

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

WHALECO, INC., a corporation,
d/b/a TEMU,

Defendant.

Case No. 1:25-cv-12466

**COMPLAINT FOR PERMANENT INJUNCTION, CIVIL PENALTY
JUDGMENT AND OTHER RELIEF**

Plaintiff, the United States of America, acting upon notification from the Federal Trade Commission (“FTC” or “Commission”), for its Complaint alleges:

1. Plaintiff brings this action for Defendant’s violations of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), and the INFORM Consumers Act, 15 U.S.C. § 45f. For these violations, Plaintiff seeks relief, including a permanent injunction, civil penalties, and other relief, pursuant to Sections 5(m)(1)(A) and 13(b) of the FTC Act, 15 U.S.C. §§ 45(m)(1)(A) and 53(b), and the INFORM Consumers Act, 15 U.S.C. § 45f.

SUMMARY OF THE CASE

2. Defendant Whaleco, Inc. (“Temu”), also doing business as Temu, operates the Temu online marketplace, through which consumers in the United States may purchase a wide variety of consumer products from third party sellers who either ship products directly to consumers or send their products to Temu for order fulfillment.

3. On the Temu online marketplace, consumers may add products to their carts for purchase after viewing product listings that can be reached by clicking on products that are displayed in search results or on the homepage of the Temu smartphone app or Temu.com.

Consumers may also purchase products on the Temu online marketplace in gamified shopping experiences where they are invited to play games, spin wheels, earn coupons, and undertake other activities while browsing and purchasing products. In gamified shopping experiences, consumers may view abbreviated product listings that contain a subset of the information from standard product listings.

4. Under the INFORM Consumers Act, 15 U.S.C. § 45f, which went into effect on June 27, 2023, Temu must disclose to consumers in a clear and conspicuous manner on the product listings of certain third party sellers a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

5. Temu's reporting mechanism disclosures have fallen short of the company's obligations under the INFORM Consumers Act. Temu failed to provide any telephonic mechanism that allows consumers to report suspicious marketplace activity until January 2024. Temu also failed to provide any reporting mechanism (electronic or telephonic) in gamified shopping experiences on the Temu online marketplace until November 2024, a year and nearly five months after the effective date of the INFORM Act.

6. Further, when a reporting mechanism is disclosed, Temu has failed to disclose its reporting mechanism (electronic as well as telephonic) in a clear and conspicuous manner. In numerous instances, consumers have been required to locate and recognize the hyperlinked word "Report" (without further clarification) to lead to a reporting menu, and click the hyperlinked word to access Temu's reporting menu. In addition, to reach Temu's prompt that, since January 2024, has enabled consumers to request a telephone callback and leave a report via voice message, Temu has required consumers to locate and access the reporting menu, make one or more selections within the reporting menu, click an additional link, and enter their phone number for a callback.

7. The INFORM Consumers Act separately requires Temu to disclose the identities of certain sellers to consumers in a clear and conspicuous manner, subject to exceptions. Where disclosure of seller identities is required, Temu must disclose the full name of the seller, the physical address of the seller, and contact information for the seller. The disclosure of seller contact information may consist of a disclosed means of direct electronic messaging that allows for direct, unhindered communication between Temu users and sellers. If disclosure is not made via order confirmation messages or other post-purchase messages and in customer account transaction history, disclosure of seller identity information must be made via product listing.

8. Temu's seller identity disclosures have fallen short of the company's obligations under the INFORM Consumers Act. Temu has failed to provide the required disclosures to all consumers, as its disclosures have not been provided on product listings in certain views of the marketplace, including its mobile website and gamified views of the marketplace. Temu also has failed to make its required disclosures in a clear and conspicuous manner. Until November 2024, consumers were required to scroll below the fold and locate a series of small, unobtrusive links, or click numerous links, to access sellers' full names and physical addresses. Until at least a year after the INFORM Consumers Act's effective date, consumers were often required to click numerous links to access the means of direct messaging that Temu provides to consumers that enables them to send messages to sellers. Several of the links that Temu required consumers to click to reach seller identity information did not obviously lead to seller identity information; in numerous instances, Temu required customers to click vague links that read "See all" or icons in order to access Temu's seller identity disclosures.

9. To stop and prevent the recurrence of these violations, the United States seeks a permanent injunction, civil penalties, and other relief.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331, 1337(a), 1345, and 1355.

11. Venue is proper in this District under 28 U.S.C. §§ 1391(b)(1), (c)(2), 1395(a), and 15 U.S.C. § 53(b).

PLAINTIFF

12. Plaintiff brings this action upon notification from the FTC, pursuant to Section 16(a)(1) of the FTC Act, 15 U.S.C. § 56(a)(1). The FTC is an agency of the United States Government created by the FTC Act. 15 U.S.C. §§ 41–58. The FTC enforces Section 5(a) of the FTC Act, 15 U.S.C. § 45(a), which prohibits unfair or deceptive acts or practices in or affecting commerce. The FTC also enforces the INFORM Consumers Act, 15 U.S.C. § 45f, which imposes requirements on online marketplaces, including requirements to collect, verify, and disclose information relating to third party sellers that participate on their platforms.

