



# NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

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## **Attorney General Hilgers Files Lawsuit Against Temu for Siphoning Nebraskans' Phone Data**

Lincoln -- Attorney General Mike Hilgers filed a suit against the Chinese e-commerce company Temu and its affiliates, alleging numerous consumer protection violations.

Temu advertises itself as an e-commerce platform that offers low-cost goods to consumers. Temu claims its app is safe for American consumers, including teens. But Temu is deceiving Nebraska consumers and harming Nebraska brands, businesses, and creators. Temu unlawfully harvests data, including from kids, utilizes multiple deceptive practices to encourage purchases, allows infringement and counterfeits to thrive, and engages in deceptive marketing to greenwash its image.

Examples of Temu's unlawful practices follow:

- **Employing Malware to Collect Nebraskan Data:** Temu's app, once downloaded, secretly installs malware that bypasses device security and grants the app unrestricted access to essentially everything on Nebraskans' phones. Even Nebraskans who have not downloaded the app are at risk. Temu also employs sophisticated evasion techniques to make detection of its malware and accountability for the invasion of privacy almost impossible.
- **Chinese Communist Party Theft of Nebraskan Data:** Temu's secret collection of Nebraskans' data is even more concerning, considering that Chinese law requires Temu to provide user data to the Chinese government upon request. And if Temu does so, Chinese law also requires they lie about it. Once Nebraskans download the Temu app, they lose all control over their personal data, which may ultimately end up in the hands of a hostile foreign power.
- **Deceptive Product Listing Practices:** Temu misrepresents the quality and characteristics of products it offers. Product descriptions and pictures are often blatantly wrong. This is exacerbated by artificially skewed positive reviews paid for by Temu and Temu's made-up "market price" that makes the real price look great by fake comparison.

- **No Meaningful Return Process:** There is no meaningful return process for Nebraskans to get their hard-earned money back. As a result, customers are stuck with low-quality, cheaply made merchandise instead of higher-quality goods they were led to believe they would be purchasing.
- **Allowing Infringement to Thrive:** Temu’s claims that it offers “comprehensive” protections for intellectual property couldn’t be further from the truth. Countless brands are impersonated, and designs are stolen without feasible recourse from Temu. Temu itself even advertises infringing listings. Products displaying traditional Nebraska brands—such as Union Pacific, Runza, Cabela’s, the University of Nebraska Cornhuskers, and the Creighton Bluejays—are falsely advertised to consumers as authentic, licensed products. Nebraskans are misled to believe they are purchasing affordable, authentic Nebraska fan gear but are likely benefitting a foreign company with no ties to Nebraska. Temu is aware of the rampant infringement but makes it difficult for rights owners, including Nebraska-based businesses and creators, to address it.
- **Deceptive “Local” Label:** Temu labels certain listings as “local,” including many listings for products that are infringing on brands and institutions beloved by Nebraskans. Consumers reasonably believe purchasing products Temu labels as “local” would be supporting local businesses. But the label does not mean what it says. Instead, Temu labels products as local to indicate they are shipped from warehouses located in the United States. Many of these products are shipped from foreign countries like China and merely stored domestically for the sole purpose of shipping.
- **Greenwashing:** Temu is an app designed to mass market low-cost goods to consumers. To brand itself as eco-friendly, Temu claims purchases on the app will support the environment and plant trees as a direct result of purchasing products. But while consumers may believe every purchase results in a tree being planted that would not otherwise have been, this is untrue.

“Temu is putting Nebraskans’ privacy at risk and running a platform rife with deceptive listings, unlawful promotional practices, and products that rip off Nebraska brands and creations,” stated Attorney General Mike Hilgers. “Our office will hold Temu accountable for its exploitation of Nebraska consumers, brands, and creators and fight hard for honesty and safety in the online marketplace.”

In bringing this lawsuit, the Attorney General joins a growing fight against Temu’s wrongful collection of consumers’ data, rampant misrepresentation of its products, and other violations of consumer protection laws. The lawsuit seeks to put a stop to Temu’s unlawful practices, refunds for harmed Nebraskans, penalties for violating Nebraska laws, and all other available relief.

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Court Filing Attached

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