4th 1098, 1104 (8th Cir. 2024) (noting that “because the seller’s misrepresentation tainted the purchasing decision . . . the consumer has lost the chance to avoid the purchase entirely, and is stuck with one that he did not intend to make”); *see also Donaldson v. Read Magazine, Inc.*, 333 U.S. 178, 189 (1948) (“People have a right to assume that fraudulent advertising traps will not be laid to ensnare them.”); *Spiegel, Inc. v. FTC*, 494 F.2d 59, 62 (7th Cir. 1974) (“[I]ndividuals in society have a right to be told the truth so that their choices among products, or, as in this case, among offers, can be understandingly made.”). And when consumers are deprived of free choice, they suffer financially. *See Subscription Traps and Deceptive Free Trials Scam Millions with Misleading Ads and Fake Celebrity Endorsements*, BETTER BUS. BUREAU (Dec. 12, 2018), <https://www.bbb.org/article/investigations/18929-subscription-traps-and-deceptive-free-trials-scam-millions-with-misleading-ads-and-fake-celebrity-endorsements> [hereinafter *Subscription Traps*].

---

<sup>28</sup> Neal Taparia, *Perception vs. Reality: Subscription Budgets* (June 4, 2025), <https://solitaired.com/perception-vs-reality-subscription-budgets>.

<sup>29</sup> *Subscription Traps; BBB Study: Free Trial Scams*, BETTER BUS. BUREAU ([https://www.bbb.org/all/scamstudies/free\\_trial\\_scams/free\\_trial\\_scams\\_full\\_study](https://www.bbb.org/all/scamstudies/free_trial_scams/free_trial_scams_full_study)) [hereinafter *BBB Study*].

<sup>30</sup> *Subscription Traps; BBB Study; BBB Investigation Update: Free Trial Offer Scams*, BETTER BUS. BUREAU (Apr. 21, 2020), <https://www.bbb.org/article/news-releases/22040-bbb-update-free-trial-offer-scams>.

<sup>31</sup> *BBB Study*. See also Jeffrey Gottfried et al., *Online Scams and Attacks in America Today*, Pew Research Center (July 31, 2025), <https://www.pewresearch.org/internet/2025/07/31/online-scams-and-attacks-in-america-today/> (“Most people who’ve been a financial victim to an online scam or attack never contacted the authorities. Roughly three-quarters of this group say they have not reported to law enforcement that they lost money from an online scam or attack.”); Amy J. Schmitz, *Access to Consumer Remedies in the Squeaky Wheel System*, 39 PEPP. L. REV. 279, 312 (2012) (“‘the actual complaining customer’ is a rarity.”); *FTC v. Pantron I Corp.*, 33 F.3d 1088, 1098 (9th Cir. 1994) (consumers do not complain “because they think it not worth the trouble, because they feel guilty for having been deceived, because they [blame themselves], or for any one of a number of other reasons”); Keith B. Anderson, *To Whom Do Victims of Mass-Market Consumer Fraud Complain?*, SSRN (May 2021), <https://perma.cc/8V54-YKWE> (“‘Less than 3 percent of victims complained to a government entity. Somewhat more than half of these – 1.5 percent of victims – complained to a local authority – the local police or a local consumer agency. Less than 1 percent complained to a state Attorney General or other state authority or to a federal agency. Just over 2 percent of victims reported having complained to a Better Business Bureau. Together, 4.8 percent of victims complained to a BBB or to a government agency.’”); A Penny for Your Thoughts: When Customer Don’t Complain, Arizona State University, (Sept. 27, 2006), <https://news.wpcarey.asu.edu/20060927-penny-your-thoughts-when-customers-dont-complain> (“Most unhappy customers never say a word.”).

<sup>32</sup> *The Cost of Unused Subscriptions 2025*, Self, <https://www.self.inc/info/cost-of-unused-paid-subscriptions/>.

<sup>33</sup> *Survey from Chase Reveals That Two-Thirds of Consumers Have Forgotten About At Least One Recurring Payment In The Last Year*, CHASE (Apr. 1, 2021), <https://media.chase.com/news/survey-from-chase-reveals>.

<sup>34</sup> *Subscription Service Statistics and Costs*, C+R RESEARCH (May 18, 2022), <https://www.cresearch.com/blog/subscription-service-statistics-and-costs/>.

<sup>35</sup> TINA.org’s Class-Action Tracker: Results Using the “Subscriptions” Filter, <https://truthinadvertising.org/legal-action/class-action-tracker/?f-search=&f-tactic%5B%5D=4700>.

<sup>36</sup> Unsurprisingly, a 2016 consumer survey found that hidden fees associated with, among other things, trial offers and automatically renewing subscriptions was the biggest financial complaint of consumers. See Rebecca Lake, *Report: Hidden Fees Are #1 Consumer Complaint*, MY BANK TRACKER (updated Nov. 29, 2021), <https://www.mybanktracker.com/money-tips/money/hidden-fees-consumer-complaint-253387>.