DEFENDANT

13. Temu is a Delaware corporation with its principal place of business at 31 St. James Avenue, Suite 355, Boston, Massachusetts. Temu transacts or has transacted business in this District and throughout the United States, including in connection with the Temu online marketplace that Temu makes available to consumers throughout the United States.

COMMERCE

14. At all times relevant to this Complaint, Temu has maintained a substantial course of trade in or affecting commerce, as “commerce” is defined in Section 4 of the FTC Act, 15 U.S.C. § 44.

DEFENDANT'S BUSINESS ACTIVITIES

The Temu Online Marketplace

15. Temu operates an online marketplace that connects consumers and third party sellers. The Temu online marketplace launched in the United States in September 2022.

16. A wide variety of consumer products are available for purchase on the Temu online marketplace, including apparel and footwear, electronics, housewares, hardware, toys, and other general merchandise items. Consumer products for sale on the Temu online marketplace are new and unused (i.e., not used).

17. Products on the Temu online marketplace are available for purchase from third party sellers.

18. Consumers in the United States may access the Temu online marketplace via Temu.com on a desktop or mobile browser, or via the Temu smartphone applications that are available for download via smartphone app stores or on Temu's own website.

Standard Browsing and Gamified Browsing on the Temu Online Marketplace

19. Consumers may browse product offerings on the Temu online marketplace by clicking on products displayed on the homepage of the Temu smartphone app or Temu.com, or by searching for products from the homepage (for example, by category or by keyword). Clicking on a product on the Temu online marketplace from the Temu homepage or a search initiated from the homepage leads consumers to a product listing for the selected product that includes images, specifications, and other details about the product; product reviews; and the option to add the item to one's virtual shopping cart.

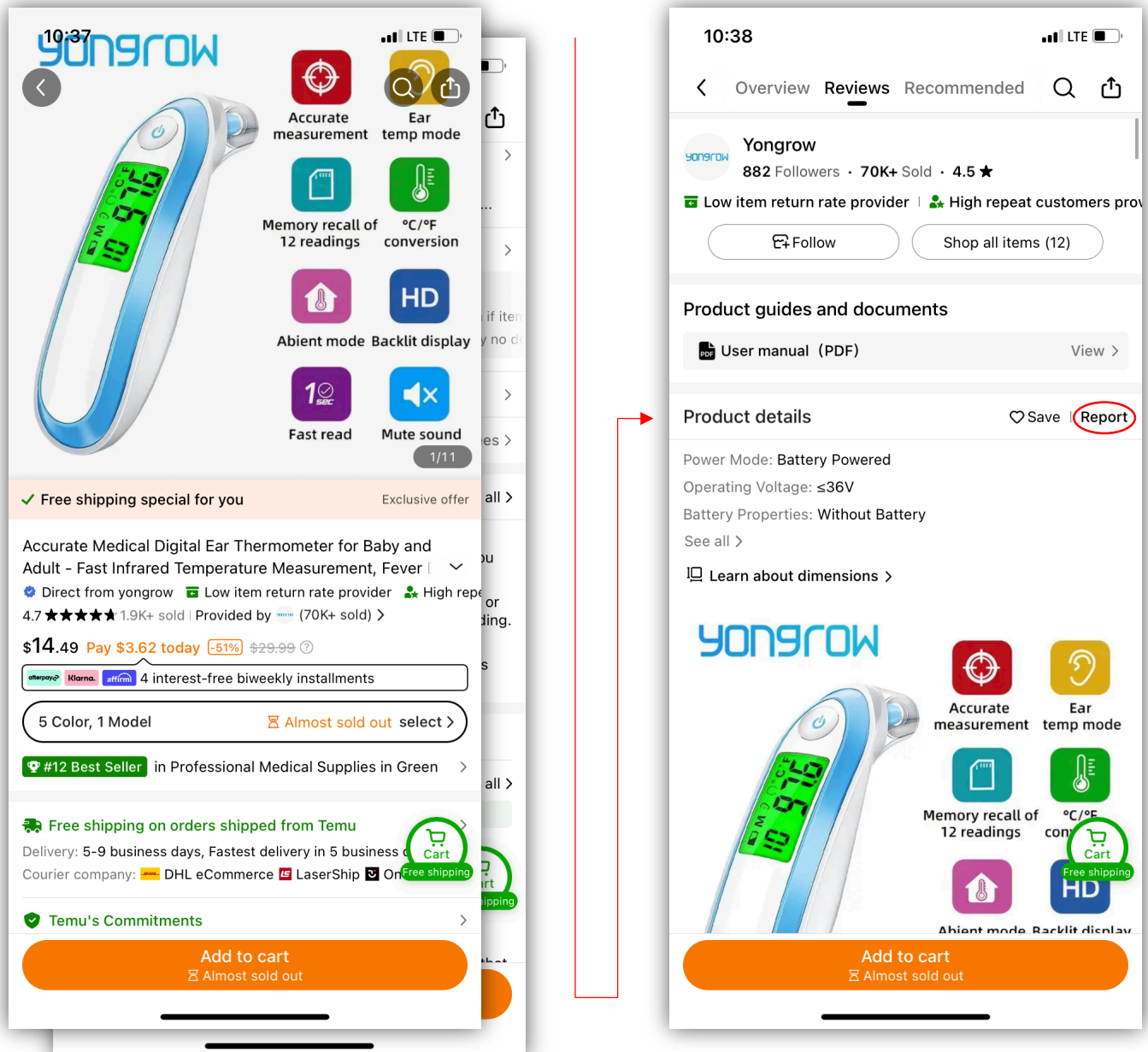
20. In addition to the standard browsing experience, Temu often presents gamified shopping experiences to consumers in which consumers can play games, spin wheels, earn coupons, and undertake other activities while browsing and purchasing products. The gamified shopping experiences are often time-limited. Within a gamified shopping experience, consumers

