

Interlocutory Orders, Etc.

IN THE MATTER OF
FACEBOOK, INC.*Docket No. C-4365. Order, April 27, 2020*

Order reopening and modifying the Commission's July 27, 2012 Decision and Order because it is necessary to enter the new administrative order to which Facebook consented in the settlement.

ORDER MODIFYING PRIOR DECISION AND ORDER

The Federal Trade Commission ("Commission") issued a Decision and Order against Facebook, Inc. ("Facebook") in Docket C-4365 on July 27, 2012 ("2012 order").¹ On July 24, 2019, the United States of America, acting upon notification and authorization to the Attorney General by the Commission, filed a complaint ("2019 complaint") in federal district court alleging that Facebook violated the 2012 order in three ways: (1) by misrepresenting the extent to which users could control the privacy of their data and the steps they needed to take to implement such controls; (2) misrepresenting the information the Company made accessible to third parties; and (3) failing to establish, implement, and maintain a privacy program reasonably designed to address privacy risks. The complaint also alleged that Facebook violated Section 5 of the FTC Act by misrepresenting how it would use telephone numbers that users provided to enable a security feature.

On April 23, 2020, Judge Timothy J. Kelly in the District for the District of Columbia entered a Stipulated Order for Civil Penalty, Monetary Judgment, and Injunctive Relief ("Stipulated Order") resolving the 2019 complaint. In Section II of the Stipulated Order, Facebook consented to: (1) reopening the 2012 proceeding in FTC Docket NO. C-4365; (2) waiving its rights under the show cause procedures set forth in Section 3.72(b) of the Commission's Rules of Practice, 16 C.F.R. § 3.72(b); and (3) modifying the 2012 Order with the new Decision and Order set forth below.

In view of the foregoing, the Commission has determined that it is in the public interest to reopen the proceeding in Docket No. C-4365 pursuant to Commission Rule 3.72(b), 16 C.F.R. § 3.72(b), and to issue a new order as set forth below. Accordingly,

IT IS ORDERED that this matter be, and it hereby is, reopened; and

IT IS FURTHER ORDERED that, Facebook having consented to modifying the 2012 order as set forth below, the Commission hereby modifies the 2012 order with the attached Decision and Order.

By the Commission, Commissioners Chopra and Slaughter dissenting.

¹ *In the Matter of Facebook*, C-4365, 2012 FTC LEXIS 135 (F.T.C. July 27, 2012).

Interlocutory Orders, Etc.

IN THE MATTER OF

**MARC CHING,
D/B/A
WHOLE LEAF ORGANICS**

Docket No. 9394. Order, May 8, 2020

Order staying the administrative proceeding and rescheduling the evidentiary hearing date.

ORDER REGARDING SCHEDULING IN LIGHT OF THE PUBLIC HEALTH EMERGENCY

Because of the declared public health emergency¹ associated with the outbreak of the coronavirus disease 2019 (“COVID-19”), also known as SARS-CoV-2; and because it has been advised that gatherings of ten or more persons may facilitate the spread of the disease, the Commission has determined that it is in the public interest to mitigate the transmission and impact of COVID-19, and that good cause exists to stay this proceeding and to reschedule the evidentiary hearing. Accordingly,

IT IS HEREBY ORDERED that this proceeding be fully stayed until June 4, 2020, except for matters of settlement; the filing of an Answer pursuant to Commission Rule of Practice 3.12(b)(2), 16 C.F.R. § 3.12(b)(2); the filing of a stipulation of facts and an agreed order pursuant to Commission Rule of Practice 3.26(g), 16 C.F.R. § 3.26(g); and other stipulations or joint filings; and

IT IS FURTHER ORDERED that the evidentiary hearing date and all pre-hearing deadlines in this proceeding be extended by the number of calendar days of this stay. The Administrative Law Judge retains discretion to adjust any such pre-hearing deadlines to the extent compatible with the hearing date as extended by this Order or to make a recommendation to the Commission regarding an alternative hearing date.

By the Commission.

¹ Pursuant to the Public Health Services Act, 42 U.S.C. § 247d, on January 31, 2020, the Secretary of the Department of Health and Human Services issued a declaration that a health emergency exists because of COVID-19; and on March 13, 2020, the President of the United States issued a proclamation that a national emergency exists concerning COVID-19. Remarks by President Trump, *available at* <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-vice-president-pence-members-coronavirus-task-force-press-conference-3/> (Mar. 13, 2020).