



Office of Commissioner  
Andrew N. Ferguson

UNITED STATES OF AMERICA  
**Federal Trade Commission**  
WASHINGTON, D.C. 20580

**Concurring Statement of Commissioner Andrew N. Ferguson  
Joined by Commissioner Melissa Holyoak  
In the Matter of accessiBe, Inc.  
Matter Number 2223156**

January 3, 2025

Today we vote to approve an administrative complaint and proposed consent order with accessiBe, which advertised its accessWidget as “the #1 fully automated ADA [Americans with Disabilities Act] and WCAG [Web Content Accessibility Guidelines] compliance solution,” “always ensuring compliance by rescanning and re-analyzing your website every 24 hours to remediate new content, widgets, pages, and anything else you may add.” The complaint alleges that accessiBe’s automated solution fell far short of its promise and failed to correct many website accessibility issues.<sup>1</sup> The complaint also accuses accessiBe of misrepresenting that various reviews and testimonials of accessWidget were independent and impartial when they were in fact bought and paid for by accessiBe.<sup>2</sup>

I write separately to clarify my vote in favor of the count accusing accessiBe of misrepresenting its product’s performance. Each subscription to accessWidget covers only one domain, but websites sometimes depend on subdomains or third-party domains for critical functionality, like making a reservation or processing a payment.<sup>3</sup> The complaint alleges that “[accessiBe] also fail[ed] to disclose, or disclose adequately, that accessWidget does not remediate website content hosted on third-party web domains or subdomains (unless the third party or subdomains also happen to use accessWidget).”<sup>4</sup> The consent order requires that accessiBe disclose this limitation in the future. My vote should not be taken as endorsing the position that the ADA, or the WCAG, require a website operator to ensure that some or all of the third-party domains or subdomains with which it integrates are accessible. I take no position on that question, which involves the interpretation of a complex law that Congress has tasked other agencies with interpreting and enforcing. I concur in the deception count because the remaining allegations involving misrepresentations of the product’s ability to bring the user’s own domain into compliance are sufficient to state a claim of deception against accessiBe. Subject to that clarification, I concur in the filing of this complaint and settlement.

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<sup>1</sup> Complaint ¶¶ 77–90.

<sup>2</sup> *Id.* ¶¶ 52–76, 91–96.

<sup>3</sup> See *id.* ¶ 85.

<sup>4</sup> *Id.* ¶ 86.