are presented with a series of products for purchase, and consumers may access abbreviated product listings for each product.

Temu's Disclosure of a Reporting Mechanism for Suspicious Marketplace Activity

21. On or about June 27, 2023, Temu began providing a reporting link on standard (non-gamified) product listings on the Temu online marketplace. In numerous instances, the reporting link has read "Report" on the Temu smartphone app and mobile version of Temu.com, and "Report this item" on the desktop version of Temu.com.

22. A Temu user may access the reporting link by navigating to a "Product details" section that is several scrolls down from the top of the product listing and locating a link on the right side of the "Product details" section. On the Temu smartphone app, the "Product details" section containing the reporting link is frequently two screens down from the top of the product listing. The placement of the reporting link is similar on each interface of the Temu online marketplace.



Screenshots of navigation flow to reporting link in Temu smartphone app. (August 2024)

23. Clicking the reporting link leads a user who is logged in to a Temu account to a menu through which an electronic report may be filed with Temu. However, Temu did not initially provide consumers with the option to file a report telephonically through the reporting menu, or through other means. On or about January 15, 2024, Temu added an option to enter a phone number and request a callback within the reporting menu. To reach that callback option, a

user has been required to either: select the last of six available menu items within the reporting menu, click an additional link, and enter their phone number for callback; or select the second, third, fourth, or fifth options within the reporting menu, make a second selection in an additional field, click an additional link, and enter their phone number for callback—all after having located the reporting menu itself by scrolling past product information at the top of each product listing, product reviews, and sometimes additional product description or suggested products modules to arrive at the “Product details” section containing the reporting link.

24. More specifically, on or about January 15, 2024, Temu added a link entitled “Request a phone call to report” that enabled users to request a telephone callback if they selected “Issues other than those listed above” from among the six “Report type” options in Temu’s reporting menu. Alternatively, the “Request a phone call to report” link would also become visible if a user selected “Item or content is offensive,” “Prohibited or restricted items,” “Product information is missing or inaccurate,” or “Copyright and trademark” as the “Report type” in Temu’s reporting menu, and then made a second selection to specify a “Reason for reporting.” For “Copyright and trademark,” the “Reason for reporting” must have been “Counterfeit item” for the link to become visible. The “Request a phone call to report” link was not visible if “There’s a problem with my order” was selected as the “Report type”; if “Item or content is offensive,” “Prohibited or restricted items,” or “Product information is missing or inaccurate” was selected as the “Report type” but no second selection for those options was made; or if “Copyright and trademark” was selected as the “Report type” but “Counterfeit item” was not selected as the second selection. In numerous instances, the “Request a phone call to report” link has been gray on a white background in small text at the bottom of the screen.

Prior to January 15, 2024 implementation

10:37 TEMU LTE

< Report this item

* Report type

Issues other than those listed above

* Detailed Reason

Please add more details to help us process your report faster. Minimum 30 characters, please do not enter personal information.

0/1000

Submit

After January 15, 2024 implementation

10:53 LTE

< Report this item

* Report type

Issues other than those listed above

* Detailed Reason

Please add more details to help us process your report faster. 30-character minimum. Please do not enter personal information.

0/1000

Submit

or

Request a phone call to report >

25. Upon clicking the “Request a phone call to report” link, a Temu user may input their phone number and receive an automated callback. The automated call notifies the user that the call will be recorded, instructs the user not to provide personal information during the call, and prompts the user to describe in detail the reason for their report. The user’s recorded voice report is then automatically transcribed into a text report for review by Temu staff. In instances where the recording is not successful because no response from a user is detected, the automated call notifies the user that their voice could not be heard and informs them that they may submit their report on the Temu website or app.

26. As described above, until around January 15, 2024, therefore, Temu provided no telephonic mechanism for consumers to report suspicious marketplace activity. Temu also failed to provide any mechanism (electronic or telephonic) for consumers to report suspicious marketplace activity to Temu on the abbreviated product listings that consumers may access in gamified shopping experiences until around November 24, 2024. Further, Temu has failed to

disclose its reporting mechanism (electronic as well as telephonic) in a clear and conspicuous manner.

