

IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA
CIVIL DIVISION

TRAVELERS UNITED
2833 Alabama Ave SE #30736
Washington, D.C. 20020,

Plaintiff,

2024-CAB-004094

Civil Action No. _____

v.

ALEXANDRIA LOVE (D.B.A. ALLY LOVE)

[REDACTED]

AND

ALLY LOVE INC.

[REDACTED]

Defendants.

**COMPLAINT FOR VIOLATIONS OF THE
CONSUMER PROTECTION PROCEDURES ACT**

Travelers United brings this action pursuant to D.C. Code § 28-3905 for injunctive relief and statutory damages against Alexandria Love and her LLC, Ally Love Inc., for violations of the District's Consumer Protection Procedures Act ("CPPA"), D.C. Code § 28-3901, et seq. In support of its claims, Travelers United states as follows:

INTRODUCTION

1. This is a misleading and deceptive advertising case. For many years Alexandria Love, who does business under the name Ally Love, has run personal social media accounts. She does business through her LLC, Ally Love Inc. She does not always disclose that she has a financial relationship with that company. Travelers United is taking action to force her to make corrective disclosures on all social media posts where she promotes products or services.
2. Alexandria Love (also known as Ally Love) is a fitness instructor and an Instagram, Facebook, TikTok and X (formerly Twitter) influencer. An influencer is a social media personality who posts photos and content in addition to pitching and advertising products amongst those photos and content. Instagram is a Meta owned social media platform where people can post photos in three ways. The first is where people can post individual photos that stay on the social media personality's account forever unless deleted. The second way to post photos on Instagram is through Instagram stories which, unless saved to their account, disappear within 24 hours. The third is through Instagram reels which are a short video, similar to TikTok. Ally Love (@allymisslove) has 934,000 Instagram followers as of April 27, 2024.
3. Ally Love is also active on social media platforms other than Instagram. She has an active X (formerly Twitter) account where she has 49,500 followers.
4. Ally Love is active on TikTok where she has 35,100 followers.
5. Ally Love is on Facebook where she has 170,000 followers.
6. Ally Love conducts her social media influencing business from New York where she works as a fitness instructor and host.

7. Instagram is a social media platform that is visible throughout the world, unless blocked by the local government. People with a high number of followers, such as Ally Love, have the option on turning off a specific country's viewership.¹ Love has made her Instagram account accessible to the audience of the United States of America, including the District. Love's X (formerly Twitter), Facebook and TikTok account are also viewable from Washington, D.C.
8. Instagram accounts can be public or private. Many regular people decide to make their Instagram accounts private to keep their photos between a limited number of people they have selected to share the photos with. Influencers, however, are in the business of getting their follower count as high as possible and this is only possible with a public account. Ally Love selected to make her Instagram account public.
9. Ally Love is a Peloton fitness instructor but likely earns more money from influencer deals on Instagram than she does as a fitness instructor.
10. Companies, like Rosewood Hotels and Resorts, the Four Seasons, Emirates and Tao Beach Club, pay influencers, like Ally Love, to promote their products or services to her followers.
11. Ally Love's Instagram, Facebook, TikTok and X accounts are all used to advertise, market and sell goods and/or services to residents of the District of Columbia.

JURISDICTION

12. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 28-3905.

¹ Ivan Mehta, Instagram Is Testing Geo-Restriction For Stories and Posts, THE NEXT WEB (Sep. 20, 2018), <https://thenextweb.com/apps/2018/09/20/instagram-is-testing-geo-restriction-for-stories-and-posts/>

13. This Court has personal jurisdiction over the Defendant pursuant to D.C. Code § 13-423(a).

PARTIES

14. Plaintiff is a nonprofit public interest organization for the purpose of promoting interests and rights of consumers empowered to sue and be sued. The mission of Travelers United is to improve and enhance travel for consumers across all modes of travel. Travelers United has been instrumental in advocating against misleading and deceptive advertising federally and locally in the District. Travelers United has met with the DC Council and their staff regarding the issue. Nationally, Travelers United has worked and met with members of Congress, the National Association of Attorneys General, other national consumer advocacy groups and the Federal Trade Commission (FTC) educating, alerting and advocating against false, deceptive and misleading claims from social media influencers² in addition raising concerns about a lack of disclosures in social media influencing.³ Travelers United filed a case of first impression regarding false claims and lack of advertising disclosures regarding travel social media influencing in the District's Superior Court.⁴ Travelers United, based in Washington, D.C. has members who reside in Washington, D.C.

15. Defendant Ally Love is a resident of New York where she currently works as an influencer, host and fitness instructor.

² Travelers United, *Paid Influencers Are Not Disclosing Their Partnerships*, TRAVELERS UNITED BLOG (Sep 28, 2021) <https://www.travelersunited.org/paid-influencers-are-not-disclosing-their-partnerships/>.

³ Travelers United, *Who is the social media sheriff of Instagram?* TRAVELERS UNITED BLOG (March 2, 2022) <https://www.travelersunited.org/social-media-sheriff-of-instagram-facebook/>.

⁴ Taylor Lorenz, *Does traveling to every country count if you don't post on the Internet?*, THE WASHINGTON POST, (last visited March 12, 2024) <https://www.washingtonpost.com/technology/2022/04/13/travel-influencer-lawsuit-cassie-de-pocol/>

16. Rosewood Hotels and Resorts is a luxury hotel and resort company with 31 hotels in 16 countries. The hotel group was founded in Dallas, Texas but currently its headquarters are in Hong Kong. Eight of the hotels are in the United States. There is a Rosewood in the District located at 1050 31st Street NW. The Rosewood Hotels and Resorts advertises to District residents.
17. TAO Beach Dayclub is an outdoor club by the pool at the Venetian in Las Vegas, Nevada. TAO Beach Dayclub is owned by Tao Group Hospitality. Tao Group Hospitality is headquartered in New York, New York. Tao Group Hospitality advertises to District residents.
18. Emirates is a flag carrier of the United Arab Emirates. Emirates is headquartered in Dubai in the United Arab Emirates. Emirates has flights out of Dulles Airport. Emirates advertises to District residents.
19. The Four Seasons is a luxury hotel and resort company with its headquarters in Toronto, Canada. They have 112 properties throughout the world. There is a Four Seasons Hotel in the District at 2800 Pennsylvania Avenue NW. The Four Seasons advertises to District residents.
20. As a social media influencer, Ally Love is herself a brand and she is promoting a service that benefits her – both physically (a relaxing vacation) and financially (she was either paid or received free or reduced cost services in exchange for the advertisement). The influencer is the brand has already been successfully argued by Travelers United before in *Travelers United v. Expedition 196, LLC, et. al.* The influencer could be a merchant as defined by CPPA. There the October 13, 2023 order denying defendant’s motion to dismiss and motion to strike in *Travelers United v. Expedition 196, LLC, et. al.* stated

“the complaint makes out a plausible claim that Ms. De Pecol is sufficiently connected with the supply side of commerce to qualify as a merchant under the CPPA.” Here Rosewood Hotels and Resorts, the Four Seasons, Emirates and TAO Beach Club paid and/or gave free or reduced prices services to the merchant, the influencer Love, to promote its product to District residents.

ALLY LOVE’S DECEPTIVE ADVERTISING PRACTICES
Defendant’s Practice of Misleading and Deceptive Advertising

21. This action was commenced after Ally Love posted an undisclosed advertisement for Rosewood Hotels and Resorts, the Four Seasons, Emirates and Tao Dayclub on her personal social media accounts.
22. Influencers are defined by the American Bar Association as “any person with credibility who can influence the opinions or purchase decisions of others.”⁵ When asked to describe an influencer in the HBO Documentary *Fake Famous*, Taylor Lorenz, a *Washington Post* technology reporter, described them as “somebody who is half entrepreneur and half celebrity.” Hana Hussein, a social media manager, described an influencer in the documentary as “anyone who has access to a large following whether it is real or fake and they are able to promote themselves or brands.”⁶
23. The higher someone’s follower count is on social media, the more that social media star can charge to “influence” their followers. Influencing is big business. *Business Wire*

⁵ Mark Goodrich and Jason Howell, *Influencers: What Every Brand and Legal Counsel Should Know*, THE AMERICAN BAR ASSOCIATION, (last visited April 29, 2024) https://www.americanbar.org/groups/intellectual_property_law/publications/landslide/2018-19/september-october/influencers/.

⁶ FAKE FAMOUS (Nick Bilton, 2021)

reports that “three out of four shoppers have purchased a product or service because an influencer recommended it... They want to see products or services in action before purchasing, with 38% of shoppers saying this is the primary reason they turn to influencers for recommendations. For Gen Z respondents, in particular, 66% watch reviews on social media before making a purchase.”⁷

24. *The Wall Street Journal* reports that “Goldman Sachs predicts, the creator economy – the amount of money influencers gross by monetizing their content on various platforms – could roughly double to \$480 billion by 2027, from \$250 billion today.”⁸

25. The goal of influencing on Instagram, and other social media platforms, is to get as many followers and as much engagement (people liking and commenting on posts, people watching their Instagram stories) as possible. That shows to a brand that a certain influencer has a loyal and engaged following who will listen to what products said influencer recommends. Companies pay influencers big money to advertise on behalf of their brands. Kim Kardashian has reported earning up to one million dollars per Instagram post⁹ while her sister Kylie Jenner is reportedly earning 1.2 million dollars per Instagram post. Cristiano Ronaldo, the soccer star who happens to be the most followed person on Instagram, commands \$975,000 per Instagram post.¹⁰ Very large sums of money are paid by brands to influencers to have them promote products on Instagram and

⁷ BUSINESS WIRE, New GRIN survey reveals the fundamental role that content creators play in the modern consumer’s buyer journey, March 20, 2024, <https://www.businesswire.com/news/home/20240320786326/en/U.S.-Shoppers-Are-Under-the-Influence-74-of-Consumers-Have-Purchased-a-Product-Because-an-Influencer-Recommended-It>

⁸ Beth DeCarbo, *What It Takes to Succeed as A Social Media Influencer*, THE WALL STREET JOURNAL, February 20, 2024, <https://www.wsj.com/personal-finance/social-media-influencer-how-311a5c8e>.

