

**Analysis of Proposed Consent Order to Aid Public Comment**  
***In the Matter of accessiBe Inc. and accessiBe Ltd., File No. 222-3156***

The Federal Trade Commission (“Commission”) has accepted, subject to final approval, an agreement containing a consent order from accessiBe Inc. and accessiBe Ltd. (collectively, “accessiBe”).

The proposed consent order (“proposed order”) has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement and take appropriate action or make final the agreement’s proposed order.

This matter involves accessiBe’s marketing and sale of a web accessibility software plug-in called accessWidget. accessiBe represented that accessWidget could make any website compliant with the Web Content Accessibility Guidelines (“WCAG”), a comprehensive set of technical criteria used to assess website accessibility. accessiBe advertised these claims on its website and social media, as well as in articles that were formatted as impartial and objective reviews on third-party websites. accessiBe also failed to disclose its material connections with the publishers of those third-party articles.

The proposed complaint alleges that accessWidget did not make all websites WCAG compliant, and that the company’s claims were false, misleading, or unsubstantiated. The proposed complaint also alleges that formatting the third-party articles and reviews as independent opinions by impartial authors and publishers was false and misleading, and that accessiBe’s failure to disclose its material connections with the publishers of those articles was deceptive.

The proposed order contains provisions designed to prevent accessiBe from engaging in these and similar acts and practices in the future.

Provision I prohibits accessiBe from representing that its automated products, including accessWidget’s artificial intelligence and other automated technology, can make any website WCAG compliant, or can ensure continued compliance with WCAG over time as web content changes, unless the company has competent and reliable evidence to support the representations.

Provision II prohibits accessiBe from misrepresenting any fact material to consumers about any of the company’s products or services, such as the value or total cost; any material restrictions, limitations, or conditions; or any material aspect of its performance, features, benefits, efficacy, nature, or central characteristics.

Provision III prohibits accessiBe from misrepresenting that statements made in third-party reviews, articles, or blog posts about its automated products, including accessWidget’s artificial intelligence and other automated technology, are independent opinions by impartial authors; that an endorser is an independent or ordinary user of the automated product; or that the endorser is an independent organization or is providing objective information.

Provision IV requires accessiBe to disclose Clearly and Conspicuously, and in Close Proximity to representations about its automated products, including accessWidget’s artificial intelligence and other automated technology, any Unexpected Material Connection that an endorser has to accessiBe, to the product or service, or to affiliated individuals or entities.

Provision V requires accessiBe to disclose, in connection with representations that accessWidget or the company’s other artificial intelligence or automated products correct accessibility barriers on a website, that such products or services will not correct barriers on third-party web domains or subdomains that may be part of the overall user experience, unless those domains also use the product. Such disclosure must be made Clearly and Conspicuously, and prior to the consumer incurring any financial obligation.

Provision VI requires accessiBe to pay the Commission \$1,000,000 in monetary relief. Provision VII describes procedures and legal rights related to that payment. Provision VIII requires accessiBe to provide sufficient customer information to enable the Commission to efficiently administer consumer redress.

Provisions IX through XIII are reporting and compliance provisions. Provision IX mandates that accessiBe acknowledge receipt of the order, distribute the order to principals, officers, and certain employees and agents, and obtain signed acknowledgments from them. Provision X requires accessiBe to submit compliance reports to the Commission one year after the order’s issuance and submit notifications when certain events occur. Under Provision XI, accessiBe must create certain records for 10 years and retain them for five years. Provision XII requires accessiBe to provide information or documents necessary for the Commission to monitor compliance with the order during the period of the order’s effective dates. Finally, Provision XIII provides the order’s effective dates, including that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the proposed order. It is not intended to constitute an official interpretation of the complaint or proposed order, or to modify the proposed order’s terms in any way.