Temu's Disclosures of Seller Information

27. On or about June 27, 2023, Temu (i) began disclosing the full names and physical addresses of sellers with \$20,000 or more in annual gross revenue, and (ii) launched a messaging function on the Temu online marketplace platform that consumers may use to communicate directly with sellers with \$20,000 or more in annual gross revenue on the platform.

Temu's Links to Sellers' Full Names and Physical Addresses

28. Although Temu's disclosures of sellers' full names and physical addresses were not available to all consumers until June 2024, Temu's disclosures, when made, have generally been made via a store information link on both standard product listings and on the abbreviated product listings that are visible in gamified shopping experiences. Until around November 24, 2024, consumers needed to click multiple links to access the disclosed information, several of which did not clearly indicate that they will lead to sellers' full names and physical addresses.

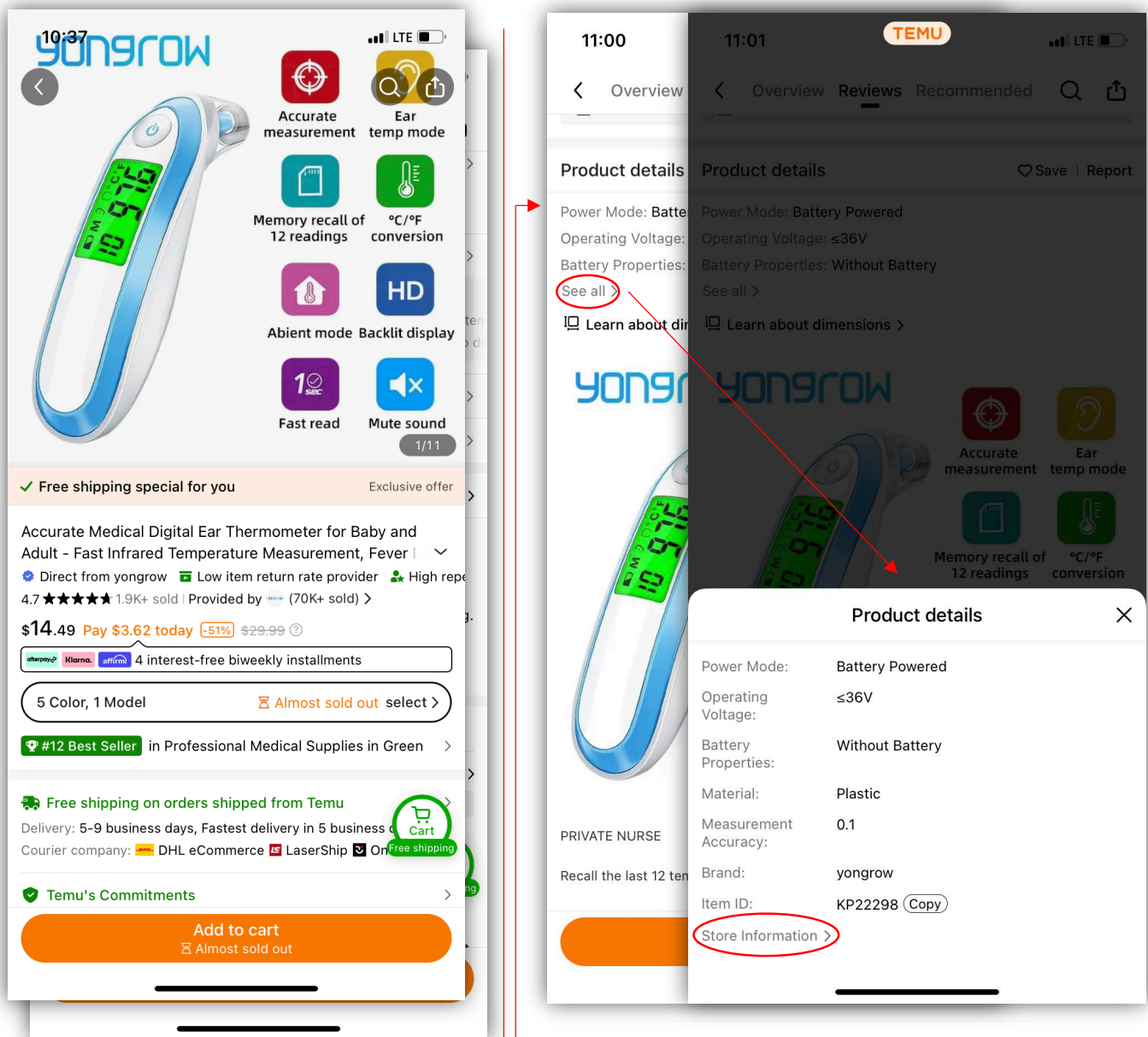
29. Temu does not provide sellers' full name and physical address information in order confirmation messages, in other post-purchase messages to consumers, or in consumers' account transaction histories.

Standard Product Listings

30. On or around June 27, 2023, Temu began providing a link on the standard product listings of sellers with \$20,000 or more in annual gross revenue that, in numerous instances, has read "Store information." The link generally leads to a pop-up containing the full name and physical address of the seller that is selling the product described in the listing.