---

<sup>37</sup> Other outlets for consumer complaints, including the FTC and third-party review sites, also receive complaints concerning subscriptions on a frequent and continual basis.

<sup>38</sup> Complaint submitted to TINA.org.

Note: All typographical errors in the consumer complaints recited in this comment were in the original text.

<sup>39</sup> Complaint submitted to TINA.org.

<sup>40</sup> Complaint submitted to TINA.org.

<sup>41</sup> Complaint submitted to TINA.org. *See also Ad Alert: Jolie Filtered Showerhead*, TINA.ORG (May 27, 2025), <https://truthinadvertising.org/articles/jolie-filtered-showerhead/>.

<sup>42</sup> *Business Profile: Dossier, Complaint Details*, BETTER BUS. BUREAU, <https://www.bbb.org/us/ny/new-york/profile/perfume/dossier-0121-87146464/complaints> (last visited Mar. 19, 2025).

<sup>43</sup> *Ad Alert: Xfinity Home Internet and Mobile Promotion*, TINA.ORG (Mar. 3, 2025), <https://truthinadvertising.org/articles/xfinity-home-internet-and-mobile-promotion/>.

<sup>44</sup> *Ad Alert: AARP Membership*, TINA.ORG (Feb. 25, 2025), <https://truthinadvertising.org/articles/aarp-membership/>.

<sup>45</sup> TINA.org's Comment to FTC Re: Negative Option Rule; Project No. P064202 (June 20, 2023), [https://truthinadvertising.org/wp-content/uploads/2023/06/6\\_20\\_23-Negative-Option-Rule-Comment-to-FTC.pdf](https://truthinadvertising.org/wp-content/uploads/2023/06/6_20_23-Negative-Option-Rule-Comment-to-FTC.pdf); Judy W., Review on BBB's HelloFresh Customer Reviews (Apr. 24, 2022), <https://www.bbb.org/us/ny/new-york/profile/food-delivery/hellofresh-0121-142623/customer-reviews>.

<sup>46</sup> TINA.org's Complaint Letter to FTC re: FabKids' Deceptive Advertising and Illegal Business Practices (Aug. 30, 2021), [https://truthinadvertising.org/wp-content/uploads/2021/08/8\\_30\\_21-FabKids-complaint-to-FTC\\_Redacted.pdf](https://truthinadvertising.org/wp-content/uploads/2021/08/8_30_21-FabKids-complaint-to-FTC_Redacted.pdf).

<sup>47</sup> TINA.org's Comment to FTC Re: Negative Option Rule; Project No. P064202 (June 20, 2023), [https://truthinadvertising.org/wp-content/uploads/2023/06/6\\_20\\_23-Negative-Option-Rule-Comment-to-FTC.pdf](https://truthinadvertising.org/wp-content/uploads/2023/06/6_20_23-Negative-Option-Rule-Comment-to-FTC.pdf).

<sup>48</sup> TINA.org's Comment to FTC Re: The FTC Should Update Its Negative Option Rule (Dec. 2, 2019), [https://truthinadvertising.org/wp-content/uploads/2019/12/12\\_2\\_19-comment-to-FTC-re-NOO-Rule.pdf](https://truthinadvertising.org/wp-content/uploads/2019/12/12_2_19-comment-to-FTC-re-NOO-Rule.pdf).

<sup>49</sup> *What You Should Know about Nerium*, TINA.ORG (updated Sept. 28, 2023), <https://truthinadvertising.org/articles/what-you-should-know-about-nerium/>; *see also* Nerium Complaints on File with FTC 2012-July 2016, <https://truthinadvertising.org/wp-content/uploads/2017/04/Nerium-Complaints.pdf> (sent to TINA.org in response to FOIA Request).

<sup>50</sup> Consumers with limited disposable income do not have the means to absorb unexpected or unauthorized negative option payments, and as a result, when they are tricked into recurring

---

subscription charges, they may find themselves unable to pay for necessary expenses or may incur costly overdraft charges. See Kamaron McNair, *Nearly Half of Americans Say They Live Paycheck to Paycheck*, CNBC (Nov. 19, 2024), <https://www.cnn.com/2024/11/19/bank-of-america-nearly-half-of-americans-live-paycheck-to-paycheck.html> (noting that 26 percent of households spend 95 percent or more of their income on necessities); Sally Greenberg, *Capital One Eliminates Predatory Overdraft Charges*, NCL (Jan. 6, 2022), <https://nclnet.org/overdraft-fees/> (explaining that a \$5 charge can result in a \$40 cost, when including a \$35 overdraft fee).

<sup>51</sup> Older adults are particularly vulnerable to deceptive subscription services. One study by the Iowa Attorney General’s office found that consumers older than 65 were disproportionately represented among those who were billed for a subscription but never used any of its purported benefits. See Prentiss Cox, *The Invisible Hand of Preacquired Account Marketing*, 47 HARV. J. LEGIS. 425, 452 (2010).

