



NEWS RELEASE

Attorney General Mike Hilgers

FOR IMMEDIATE RELEASE

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Nebraska Joins FTC and Coalition of States to Restore Competition in the Digital Advertising Ecosystem

Today, the Nebraska Attorney General's Office, the Federal Trade Commission, and a coalition of states filed a lawsuit to stop collusion between the nation's largest advertising agencies that distorted America's modern public square.

Starting in 2018, major U.S. advertising agencies WPP, Publicis, and Dentsu unlawfully colluded to impose common "brand safety" standards across the digital advertising industry, according to the FTC's complaint. The ad agencies, together with their primary competitors Omnicom and IPG, operated through trade associations to establish a common "Brand Safety Floor" to target "misinformation."

The complaint alleges firms like NewsGuard and the Global Disinformation Index used this misinformation designation as a means to promote the demonetization of disfavored political viewpoints. In a competitive market, ad agencies compete for advertisers' business by offering brand-safety tools that provide the best quality at the lowest cost. The brand safety agreement displaced competition by insulating the ad agencies from these competitive conditions, according to the complaint.

To resolve the FTC's charges, the ad agencies have agreed to a proposed order that will stop the alleged coordinated conduct and prevent similar conduct from occurring in the future.

"Free speech is one of the most precious rights in our Constitution, yet three of the country's largest ad agencies colluded to classify disfavored speech as 'misinformation,' which eliminated competition in the market for ad-buying services. Today's lawsuit and proposed settlement help restore balance and competition to digital news platforms. The order we propose is a win for free speech and the marketplace of ideas," said Attorney General Hilgers.

If approved by a federal judge, the order will ensure that each of the biggest U.S. advertising agencies is prevented from engaging in agreements that would set common brand safety standards or restrict advertising based on biased and politically motivated criteria.

The FTC's complaint and final order were filed in the U.S. District Court for the Northern District of Texas. Joining the complaint are Florida, Indiana, Iowa, Montana, Nebraska, Texas, Utah, and West Virginia.

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