31. To view the store information link on standard product listings, a user must scroll past product information at the top of each product listing, product reviews, and sometimes additional product description modules to arrive at a "Product details" section (the same

“Product details” section that contains the reporting link described above). On the Temu smartphone app, the user must frequently scroll two screens down from the top of the product listing to arrive at the relevant “Product details” section. Until around November 24, 2024, a user generally needed to further expand a gray “See more” or “See all” link within the relevant “Product details” section, and then further click the “Store information” or “Seller information” link that became visible, to view the seller’s full name and physical address.

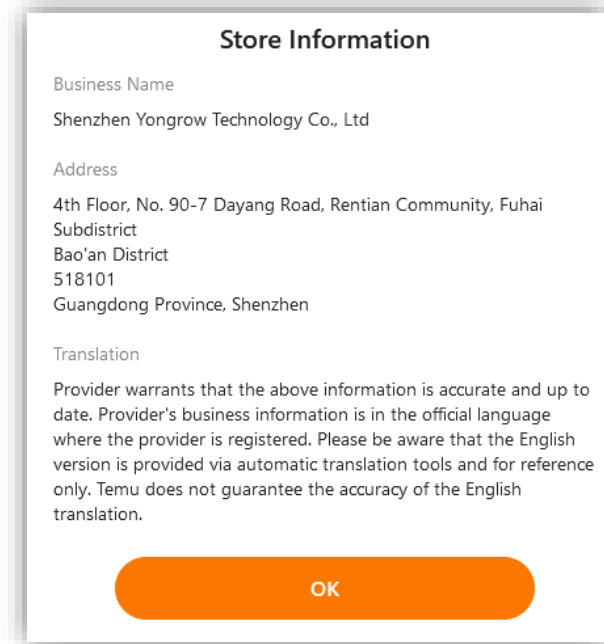


Screenshots of navigation flow to “store information” link on Temu smartphone app. (August 2024)

32. The information visible in the screen that pops up upon clicking a store information link generally consists of the seller’s business name and physical street address. Names and addresses in languages other than English are translated into English or phonetically spelled using the English-language alphabet. Temu exempts individual sellers who lack a business license and declare that they do not have a business address from the disclosure of their

full street address; the physical address disclosure for such individual sellers consists of the country and region in which the individual seller is located.

Full disclosure



Store Information

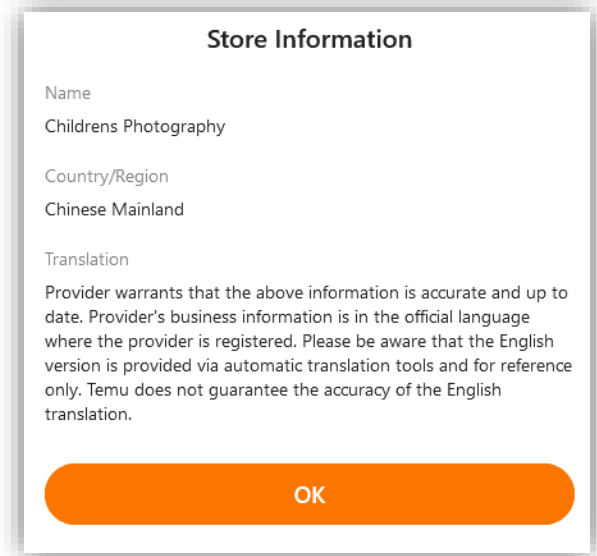
Business Name
Shenzhen Yongrow Technology Co., Ltd

Address
4th Floor, No. 90-7 Dayang Road, Rentian Community, Fuhai Subdistrict
Bao'an District
518101
Guangdong Province, Shenzhen

Translation
Provider warrants that the above information is accurate and up to date. Provider's business information is in the official language where the provider is registered. Please be aware that the English version is provided via automatic translation tools and for reference only. Temu does not guarantee the accuracy of the English translation.

OK

Partial disclosure



Store Information

Name
Childrens Photography

Country/Region
Chinese Mainland

Translation
Provider warrants that the above information is accurate and up to date. Provider's business information is in the official language where the provider is registered. Please be aware that the English version is provided via automatic translation tools and for reference only. Temu does not guarantee the accuracy of the English translation.

OK

33. Until at least September 19, 2023, however, the store information link on standard product listings was not available on all interfaces through which consumers may access the Temu online marketplace, and Temu did not make the required disclosures in an alternate way. Specifically, the store information link was not available on product listings viewed via the Temu mobile website, for products sold by sellers for which Temu was required to disclose full names and physical addresses, until at least September 19, 2023.