<sup>52</sup> Deceptive negative option offers are problematic for those with disabilities, especially those with vision and hearing impairments. For example, cancellation policies that require a phone call can be particularly difficult for consumers who have hearing problems, and a website that disguises or hides material terms of an offer is a notable challenge for those with vision issues. See Natasha Frost, *Why Call-to-Cancel Policies Are an Accessibility Nightmare*, MODERNRETAIL (July 22, 2020), <https://www.modernretail.co/retailers/why-call-to-cancel-policies-are-an-accessibility-nightmare/>; Caruso & Cox, *supra*, at 1636. Further, those with mental health challenges or disabilities are especially susceptible to deceptive negative option schemes. See, e.g., Nadya Ali et al., Citizens Advice, TRICKS OF THE TRADE (Dec. 2022), [https://assets.ctfassets.net/mfz4nbgura3g/4UtD4Gkl7cmdVrps2Uy2ZG/378374c06e75496974571cfd6a9237bf/OCA\\_20report\\_20-20version\\_202\\_20\\_5\\_.pdf](https://assets.ctfassets.net/mfz4nbgura3g/4UtD4Gkl7cmdVrps2Uy2ZG/378374c06e75496974571cfd6a9237bf/OCA_20report_20-20version_202_20_5_.pdf) (“[W]hen looking at subscription traps we found 26% of people have signed up accidentally, but this rises to 46% of people with a mental disability or mental health problem.”).

<sup>53</sup> Children are vulnerable to deceptive subscription traps. Although children are adept at handling technology, when it comes to advertising, they do not interpret or understand marketing material in the same ways that adults do—a smaller proportion of children than adults have the ability to recognize advertising messages, and even those that do may not be able to critically evaluate the underlying marketing message. See Angela Campbell, *Rethinking Children’s Advertising Policies for the Digital Age*, 29 LOY. CONSUMER L. REV. 1, 38 (2017); Iulia Grad, *Ethical Considerations on Advertising to Children*, 6 POSTMODERN OPENINGS 43, 51 (2015); Fran Blumberg et al., *Linkages Between Media Literacy and Children’s and Adolescents’ Susceptibility to Advertising*, ADVERTISING TO CHILDREN: NEW DIRECTIONS, NEW MEDIA 158, 163 (Mark Blades et al. eds., 2014). Thus, children (and by extension their parents) are also unwitting consumers of subscription products and services. See Jaime Catmull, *4 Ways Your Child’s Unlimited App Usage May Be Costing You*, FORBES (Feb. 26, 2025), <https://www.forbes.com/sites/jaimecatmull/2025/02/26/four-ways-your-childs-unlimited-app-usage-may-be-costing-you/> (“Whether a child signed up for the app under the pretense that it was entirely free, or if they meant to come back and cancel it before the first charge, it’s possible for busy parents to go months paying for a rogue app subscription without even realizing it.”).

<sup>54</sup> J.J. Pavlick, *NYC Unveils First-in-the-Nation “Click to Cancel” Rule Targeting Subscription Traps*, Bad Dawg Media Group (Apr. 9, 2026), <https://bad-dawgsports.com/2026/04/09/nyc-click-to-cancel-rule-subscription-traps/>; Directorate for Science, Technology and Innovation Committee on Consumer Policy, *Consumer Vulnerability in the Digital Age*, Organisation for Economic Co-operation and Development, 29 (July 3, 2023),

---

[https://one.oecd.org/document/DSTI/CP\(2021\)7/FINAL/en/pdf](https://one.oecd.org/document/DSTI/CP(2021)7/FINAL/en/pdf) (“Consumers with less experience with certain kinds of online *transaction* may be exposed to greater detriment, such as financial loss, (e.g. auto-renewing subscriptions)...”).

<sup>55</sup> See Peter S. Menell, *Symposium—Brand New World: Distinguishing Oneself in the Global Flow, Part II 2014: Brand Totalitarianism*, 47 U.C. DAVIS L. REV. 787, 790 n.17 (2014) (“[I]nformative advertising plays a role in the introduction of new products to the market and in allowing consumers to differentiate among similar products.”); see also, e.g., Andrew Faridani, *How To Market To Skeptical Consumers*, FORBES (May 22, 2024), <https://www.forbes.com/councils/forbesbusinessdevelopmentcouncil/2024/05/22/how-to-market-to-skeptical-consumers/> (“Clearing that air of mistrust requires a robust marketing strategy that is both novel and authentic.”).

<sup>56</sup> See *Spiegel*, 494 F.2d at 63 (“If sellers in our society are free to compete for consumers’ patronage with others by unfair advertising, not only is the consumers’ right violated, but our commitment to fair competition becomes a pretense.”).