

MEDIA MENTION

Scott Delacourt Weighs In on *LabMD v. FTC* Decision by 11th Circuit

Broadcasting & Cable; Law360

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Scott D. Delacourt, chair of Wiley Rein's Federal Trade Commission (FTC) Practice, was quoted in articles published by *Broadcasting & Cable* and *Law360* regarding yesterday's decision by the U.S. Court of Appeals for the Eleventh Circuit in the closely watched *LabMD v. FTC* case. The Eleventh Circuit vacated the FTC order that had directed LabMD Inc. to improve its data security program, ruling that the order lacked specifics and could not be enforced.

The appellate court decision stems from a 2013 dispute between LabMD and the FTC, when the now-defunct medical testing company challenged the agency's allegations that LabMD had violated Section 5 of the FTC Act by failing to put in place reasonable data security practices.

"While the ruling is limited to a single cease-and-desist order, it raises serious questions about the FTC's authority to bring enforcement actions predicated on reasonable data security without providing a better sense of the particular security measures it has in mind," Mr. Delacourt said.

Mr. Delacourt also co-authored a Wiley Rein alert on the decision, which can be read [here](#).

To read the *Broadcasting & Cable* story, please click [here](#). To read the *Law360* article, please click [here](#) (*subscription required*).

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Practice Areas

FTC Regulation