Abbreviated Product Listings in Gamified Shopping Experiences

34. Sellers' full names and physical addresses, via store information link or otherwise, were not made available in the abbreviated product listings in gamified shopping experiences on the Temu online marketplace until around June 28, 2024. On or about June 28, 2024, Temu updated its gamified shopping experiences to include store information links that

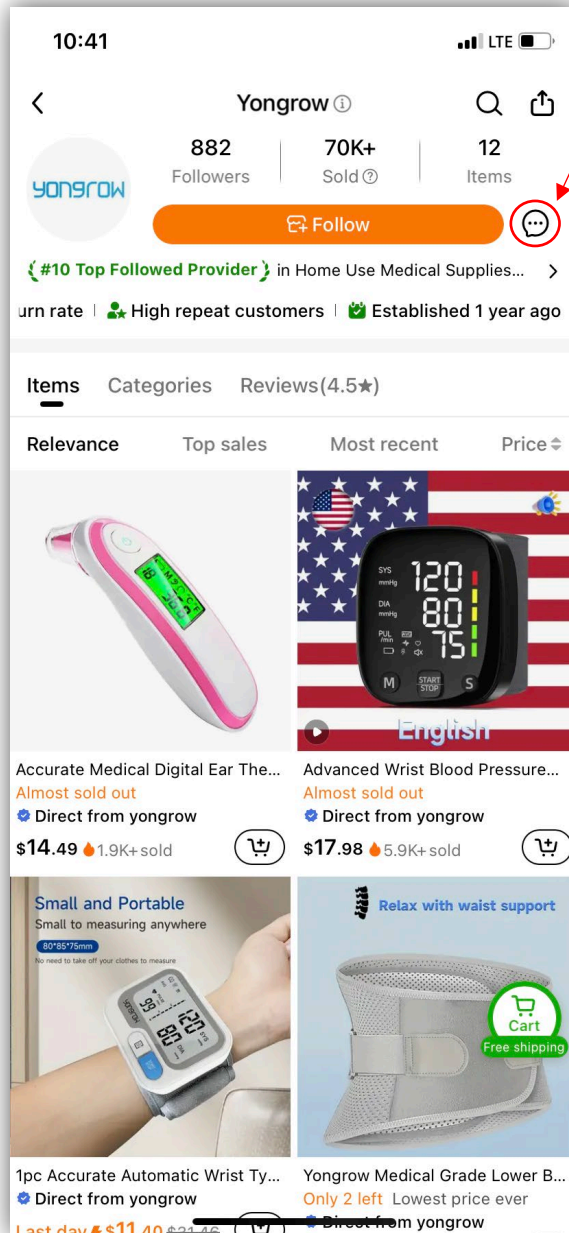
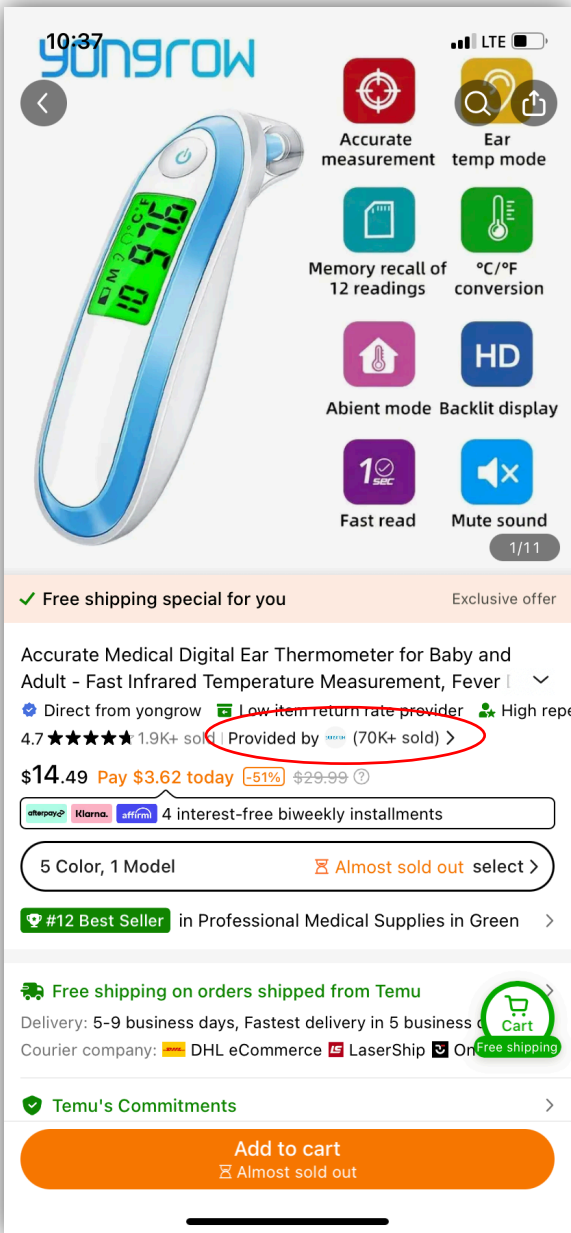
lead to sellers' full name and physical address information within the abbreviated product listings that exist within the games.