⁹ Alicia Brunker, *Kim Kardashian Says She Makes More Money on Instagram Than for an Entire Season of KUWTK*, IN STYLE, October 18, 2020, <https://www.instyle.com/celebrity/kim-kardashian-makes-more-money-on-instagram-than-kuwtk>

¹⁰ BBC, *How much does Kylie Jenner earn on Instagram?* WWW.BBC.CO.UK, (July 26, 2019) <https://www.bbc.co.uk/newsround/49124484>.

other forms of social media. “Lives that can be monetized”¹¹ summarizes Jo Piazza on her podcast *Under the Influence*. Jo Piazza reports that there is a by post baseline for how much influencers get paid per post and that is “\$100 per 10,000 followers.”¹²

26. Alexandra Roberts, Professor of Law at Northeastern University, writes in *False Influencing* in *The Georgetown Law Journal* “Influencer marketing can be benign. But it creates an exceptionally fertile breeding ground for deception and consumer harm. Individuals, rather than brands, push out advertising messages, making it easy to mislead consumers without repercussions. Because of the trust consumers place in the influencers they follow, they may be materially deceived when influencers make false statements about products or about their experiences with them, endorsing things they don’t actually use, wear, or like. Influencers nondisclosure of the commercial relationship can be deceptive: according to some reports, over 90% of influencers fail to properly disclose when their posts are sponsored. Omitting sponsorship disclosure enables paid content to masquerade as organic buzz and peer-to-peer testimonial, rendering misrepresentations even more persuasive. Companies know disguising the commercial nature of the speech and presenting the endorsement as organic increases its effectiveness.”¹³
27. Taylor Lorenz, a *Washington Post* technology reporter, reported in her book *Extremely Online* about the history of the Federal Trade Commission requirement of the “Ad” disclosure in a social media caption for a sponsored post. She writes “while this short hashtag at the bottom of a long post may seem slight, the issue was of tremendous

¹¹ Jo Piazza, *A More Perfect Mother*, UNDER THE INFLUENCE PODCAST, (February 4, 2021) <https://open.spotify.com/episode/67Rtv0Hfcq0pm7KCFcKMnU>.

¹² Jo Piazza, *A More Perfect Mother*, UNDER THE INFLUENCE PODCAST, (February 4, 2021) <https://open.spotify.com/episode/67Rtv0Hfcq0pm7KCFcKMnU>.

¹³ Alexandra Roberts, *False Influencing*, Vol. 109 *The Georgetown Law Review* 81 (2020).

importance in the online creator world. Some influencers' livelihoods depended on the money they made from unacknowledged endorsements. Creators worried that revealing which brands were paying them would kill their authenticity, repelling their audience. Even the influencers who strove for transparency were wary of angering advertisers by adding disclosure if they weren't explicitly asked to. Advertisers, for their part, thought consumers would be less likely to buy products if they saw influencers' posts as ads. Disclosure, they all understood, would stop the music."¹⁴

28. Advertisers think that consumers would be less likely to buy products if they saw influencers posts as advertisements. Despite the FTC requirement that material connections between a brand and an influencer be disclosed clearly and conspicuously, many influencers continue to ignore the FTC guidelines for influencers. Many influencers do not prominently disclose when a social media post is an advertisement.
29. Ally Love has an undisclosed material connection to the Rosewood Hotels and Resorts, the Four Seasons, Emirates and Tao Beach Dayclub. She has posted about Rosewood Hotels and Resorts brand of hotels repeatedly on social media and never did she disclose any material connection to the brand. She has also posted about the Four Seasons, Emirates and the Tao Beach Dayclub without proper disclosure.
30. On April 8, 2024 Ally Love tagged herself at the "Kona Village, A Rosewood Resort" and posted photos from a Rosewood hotel. The Kona Village, A Rosewood Resort is both selected as the location and is tagged in the photo. This Instagram post contains ten photos that a consumer can scroll through. The photos all seem to show how great of a

¹⁴ Taylor Lorenz, EXTREMELY ONLINE (2023).

time Ally Love is having at the Kona Village, A Rosewood Resort. There is no disclosure of any material connection in any of the photos or in the caption.



31. On April 3, 2024 Ally Love posted an Instagram reel video of her stay at the Kona Village Rosewood. She tags the Kona Village Rosewood in the caption. She does not mention any material connection to the hotel.



32. On March 23, 2024 Ally Love posted nine photos of the Kona Village, A Rosewood Resort. She tags the location and every photo appears to be of the Rosewood property but there is no disclosure of material connections in any photo or in the caption.



ALLYMISSLOVE
Posts



allymisslove

Kona Village, A Rosewood Resort



Liked by germanladiespeloton and 19,593 others

allymisslove ✨ Kona Hawai'i ✨

The more I travel the more I realize that I'm a soul that needs to experience new lands, new culture, and somewhere super far away from home. I work *A LOT*, and like many of us who

find joy in our job(s), it's so important to recalibrate. It's hard to do so on any given day bc work is always there - Monday thru Sunday, emails, texts, and little reason why to "not" just answer or do it. (Clearly I need to work on boundaries - I'm trying lol 😂) But for me to truly *relax* I need to get away for everything that's familiar. Let some new -ish happen to me and gather greater perspectives - not to mention have a FEW cold Gin and Tonics 🍹 on the beach 🌴

Travel gets me back to whatever the hell motivates me, helps me find clarity in who I am and who I want to be, and most importantly, figure who I want to surround myself with - because energy and support is noticed and contiguous...both when it's positive or negative.

First time in Kona @konavillagerosewood and it's a FUN relaxing sandwich of life. And I saw a WHALE 🐳 I almost died of JOY - more to come here...

#allysadventures #kona #travel #travelVlog #traveler #aloha #hawaii

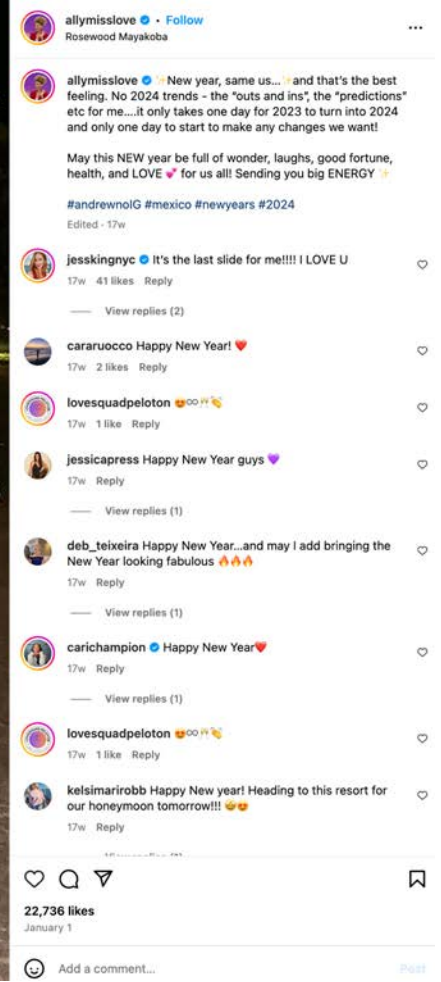
View all 229 comments

tune2tunde Looks so fun!

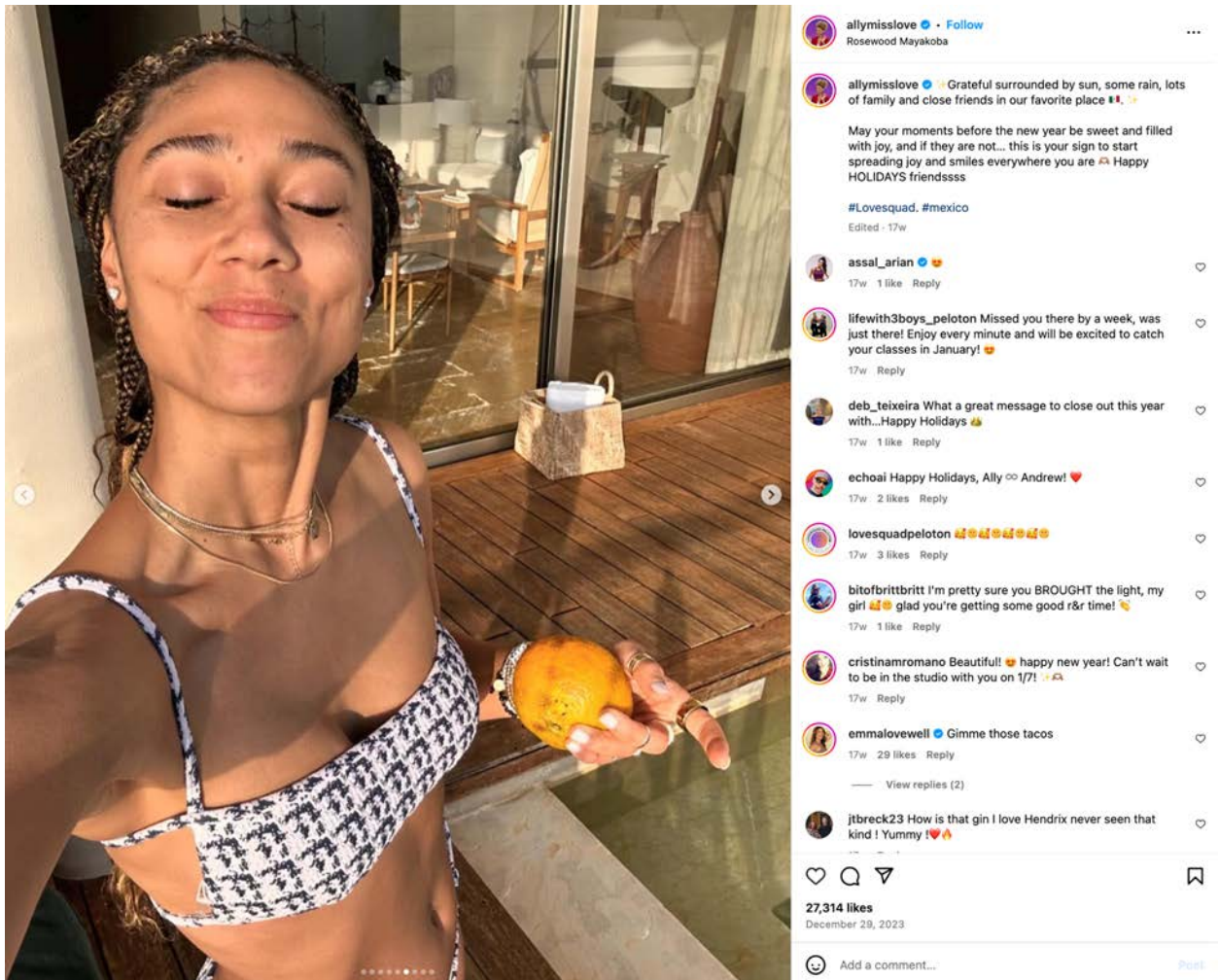
emmalovewell I love this for you so much!!



33. On January 1, 2024 Ally Love posted nine photos in one post where she tags the location at the Rosewood Mayakoba. There is no disclosure of a material connection in the caption or in any photo.



