

Consumer Protection Law LAW 332

Fall 2025
Tuesday & Thursday, 1:50-3:15pm

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OVERVIEW: This class will present students with an overview of consumer protection law, with an emphasis on the common law, the Federal Trade Commission Act, and major financial consumer protection laws. We will also cover constitutional issues surrounding information regulation, privacy and data security law, and the economics of information.

LEARNING OUTCOMES: By the end of the course, students will:

- Understand the role of consumer protection law
- Understand the major sources of consumer protection law
- Understand the legal elements of common law fraud
- Understand how the Federal Trade Commission Act applies to a variety of business practices
- Understand the doctrine of advertising substantiation
- Understand major financial consumer protection laws
- Understand consumer protection remedies
- Understand the key First Amendment issues raised by consumer protection law
- Understand the economic issues at play in consumer protection law

BASIS OF EVALUATION: Your grade will be determined by a Final Examination and class participation.

- The Final Examination will be on **December 9, 2025, at 12pm. The Final Examination will be 3 hours and it will be open book and notes.**
- I expect students to be prepared to discuss assigned readings in class. Consistently outstanding class participation or consistent lack of

preparation may result in 1/3 letter-grade adjustment to your final grade (e.g., B to a B+ or a B-).

TEXT: The primary readings for this course are in a Course Pack available from the bookstore. The Course Pack (referred to as CP in the reading schedule) has readings from three separate books: PETER B. MAGGS & ROGER E. SCHECTER, TRADEMARK AND UNFAIR COMPETITION LAW (7th Ed. 2012); JOHN SPANOGLA ET AL., CONSUMER LAW: CASES AND MATERIALS (4th Ed., 2013); and ADAM J. LEVITIN, CONSUMER FINANCE LAW (2018). I also assign additional materials that you can download on TWEN, Westlaw, Lexis, or on the FTC's website (the syllabus contains links to most of the assigned FTC documents, edited versions of the cases marked with a (T) are available on TWEN). The reading schedule is listed below, but likely will be adjusted as the semester progresses.

OFFICE HOURS: Office hours: Wednesdays from 11am-1pm, and by appointment. I encourage you to email me questions that may arise as you study and prepare for this class. I typically respond quickly.

ATTENDANCE: Regular and punctual attendance is required to earn academic credit. Attendance requirements for academic credit will follow the policies set forth in Academic Regulation 4-1. Should circumstances occur where you anticipate the possibility of missing a substantial number of class sessions (e.g. a serious illness), you should immediately contact the Assistant Dean for Student Academic Affairs.

INTELLECTUAL PROPERTY: I own all course content that I create (e.g. PPT slides), regardless of form (electronic, print, audio/ video, etc.), including recordings of class sessions, office hours, and other meetings. You are forbidden to use them with, or distribute them to, anyone other than your classmates in this course.

CLASS RECORDING: Pursuant to Academic Regulation 4-2.2, no portion of a class session or an examination may be preserved by means of a recording device such as an audio recording device or camera. Any exceptions to this policy must be expressly permitted in writing by me. I will not be recording class sessions on Zoom, and recorded sessions will not be available for those who are absent from class.

ACADEMIC INTEGRITY: It is expected that students adhere to the Antonin Scalia Law School Honor Code. The Honor Code prohibits lying, cheating, or stealing. This includes a student obligation to never represent the work of another as their own, and to never provide or accept unauthorized assistance on any school related assignment. The Honor Code is available here: [Academic Standards](#).

Course Readings

Date	Readings
August 19 & 21	Common Law Fraud <ul style="list-style-type: none"> • CP: 1-18; 33-39 • <i>Yuzefovsky v. St. John's Wood Apartments</i>, 261 Va. 97 (2001) (T) • <i>Lambert v. Downtown Garage, Inc.</i>, 262 Va. 707 (2001)(T)
August 26 & 28	Federal Trade Commission Act: Deception <ul style="list-style-type: none"> • CP: 72-77; 98-119; 132-146 • Federal Trade Commission, Policy Statement on Deception (Oct. 14, 1983) • <i>Kraft, Inc. v. FTC</i>, 970 F.2d 311 (7th Cir. 1992) (T)
September 2 & 4	Federal Trade Commission Act: Ad Substantiation <ul style="list-style-type: none"> • CP: 119-132 • FTC v. POM Wonderful, LLC (Commission Decision) (pp. 1-25; 34-40).
September 9 & 11	Federal Trade Commission Act: Endorsements, Fake Reviews, Disclosures, and ROSCA