35. Until around November 24, 2024, locating store information links within a gamified shopping experience on the Temu online marketplace required a consumer to scroll past initial product information and product reviews to a "Product detail" section, expand a gray "See all" link within the "Product detail" section, and then click the "Store information" link to view a pop-up containing full seller name and physical address information. Temu's Seller Messaging Function

36. Temu launched a system that enables consumers to message sellers on the Temu online marketplace with over \$20,000 in annual gross revenues on or about June 27, 2023. Consumers who are logged into a Temu account may message such sellers by navigating to the relevant seller page and clicking a message bubble icon on the right side of the screen. The message icon has appeared as a message bubble icon, the word "message," a message bubble icon with the word "message" written underneath it, or variations thereof depending on which interface of the Temu online marketplace is viewed at what time. Temu does not disclose working phone numbers or email addresses for sellers.

37. The seller page that contains the message bubble icon may be accessed by clicking the store name or logo of a seller where it appears on a standard product listing. The store name or logo of a seller appears on a product listing in a small icon after the words "Provided by" at the top of a product listing, or in a module with seller information following product information and product reviews. In numerous instances, the small icon after the words "Provided by" at the top of a product listing is so small as to be unintelligible. In addition, in the Temu smartphone app, scrolling down to the module with seller information following product information and product reviews frequently requires a user to scroll down the length of two

screens or more. In either scenario, after having located the links to the seller page on a product listing, a user would need to access the seller page and then locate and click the message bubble icon to use Temu's seller messaging function.



Screenshots of flow to seller page and message icon on Temu smartphone app. (August 2024)

38. Until at least a year after June 27, 2023, Temu did not disclose its seller messaging function directly on the standard product listings of all high-volume third party sellers with over \$20,000 in annual gross revenue.

39. Until around November 24, 2024, Temu did not disclose its seller messaging function via the abbreviated product listings that consumers may access in gamified shopping experiences. Further, the abbreviated product listings in gamified shopping experiences did not contain the store name or logo of the seller. Consumers therefore could not navigate to the seller page that contains Temu's disclosure of the seller messaging function from abbreviated product listings in gamified shopping experiences.

40. As described above, Temu's disclosures of sellers' full names and physical addresses were not made available to all consumers until around June 28, 2024. Temu did not disclose the ability to send direct messages to sellers with over \$20,000 in annual gross revenue via the abbreviated product listings viewable in gamified shopping experiences until around November 24, 2024. Temu's disclosures of sellers' full names and physical addresses, and of the ability to send direct messages to sellers with over \$20,000 in annual gross revenues on the Temu online marketplace, when made, have also not been made in a clear and conspicuous manner.

Temu's Knowledge of the INFORM Consumers Act

41. On or about June 15, 2023, the FTC sent a letter to Temu notifying it of the INFORM Consumers Act's effective date of June 27, 2023 and enclosing the text of the INFORM Consumers Act.

42. Temu received the FTC's June 15, 2023 letter on or about June 16, 2023.

43. Internal Temu documents dated in May and June 2023 also reflect awareness of the INFORM Consumers Act.

44. Based on the facts and violations of law alleged in this Complaint, the FTC has reason to believe that Temu is violating or is about to violate laws enforced by the Commission because, among other things: (a) Temu’s violations occurred after the company became aware of the INFORM Consumers Act and its requirements; (b) Temu took steps to mitigate violations alleged in this Complaint only after the FTC sought information from the company about its compliance with the INFORM Consumers Act; and (c) Temu remains in the online marketplace business and frequently makes changes to its platform, maintaining the means and ability to violate the INFORM Consumers Act in the future.

VIOLATIONS OF THE INFORM CONSUMERS ACT

45. The INFORM Consumers Act, codified at 15 U.S.C. § 45f, was signed into law on December 29, 2022, as part of the Consolidated Appropriations Act of 2023. H.R. 2617, 117th Cong. Div. BB, Title III, § 301 (2022), <https://www.govinfo.gov/content/pkg/BILLS-117hr2617enr/pdf/BILLS-117hr2617enr.pdf>. The Commission is authorized to enforce the INFORM Consumers Act in the same manner, by the same means, and with the same jurisdiction, powers, and duties as the Commission is authorized to enforce the FTC Act. 15 U.S.C. § 45f(c)(2)(A). The INFORM Consumers Act became effective on June 27, 2023. *Id.* § 45f(h).

46. Temu is an “online marketplace” as defined in the INFORM Consumers Act. “Online marketplace” is defined in the INFORM Consumers Act to mean any person or entity that operates a consumer-directed electronically based or accessed platform that (A) includes features that allow for, facilitate, or enable third party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in the United States; (B) is used by one or more third party sellers for such purposes; and (C) has a contractual or similar

relationship with consumers governing their use of the platform to purchase consumer products.

Id. § 45f(f)(4).

47. Numerous “high-volume third party sellers” (as defined in the INFORM Consumers Act) sell, offer to sell, or contract to sell “consumer products” (as defined in the Act) through the Temu online marketplace platform. “High-volume third party seller” is defined in the INFORM Consumers Act to mean a participant on an online marketplace’s platform who is a third party seller and, in any continuous 12-month period during the previous 24 months, has entered into 200 or more discrete sales or transactions of new or unused consumer products and an aggregate total of \$5,000 or more in gross revenues, provided that for purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues, an online marketplace is only required to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor. *Id.* § 45f(f)(3).