34. On December 29, 2024 Ally Love posted nine photos in one post where she tags her location at the Rosewood Mayakoba. There is no disclosure of a material connection in the caption or in any photo.

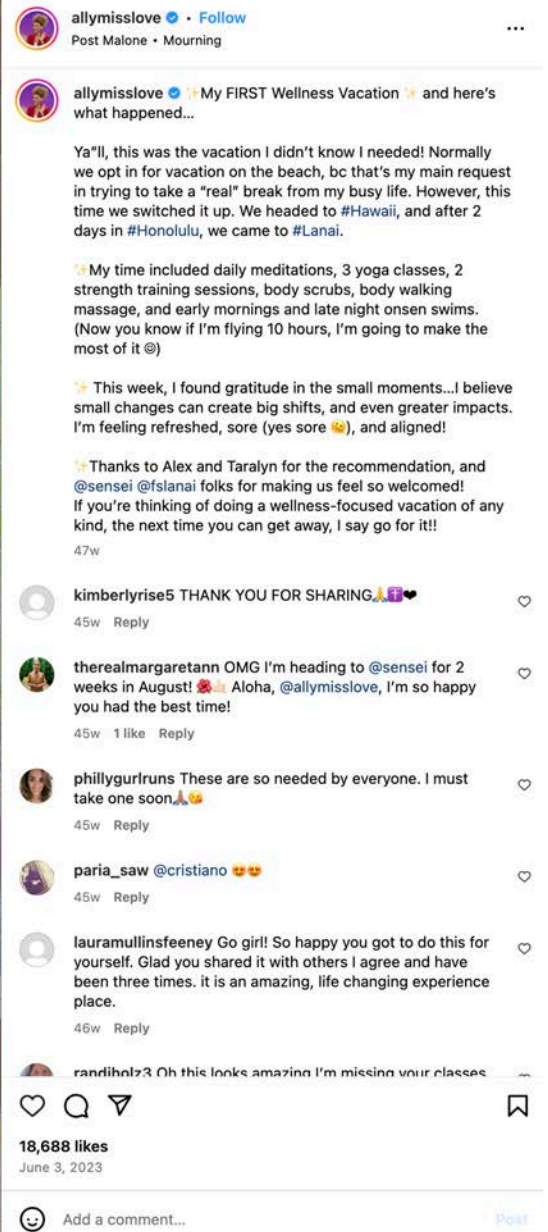


35. On September 2, 2023 Ally Love posted an advertisement about traveling to the US Open with Emirates. Though here she does actually use the in app disclosure tool of “Paid partnership with Emirates”, the fact that this is an advertisement is not mentioned in the video or in the caption and thus is insufficient disclosure according to the FTC. The FTC clearly stated in their disclosure advice to influencers “don’t assume that a platform’s disclosure tool is good enough, but consider using it in addition to your own, good disclosure.”¹⁵

¹⁵ Disclosures 101 for Social Media Influencers, The Federal Trade Commission, <https://www.ftc.gov/business-guidance/resources/disclosures-101-social-media-influencers>



36. On June 3, 2023 Ally Love posted the following Instagram reel on Instagram about the Four Seasons Lanai. There is no disclosure of any material connection to the brand.



37. On May 31, 2023 Ally Love posted the following Instagram post promoting the Sensei Lanai, A Four Seasons Resort. She posts ten photos of the hotel. There is no disclosure of material connections to the hotel in any caption or photo.





38. On January 6, 2023 Ally Love posted the following Instagram post promoting the Rosewood Mayakoba. There is no disclosure of a material connection between Love and the Rosewood Mayakoba in any photo or in the post's caption.



39. On January 3, 2023 Ally Love posted the following Instagram post promoting the Rosewood Mayakoba. There is no disclosure of a material connection between Love and the Rosewood Mayakoba in any photo or in the post's caption.




**allymisslove** • Follow
Rosewood Mayakoba


**allymisslove** • New Year, same US, and I'm grateful for that. 🌟
🌟As we look back and then look ahead, the best times include these special people. I LOVE my friends and our yearly tradition to bring our families together during the holidays. 30 of us, yes I said 30 of us for a week of laughter (until my belly hurts), dancing the night away, eating many many many tacos 🌮, and bragging rights for the loads games we play - are competitive (even if we say we're not 🤔)- and maybe a little bit of tequila + gin & tonics 🍹


I'd say a good year is determined by the people who you spend it with. So cheers to it being another good year....


The deets:
👤@nadinemerabi
👤@jeffreycampbell
👤@indiawilliamshair


#2022 #2023 #andrewNoIG #friendship
Edited · 68w


**ronaldsgamble** Cheers to a Great year for you and your families united! I love it...and glamorous outfits are naturally you in each style choice on you.
57w Reply

**msjennavarrone** Absolutely GORGEOUS!
65w Reply

**afenigrace** Beautiful
65w Reply


**edjailmendes** Beautiful and Ultra S@xy. Much Love Baby Girl 🍷💕
66w Reply

**geor9873** Hey dear, you are looking really gorgeous in this dress....and your eyes have more shine than this dress sparkles 💕💕
67w Reply

**nadinemerabi** • Glowing 🌟🌟🌟
68w Reply

♡💬🚩

16,815 likes
January 3, 2023

 Add a comment... Post

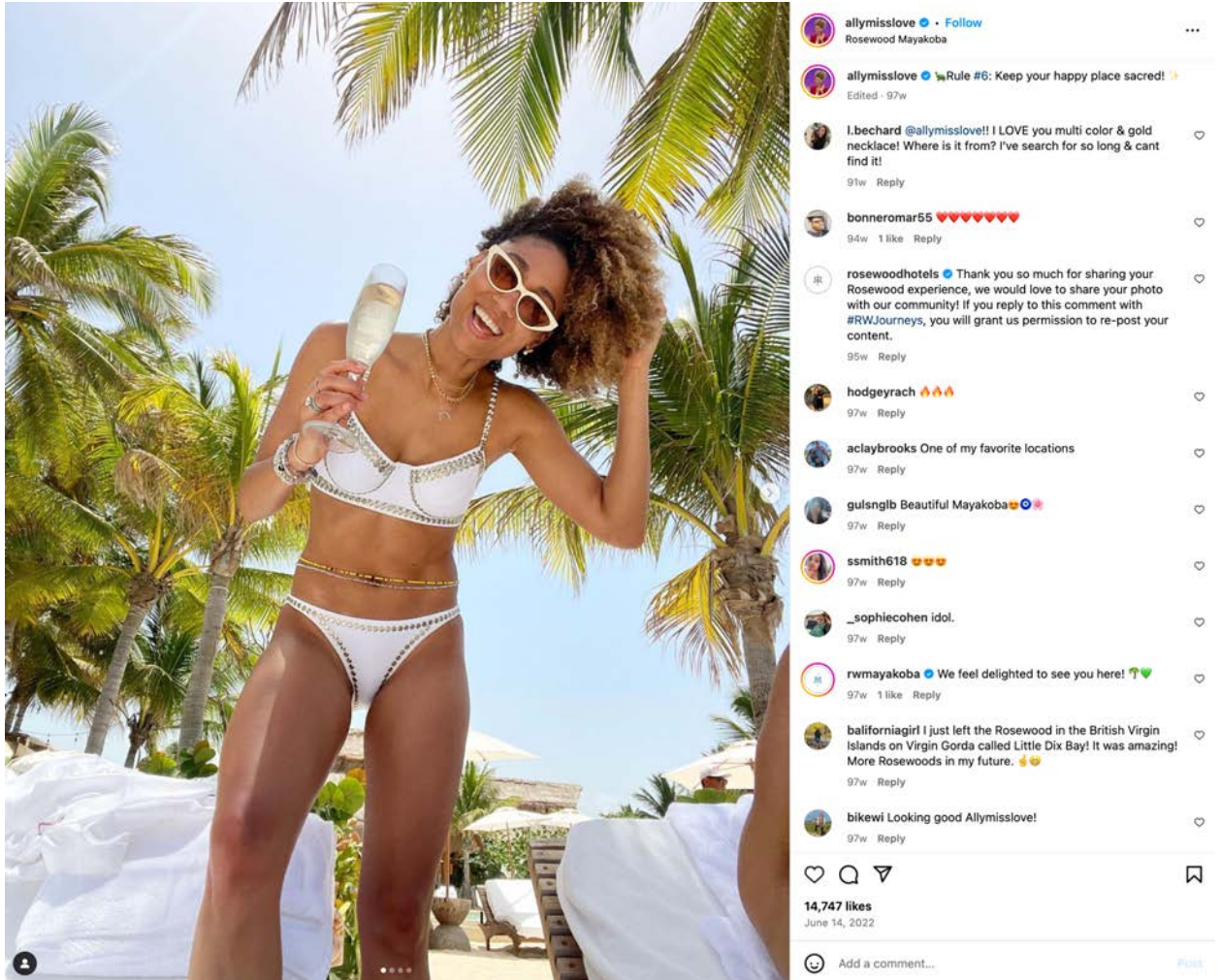
40. On August 7, 2022 Ally Love promoted TAO Beach Dayclub on Instagram. There is no material connection in the caption or in any of the photos she posted.



41. On July 31, 2022 Ally Love posted about the Rosewood Mayakoba on Instagram. There is no material connection mentioned in the photos or in the caption.