- [Endorsement Guides](#) & Rule on the Use of Consumer Reviews and Testimonials (16 C.F.R. § 465 et seq.) (T)
- [Google Pixel \(complaint\)](#)
- [Sunday Riley Modern Skin Care, LLC \(complaint\)](#)
- [Dot Com Disclosures](#)
- [FTC v. Uber Tech, Inc.](#)
- [Movie Pass](#) (complaint)

September 16

Federal Trade Commission Act: Unfairness

- CP: 78-98
- Federal Trade Commission, [Policy Statement on Unfairness](#) (Dec. 17, 1981)
- [Apple, Inc.](#) (statements from Commission, Wright, and Ohlhausen)
- [Epic Games](#) (Complaint)
- *FTC v. Fleetcorp Tech., Inc.*, 2022 WL 3273286 (Aug. 9, 2022)

September 18

NO CLASS

September 23

Soft Law, Self-Regulation, and the FTC

- Guest Lecture, Mary Engle (Executive Vice President for Policy, BBB National Programs, and former head of FTC's Division of Advertising Practices)
- Readings TBD

September 25

Unfairness Continued

September 30

Federal Trade Commission Act: Pyramids

- *Koscot* (T)
- *Amway* (T)
- [AdvoCare International, L.P.](#) (complaint and order)

October 2 & 7

Federal Trade Commission Act: Deception and Unfairness Applied to Privacy and Data Security

- [Nomi Technologies, Inc.](#) (complaint and statements)
- [Betterhelp](#)
- *FTC v. Kochava, Inc.*, 715 F.Supp. 3d 1319 (D.Ida. 2024)
- *FTC v. Wyndham Worldwide Corp.*, 799 F.3d 236 (3d Cir. 2015)

- *FTC v. LabMD, Inc.*, 894 F.3d 1221 (11th Cir. 2018)

October 9

NO CLASS FALL BREAK

October 14

Federal Trade Commission Act: Remedies and Rulemaking

- CP: 147-58,166-75
- *AMG Capital Mgmt, LLC v. FTC*, 141 S.Ct. 1341 (2021)

October 16 & 21

Financial Consumer Protection: TILA

- CP: 195-237

October 23 & 28

Financial Consumer Protection: FCRA

- CP: 238-288

October 30

Financial Consumer Protection: ECOA

- CP: 289-301, 307-28

November 4

NO CLASS ELECTION DAY

November 6

ECOA Continued

November 11

Financial Consumer Protection: CFPB & Abusive Acts

- CP: 329-366

November 13 & 18

Constitutional Limits on Consumer Protection: Commercial Speech Doctrine

- *Virginia St. Bd. of Pharmacy v. Virginia Citizens Consumer Council*, 425 U.S. 748 (1976) (T)
- *Central Hudson Gas & Elec. Corp. v. Public Svs. Comm'n of New York*, 447 U.S. 557 (1980) (T)
- *Mainstream Marketing Servs. v. FTC*, 358 F.3d 1228 (10th Cir. 2004) (T)
- *POM Wonderful, LLC v. FTC*, 777 F.3d 478 (D.C. Cir. 2015) (T)
- *Milavetz v. U.S.*, 559 U.S. 229 (2010) (T)

November 20

State Consumer Protection Statutes

- Cooper & Shepherd, *State Unfair and Deceptive Trade Practices Laws: An Economic and Empirical Analysis*, 81 ANTITRUST L.J. 947 (2017) (T)
- *Shikida v. Bristol-Myers Squib Co.*, 2023 WL 2519857 (Sup. Ct. Hi., Mar. 15, 2023)

December 9 at 12pm

Final Exam