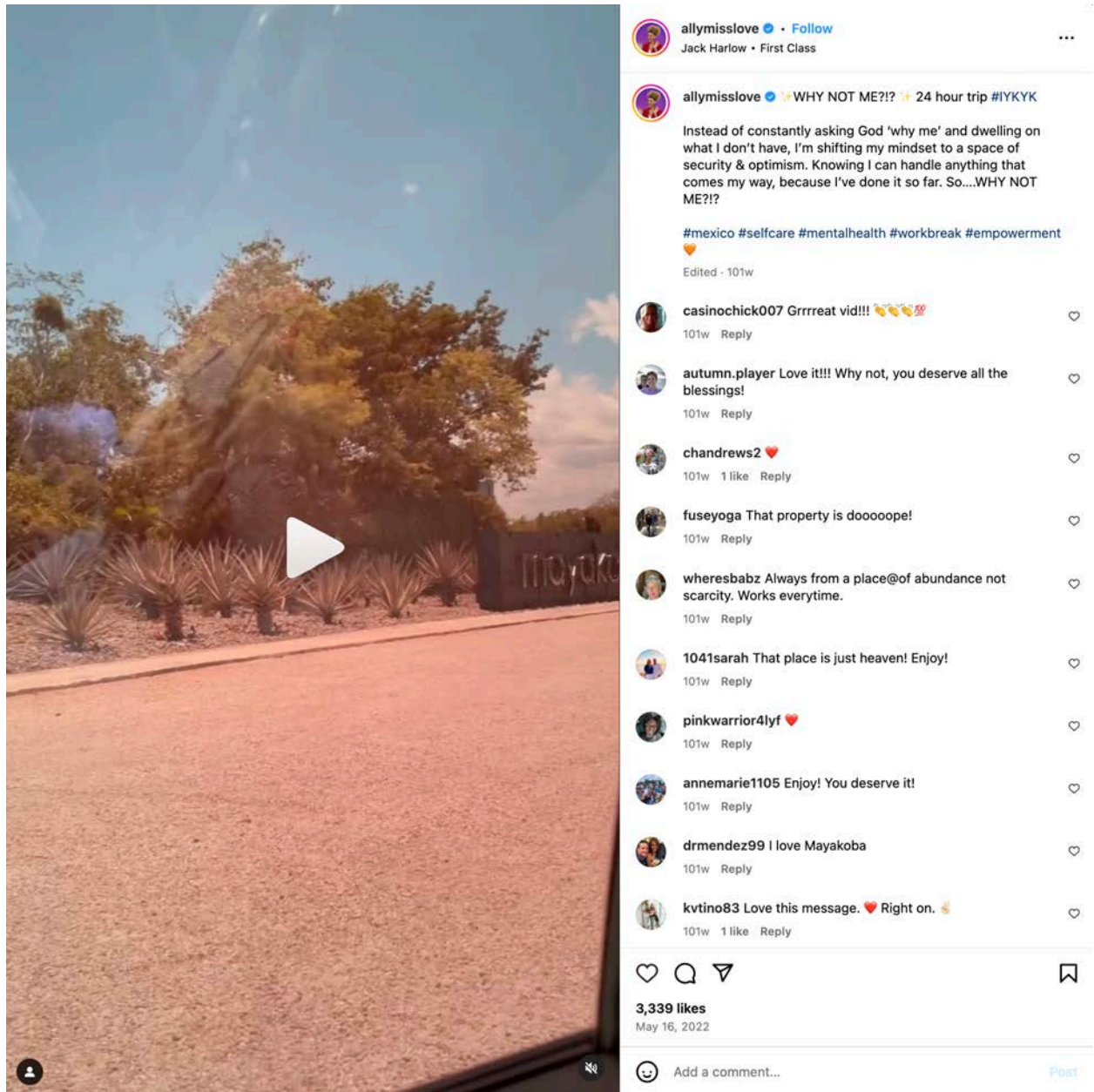


42. On June 14, 2022 Ally Love posted tagging her location to the Rosewood Mayakoba on Instagram. There is no material connection to the brand mentioned in the caption or in any photos.



43. On May 16, 2022 Ally Love posted an Instagram reel video of the Rosewood Mayakoba.

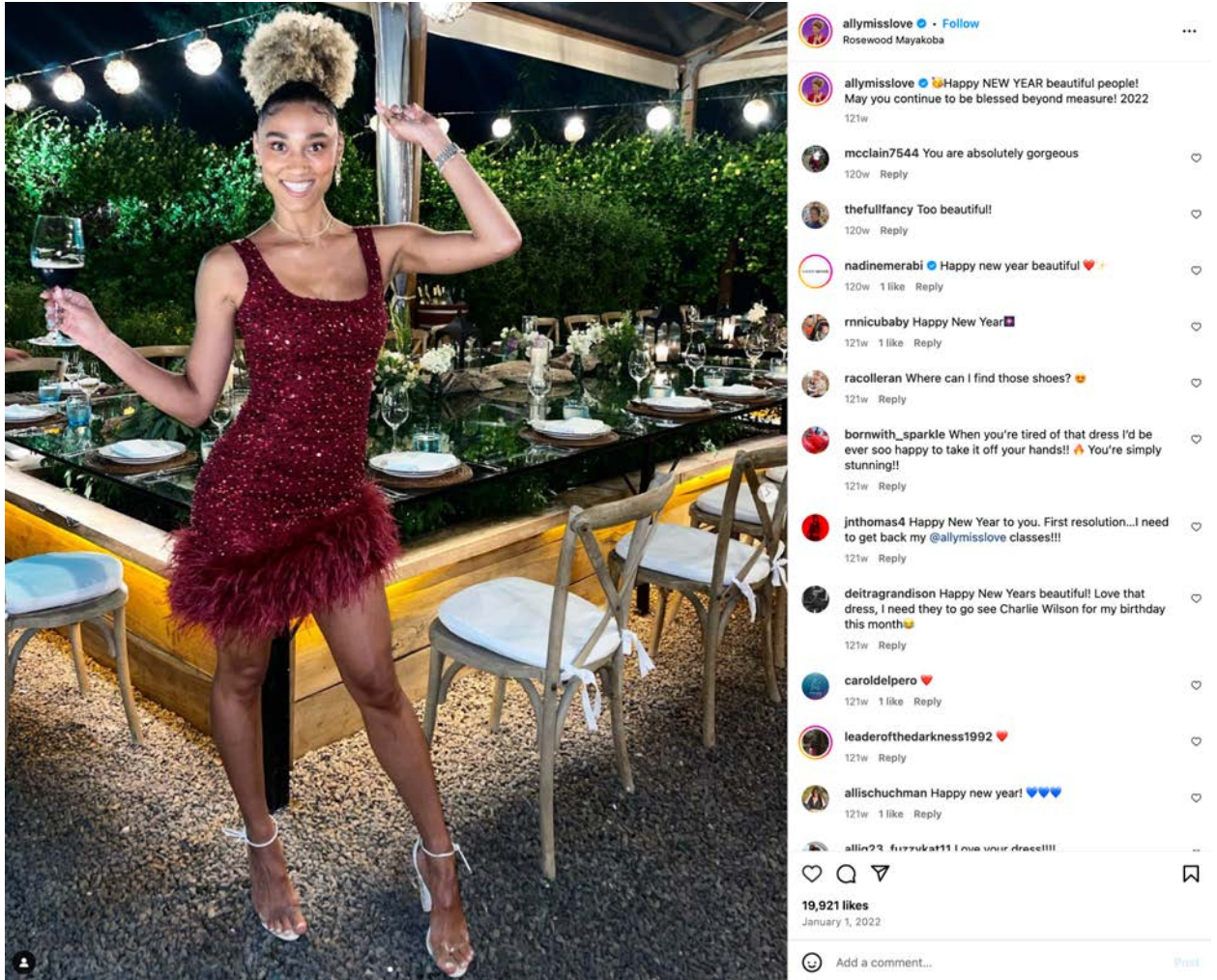
There is no material connection to the brand mentioned in the caption or in the video.



44. On January 1, 2022 Ally Love posted from the Rosewood Mayakoba on Instagram. She posted eight photos. There is no mention of a material connection in any photo nor is there a mention in the caption.



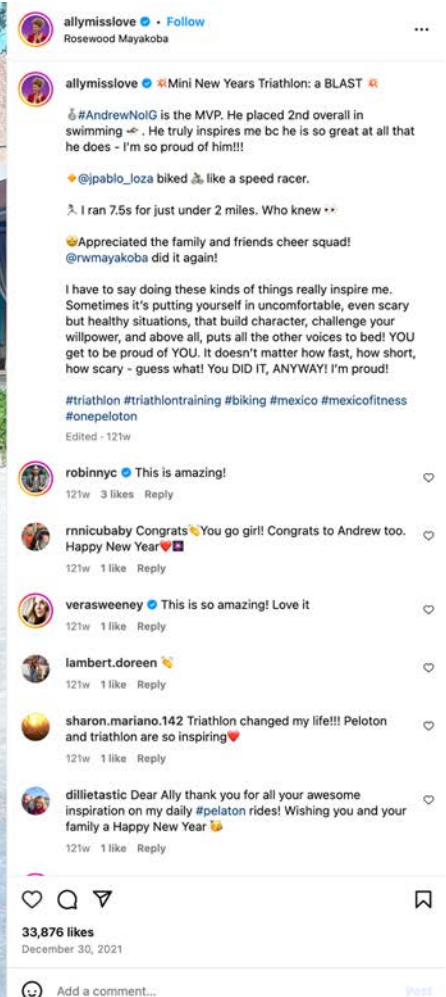
45. On January 1, 2022 Ally Love posted on Instagram tagging herself at the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



46. On December 31, 2021 Ally Love posted on Instagram promoting The Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



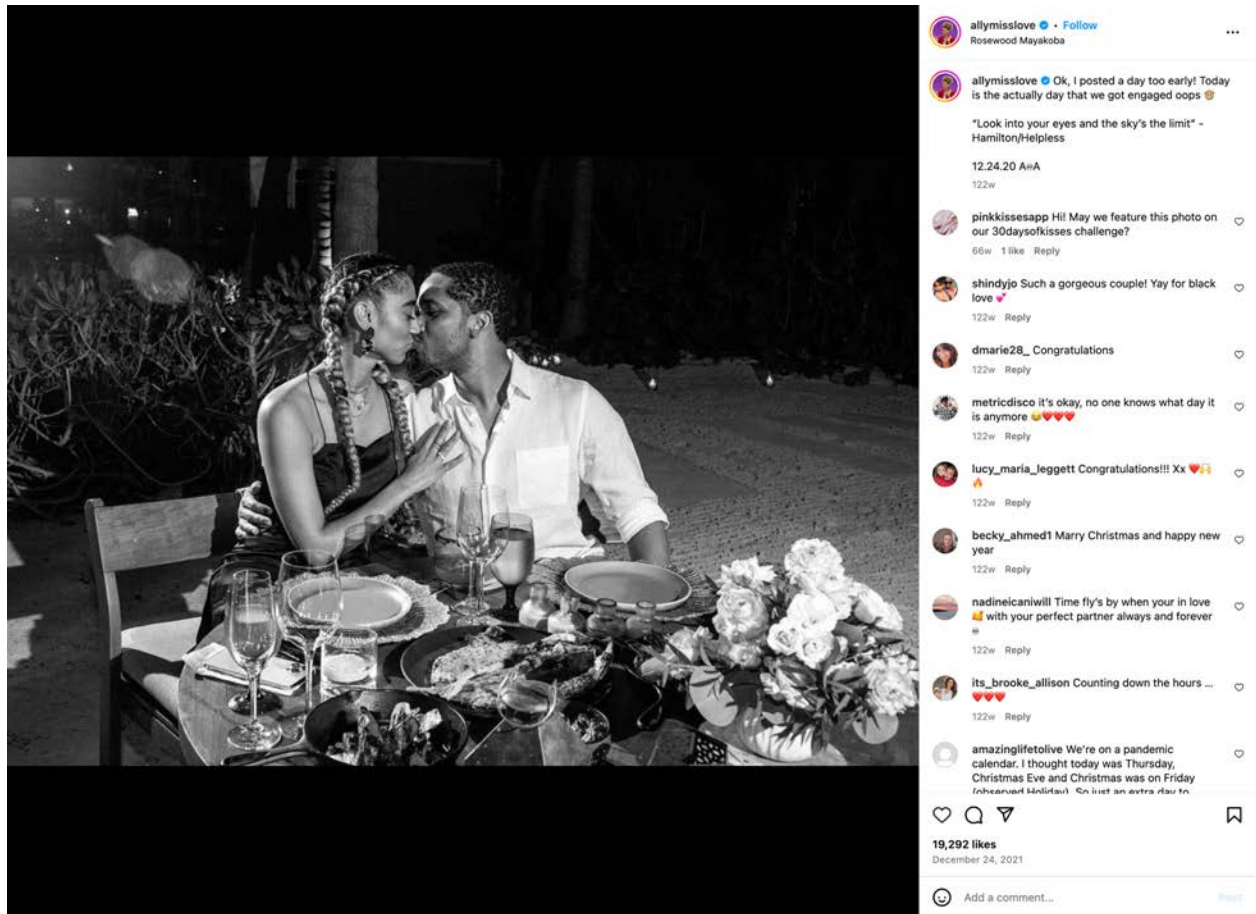
47. On December 30, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



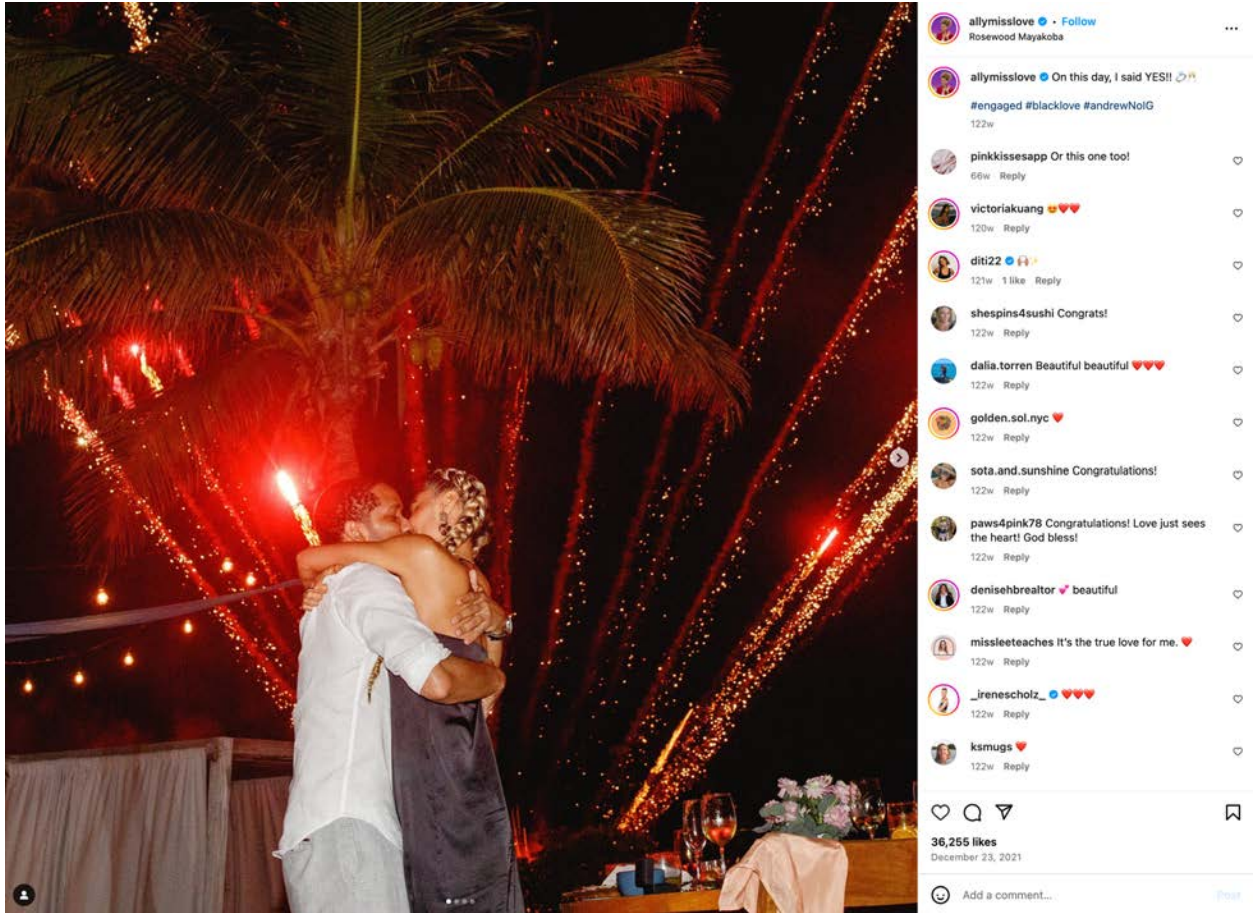
48. On December 29, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



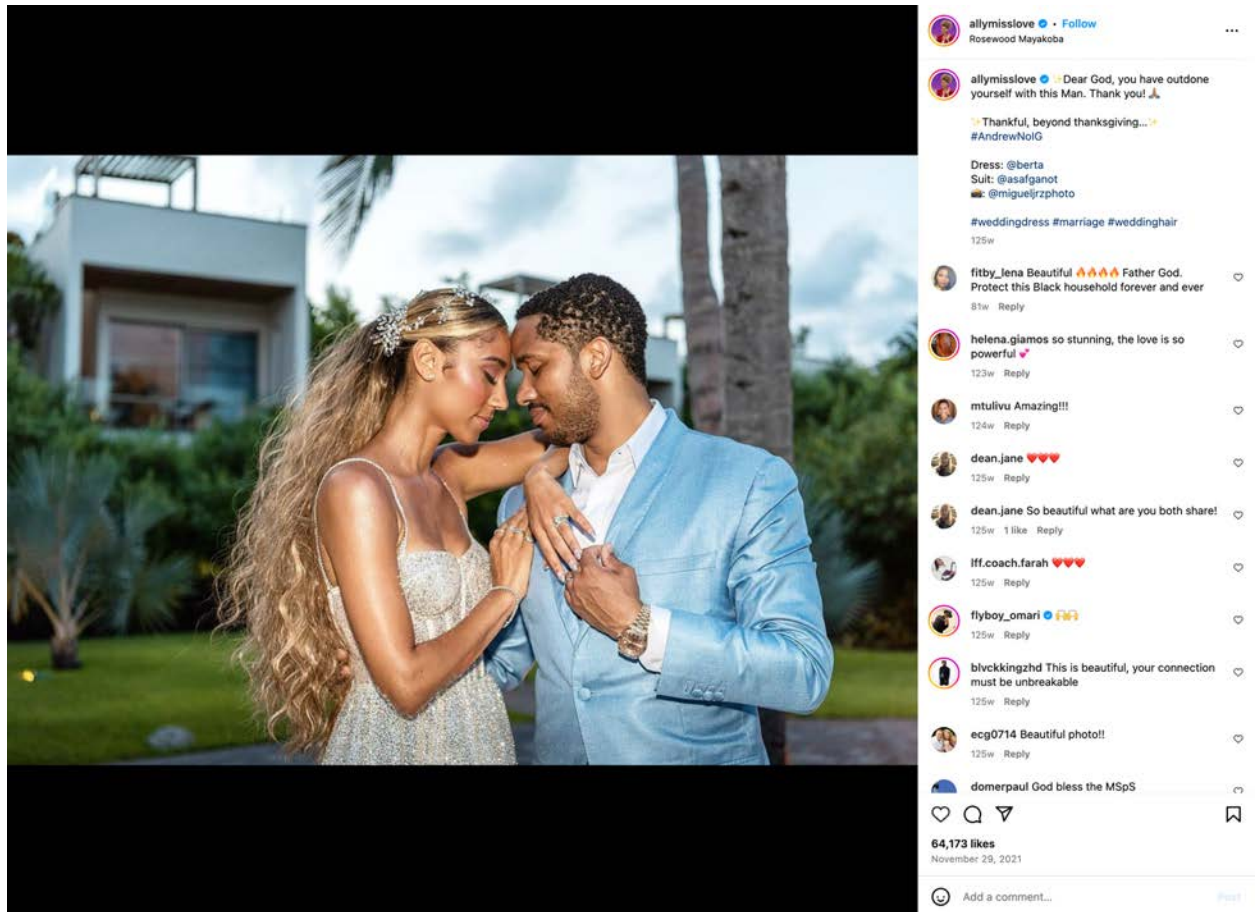
49. On December 24, 2017 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



50. On December 23, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



51. On November 29, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



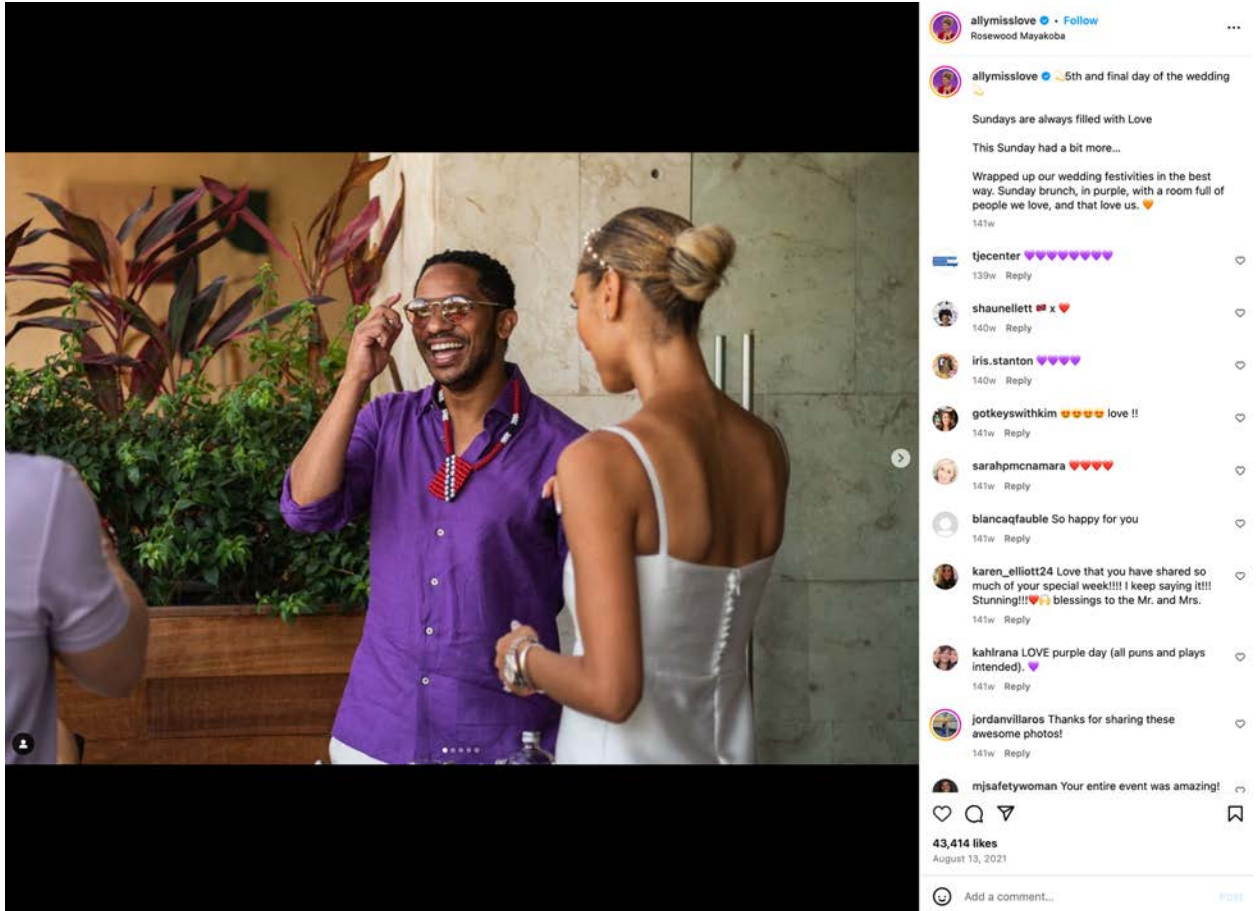
52. On August 19, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba.

There is no mention of a material connection in any photo nor is there a mention in the caption.



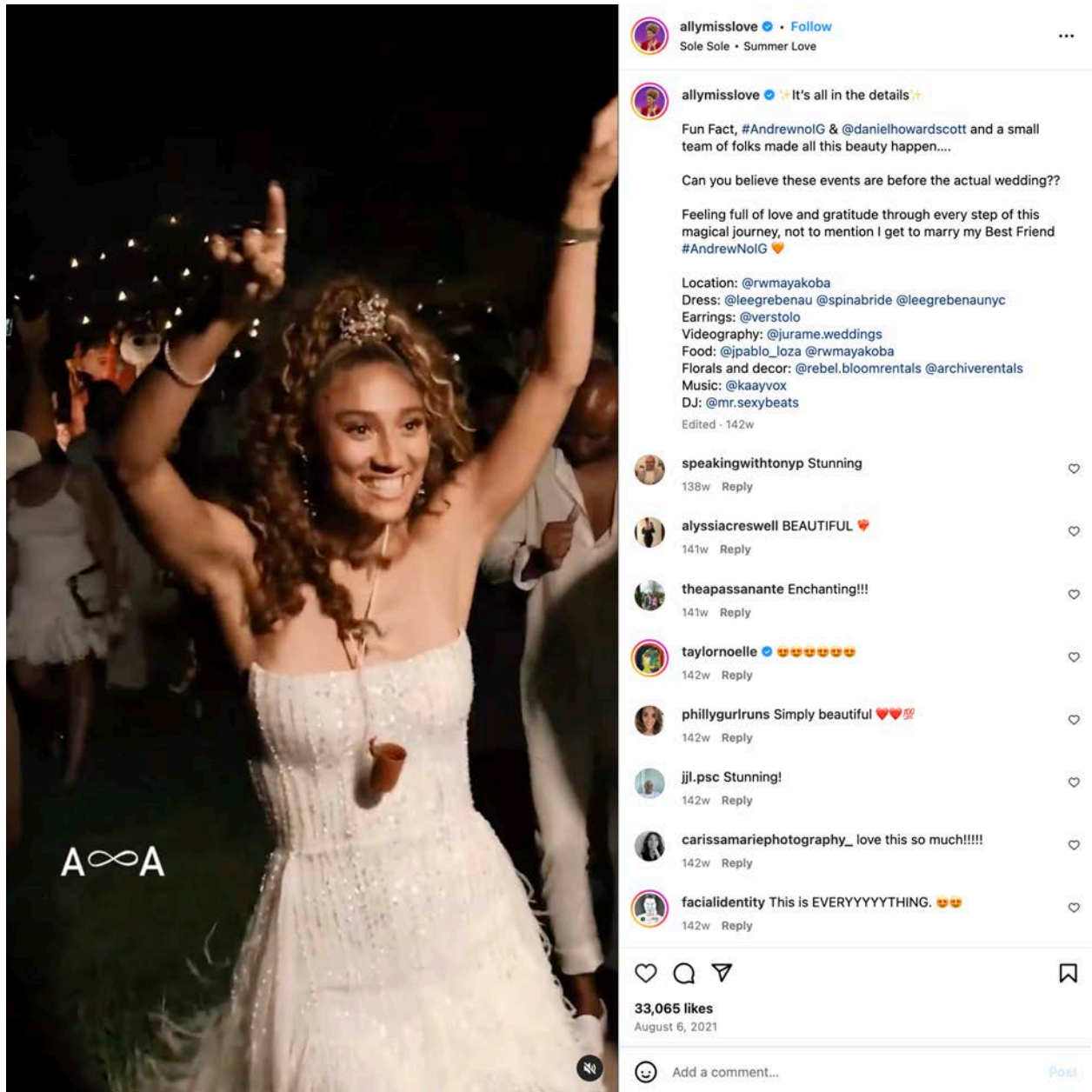
53. On August 13, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba.

There is no mention of a material connection in any photo nor is there a mention in the caption.



54. On August 6, 2021 Ally Love posted an Instagram reel from the Rosewood Mayakoba.

There is no mention of a material connection in any photo nor is there a mention in the caption.

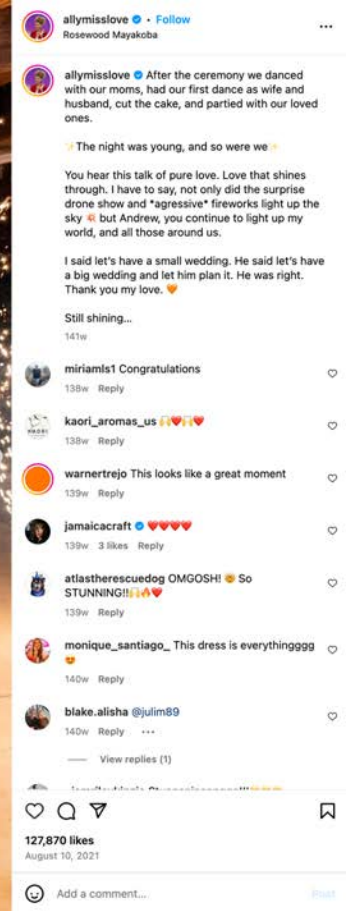


55. On August 8, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



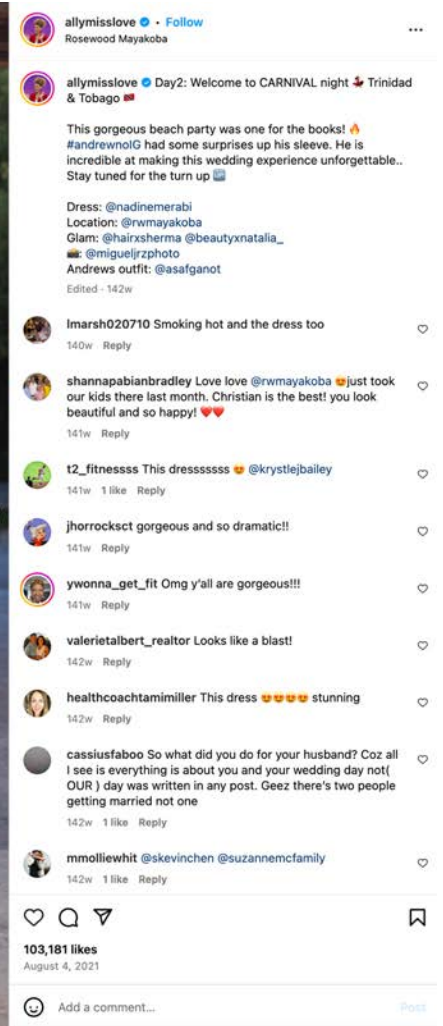
56. On August 10, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba.

There is no mention of a material connection in any photo nor is there a mention in the caption.

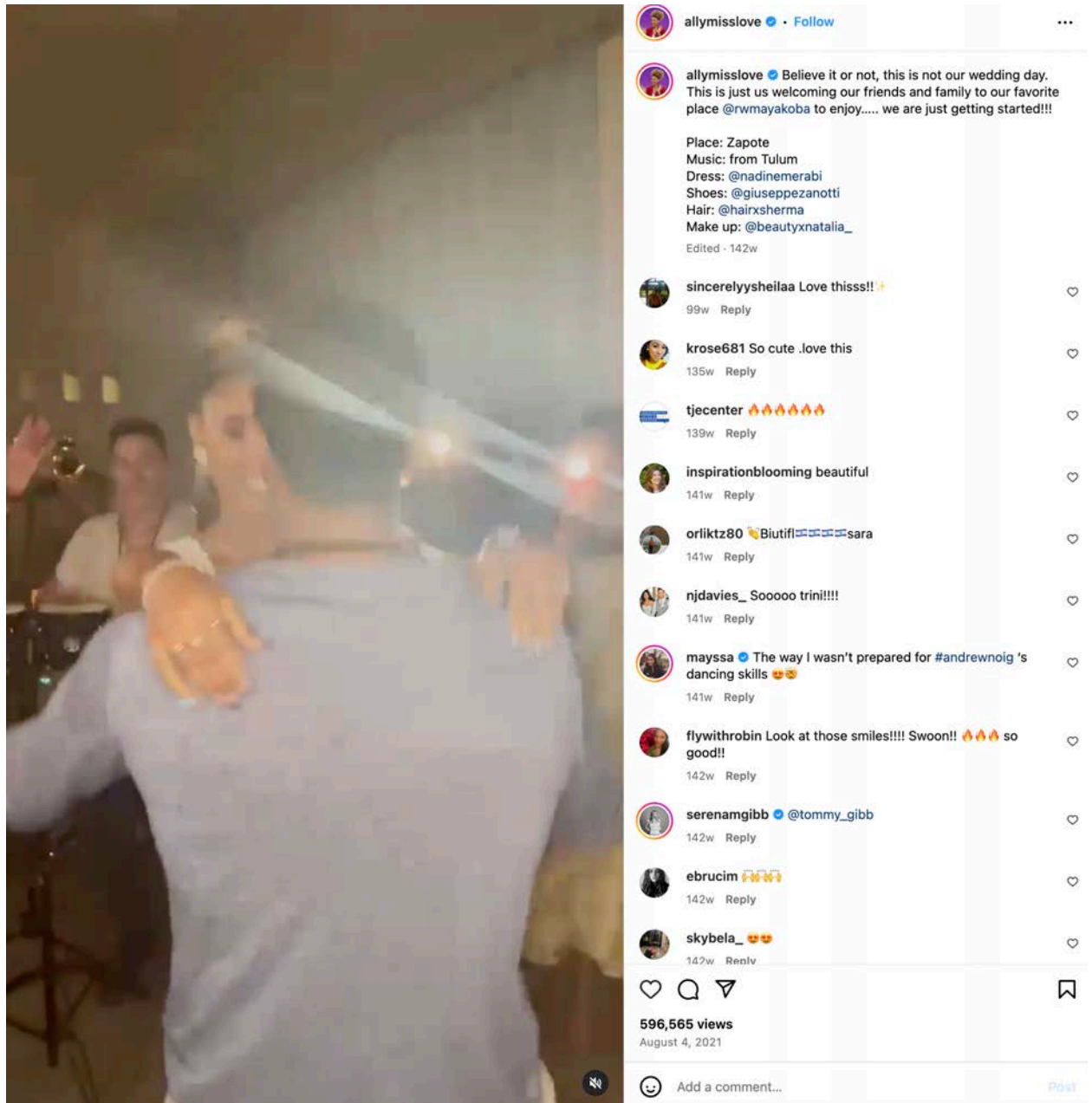


57. On August 4, 2021 Ally Love posted on Instagram promoting the Rosewood Mayakoba.

There is no mention of a material connection in any photo nor is there a mention in the caption.



58. Again on August 4, 2021 Ally Love posted tagging her location at the Rosewood Mayakoba for a video on Instagram. There is no mention of a material connection in any photo nor is there a mention in the caption.



59. On August 5, 2021 Ally Love posted from the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



allymisslove • Follow
Rosewood Mayakoba

allymisslove • Making memories 🥂 welcome drinks have started...

Believe me when I tell you I received a lot of advice leading up to this time 🥰

My favorite tip? Take a deep breath, look around, and take it all in. I'll be doing just that 🥰

@miguelrjzphoto
Edited · 143w

1320_1340whatsttheword_ He's got a nice watch! 136w Reply

mani9504kandan Super beautiful friend 137w Reply

runtellmom 🥰 How beautiful! 141w Reply

sammysavanna 🥰🥰🥰 141w Reply

sjtonesup My favorite look of yours🥰 141w Reply

jayant281 Congrats Ally 142w Reply

phyllisblakeley Congratulations 142w Reply

bdmez #dreamteam we ❤️ you two!! 142w Reply

helena2u Beautiful ❤️ couple!! 142w Reply

laurenmmichelluvel ❤️❤️ 142w Reply

kirbywillcutt How gorgeous are you! Congrats to you and your husband! 142w Reply

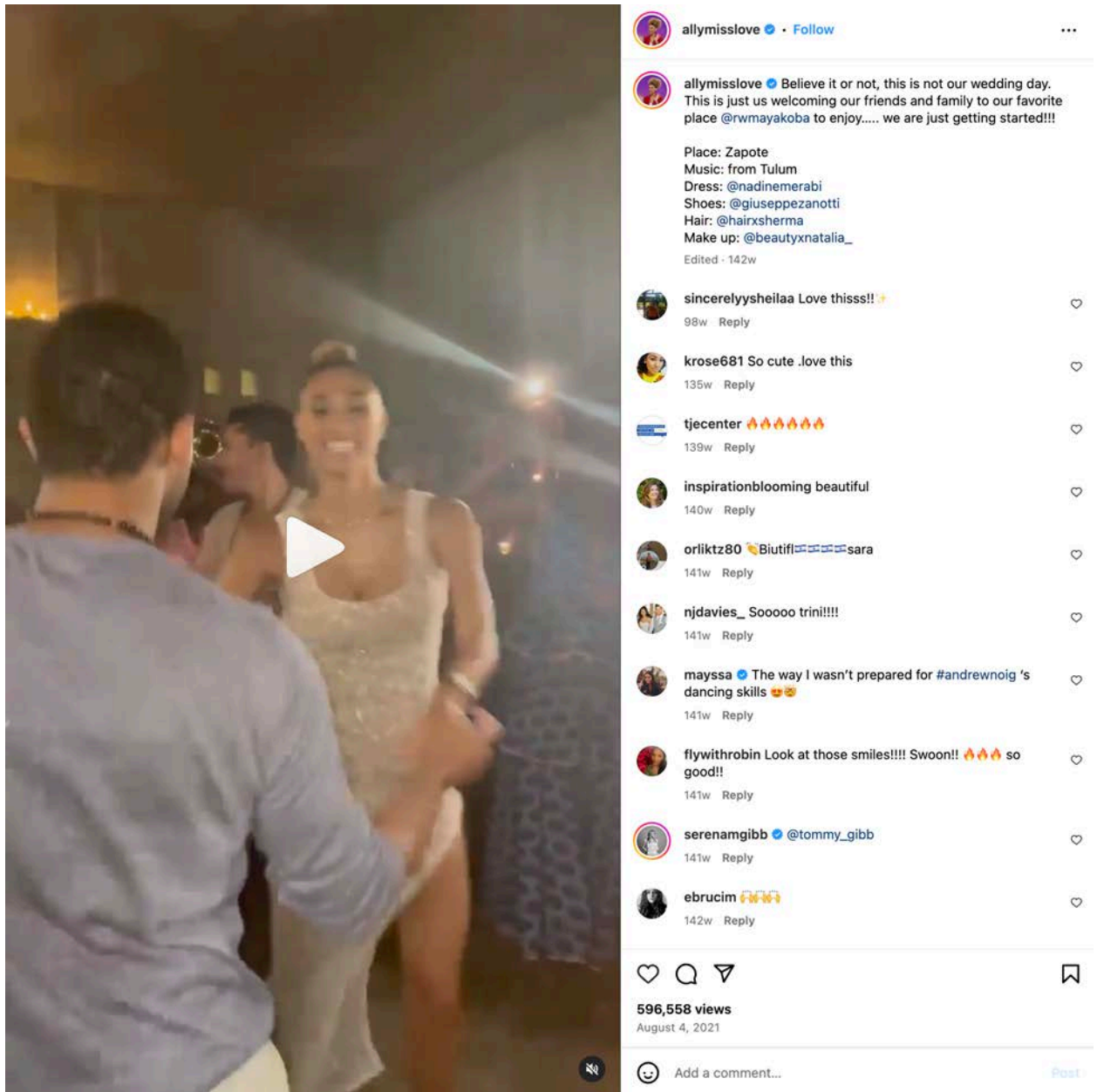
84,498 likes
August 3, 2021

Add a comment...

61. Again on August 3, 2021 Ally Love posted from the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



62. Again on August 4, 2021 Ally Love posted an Instagram reel promoting the Rosewood Mayakoba. There is no mention of a material connection in any photo nor is there a mention in the caption.



63. On January 13, 2021 Ally Love tags the Rosewood Hotels and the Rosewood Mayakoba in a post. There is no mention of a material connection in the photo nor is there a mention in the caption.



64. On September 21, 2022 Ally Love put up a TikTok video tagging herself at Tao Beach Club (@taobeach) on TikTok. There is no mention of a material connection to the brand in the video or in the caption.



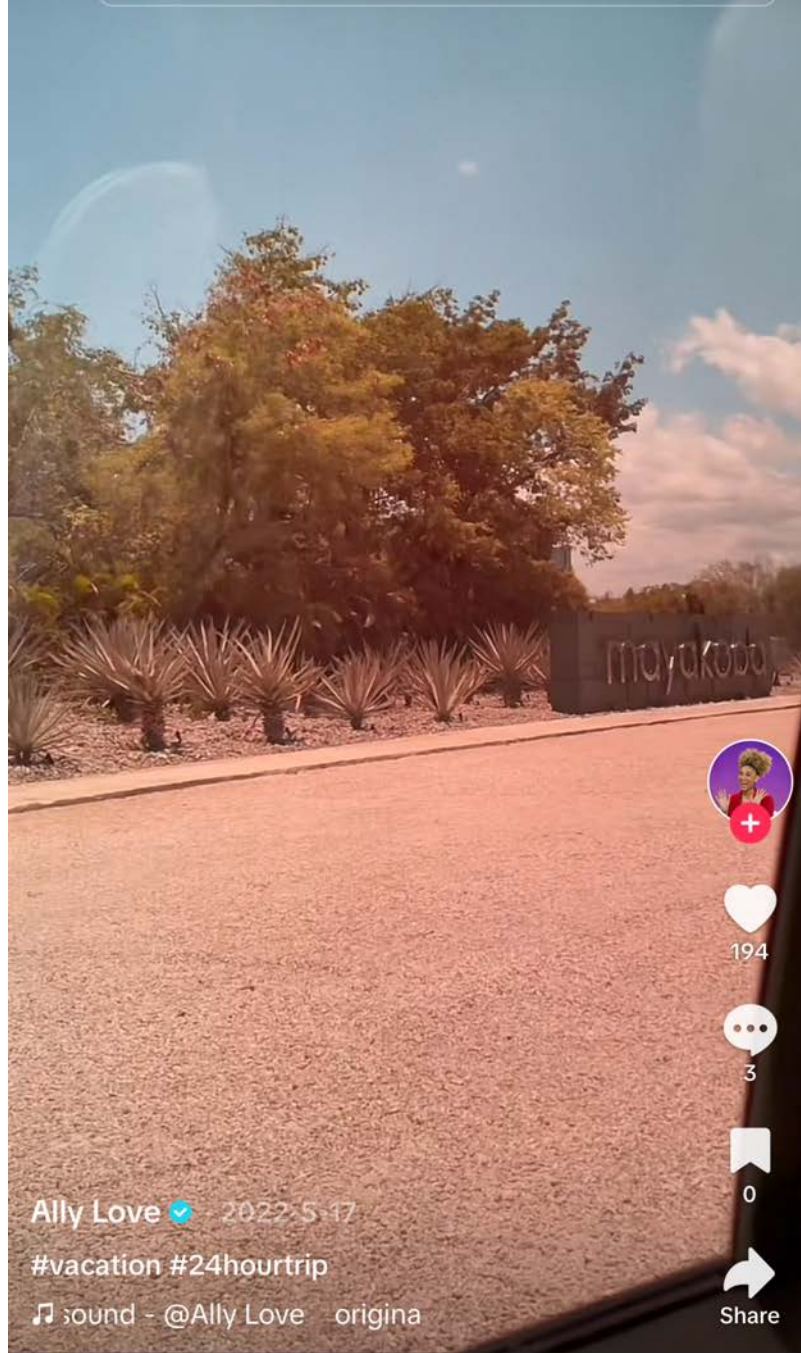
65. On May 17, 2022 Ally Love posted a TikTok showing images of the Rosewood Mayakoba. There is no mention of a material connection to the brand in the video or in the caption.

11:13



Find related content

Search



194



3



0



Share

Ally Love  2022-5-17

#vacation #24hourtrip

🎵 sound - @Ally Love origina

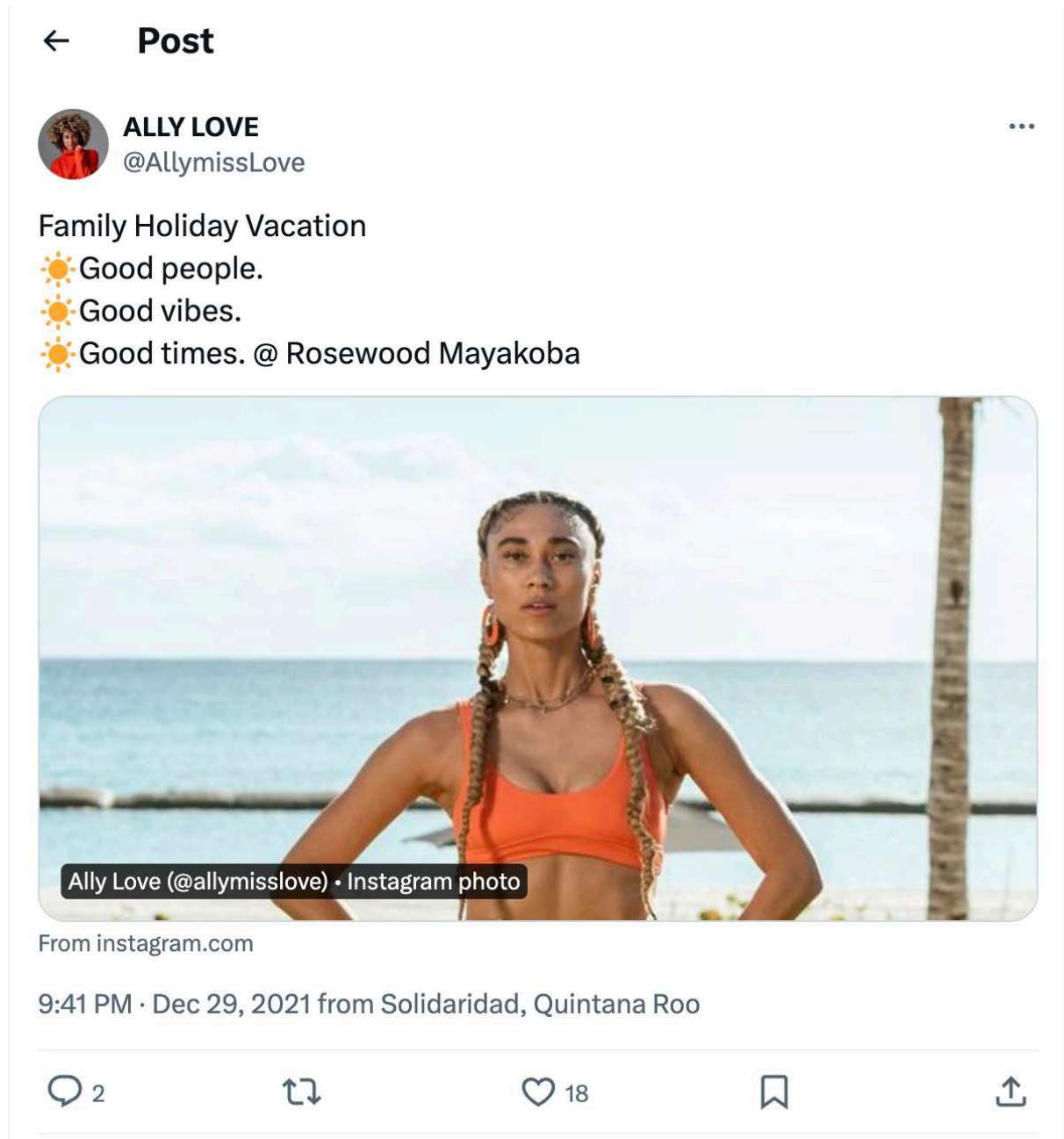
🔊 Sound removed due to copyright restrictions

Add comment...



66. On December 29, 2021 Ally Love tweeted about the Rosewood Mayakoba (see below).

There is no disclosure of any financial relationship with the company.



67. On August 8, 2021 she tweeted about the Rosewood Mayakoba (see below). There is no disclosure of any financial relationship with the company.



ALLY LOVE
@AllymissLove



✨ We are MARRIED ✨

Dear God, you have blessed us with incredible friends and family, and with each other. We rejoice. We are grateful, we are blessed. Thank you!!!

Andrew I love you forever ∞

A ∞ A @ Rosewood Mayakoba



Ally Love (@allymisslove) • Instagram photos and videos

From instagram.com

12:49 PM · Aug 8, 2021 from Solidaridad, Quintana Roo



19



2



286



68. Ally Love is a smart woman who runs a very successful influencing business in addition to her work as a fitness instructor and host. With almost one million Instagram followers and a successful career at a popular company as well as a successful influencing career, Love has plenty of resources to make sure that her social media influencing posts are legally compliant. Love must write “Ad”, “Advertisement” or “Sponsored” to be legally

complaint when posting on Instagram. If she received a free stay in exchange for a post at a hotel, she should make the first word in her caption “Gifted.” If she received a discount in exchange for promoting an event she had at the hotel, she must make clear and conspicuous disclosure that she received a discount in exchange for her promoting the hotel to her 934,000 Instagram followers. Travelers United would like to make clear this lawsuit is merely a lawsuit over the lack of advertising disclosure. Ally Love has many accomplishments and is an inspirational woman and Travelers United hopes that after correcting her social media posts she continues her great work.

CAUSE OF ACTION
(Violations of the District of Columbia Consumer Protection Procedures Act)

69. The allegations of paragraphs 1 through 68 are re-alleged as if fully set forth here.
70. The CPPA is a remedial statute that is to be broadly construed. It establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased, or received in the District of Columbia §28-3901(c).
71. Travelers United has standing to bring this Count under §28-3905(k)(1)(D)(i) “Subject to sub-paragraph (ii) of this subparagraph, a public interest organization may, on behalf of the interests of a consumer or a class of consumers, bring an action seeking relief from the use by any person of a trade practice in violation of a law of the District if the consumer or class could bring an action under subparagraph (A) of this paragraph for relief from such use by such person of such practice.” Travelers United is a public

interest organization, with members in the District, that has done significant advocacy work against deceptive advertising across the travel industry, both locally in DC and on the federal level. Deceptive and misleading social media advertising is a trade practice in violation of a law of the District.

72. The District’s Consumer Protection Procedures Act §28-3901(d) states “in construing the term ‘unfair or deceptive practice’ due consideration and weight shall be given to the interpretation by the Federal Trade Commission and the federal courts of the term “unfair or deceptive act or practice,” as employed in section 5(a) of An Act to create a Federal Trade Commission, to define its powers and duties, and for other purposes, approved September 26, 1914 (38 Stat. 719; 15 U.S.C. § 45(a)).” The Federal Trade Commission (FTC) has long had guides concerning the use of endorsements and testimonials in advertising.¹⁶ The Federal Trade Commission’s 2019 “Disclosures 101 for Social Media Influencers” clearly states that “simple and clear language” should be used such as “advertisement,” “ad” and “sponsored” to disclose when a social media post is an advertisement.¹⁷ The Federal Trade Commission updated their guides concerning the use of endorsements and testimonials in advertising on July 26, 2023 (88 FR 4810) and states “when there exists a connection between the endorser and the seller of the advertised product that might materially affect the weight or credibility of the endorsement, and that connection is not reasonably expected by the audience, such a connection must be

¹⁶ FEDERAL TRADE COMMISSION 16 CFR Part 255 Guides Concerning the Use of Endorsements and Testimonials in Advertising, (last visited March 12, 2024) <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>

¹⁷ Disclosures 101 for Social Media Influencers – The Federal Trade Commission (last visited March 12, 2024) https://www.bulkorder.ftc.gov/sites/bulkorder.ftc.gov/files/publications/1001a_influencer_guide_508.pdf

disclosed clearly and conspicuously.” Here the FTC is clear in the examples presented under 16 CFR § 255.5

73. Ally Love’s undisclosed advertisements related to travel is a misrepresentation of material fact which has a tendency to mislead §28-3904(e) and fail to state a material fact if such failure tends to mislead §28-3904(f) when she advertises products and services online through her social media channels without disclosing she received money to show those products.
74. Ally Love knew and should have known that reasonable consumers she was advertising to without disclosure may believe she just liked a certain product and may purchase that product accordingly, without realizing that she was being paid to promote a product. Consumers were deceived by the lack of disclosure.

Prayer for Relief

WHEREFORE, Travelers United respectfully requests this Court enter a judgment in its favor and grant relief against Defendant, as follows:

- (a) Permanently enjoin and restrain Defendant, pursuant to D.C. Code § 28-3905(k)(2)(D), from engaging in conduct determined to be in violation of the CPPA;
- (b) Permanently enjoin Defendant from advertising on social media without disclosing that she is advertising;
- (c) Order the Defendant to pay statutory damages to Travelers United pursuant to D.C. Code § 28-3905(k)(2)(A), for each and every violation of the CPPA proven at trial;
- (d) Order the Defendant to pay punitive damages in an amount to be determined at trial, pursuant to D.C. Code § 28-3905(k)(2)(C);

(e) Award Travelers United the costs and reasonable attorneys' and expert fees for its investigation and this action, pursuant to D.C. Code § 28-3905(k)(2)(B); and

(f) Grant such further relief as the Court deems just and proper.

Jury Demand

Travelers United demands a trial by jury.

Respectfully submitted,

Dated: June 30, 2024

/s/ Lauren Wolfe

LAUREN WOLFE (D.C. Bar # 1048660)
Counsel, Travelers United

2833 Alabama Ave SE #30736
Washington, D.C. 20020

Travelers United Telephone: 202-713-9596
Email: lauren.wolfe@travelersunited.org