48. The INFORM Consumers Act requires Temu to disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the Temu online marketplace. *Id.* § 45f(b)(3).

49. The INFORM Consumers Act also requires Temu to disclose the identity of high-volume third party sellers with an aggregate total of \$20,000 or more in annual gross revenues on the Temu online marketplace platform, subject to exceptions. *Id.* § 45f(b)(1). The identity disclosures must include the seller’s full name, physical address, and contact information to allow for direct, unhindered communication between high-volume third party sellers and users of the Temu online marketplace. *Id.* § 45f(b)(1)(B)(i). Seller contact information for purposes of this disclosure may consist of a current working phone number, current working email address,

or other means of direct electronic messaging (which may be provided to third party sellers by the Temu online marketplace). *Id.* § 45f(b)(1)(B)(i)(III).

50. The disclosures described in Paragraph 49 must be made to consumers in a clear and conspicuous manner (i) on the product listing page (including via hyperlink) or (ii) in the order confirmation message or other document or communication made to the consumer after the purchase is finalized *and* in the consumer's account transaction history. *Id.* § 45f(b)(1)(A)(ii).

51. Temu may provide for the partial disclosure of the physical address of qualifying sellers who do not have a business address and only have a residential street address or a combined business and residential address, and may disclose only the country and, if applicable, the State in which such seller resides and inform consumers that there is no business address available for the seller and that consumer inquiries should be submitted to the seller by phone, email, or other means of electronic messaging to such seller by the online marketplace. *Id.* § 45f(b)(2)(A)(i).

52. Pursuant to Section (c)(1) of the INFORM Consumers Act, 15 U.S.C. § 45f(c)(1), a violation of the INFORM Consumers Act is treated as a violation of a rule promulgated under the FTC Act regarding unfair or deceptive acts or practices.

53. Pursuant to Section 18(d)(3) of the FTC Act, 15 U.S.C. § 57a(d)(3), a violation of the INFORM Consumers Act constitutes an unfair or deceptive act or practice in violation of Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

Count I
Failure to Provide Telephonic Reporting Mechanism and to Disclose Reporting Mechanism
in a Clear and Conspicuous Manner

54. Until around January 15, 2024, Temu did not provide a reporting mechanism that allowed consumers to report suspicious marketplace activity to Temu via telephone.

55. Until around November 24, 2024, Temu did not provide an electronic or telephonic mechanism that allows consumers to report suspicious marketplace activity to Temu in gamified shopping experiences.

56. Further, Temu's reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to Temu, when disclosed, has not been disclosed on product listings in a clear and conspicuous manner as prescribed by 15 U.S.C. § 45f(b)(3).

57. Therefore, Temu's acts or practices as described in Paragraphs 54–56 violate the INFORM Consumers Act, 15 U.S.C. § 45f, and Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

Count II
Failure to Disclose Full Names and Physical Addresses of Sellers and to Disclose Seller Identity Information in a Clear and Conspicuous Manner

58. Until at least June 28, 2024, Temu did not disclose required full names and physical addresses of sellers via product listing on all of the interfaces consumers may use to access the Temu online marketplace, nor did it state the required full names and physical addresses in order confirmation messages, in other post-purchase messages to consumers, or in consumers' account transaction histories.

59. Until around November 24, 2024, Temu did not provide a means of direct electronic messaging to sellers, or working email addresses or phone numbers for sellers, in gamified shopping experiences.

60. Further, Temu's disclosures of the identity information of sellers, including the full names and physical addresses of sellers and the means of direct electronic messaging to sellers that Temu provides, when made, have not been made in a clear and conspicuous manner as prescribed by 15 U.S.C. § 45f(b)(1)(A)(ii).

61. Therefore, Temu's acts or practices as described in Paragraphs 58–60 violate the INFORM Consumers Act, 15 U.S.C. § 45f, and Section 5(a) of the FTC Act, 15 U.S.C. § 45(a).

CONSUMER INJURY

62. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendant's violations of the FTC Act and the INFORM Consumers Act. Absent injunctive relief by this Court, Defendant is likely to continue to injure consumers and harm the public interest.

CIVIL PENALTIES

63. Section (c)(1) of the INFORM Consumers Act, 15 U.S.C. § 45f(c)(1), and Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A), authorize this Court to award civil penalties for each violation of the INFORM Consumers Act.

64. Temu violated the INFORM Consumers Act with the knowledge required by Section 5(m)(1)(A) of the FTC Act, 15 U.S.C. § 45(m)(1)(A).

PRAYER FOR RELIEF

Wherefore, Plaintiff requests that the Court:

- A. Enter a permanent injunction to prevent future violations of the FTC Act and the INFORM Consumers Act;
- B. Impose civil penalties for each violation of the INFORM Consumers Act; and
- C. Award any additional relief as the Court determines to be just and proper.

Dated: September 5, 2025

Of Counsel:

Tiffany M. Woo
Carl Settlemyer
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, D.C. 20580
Phone: 202-326-3583 (Woo)
202-326-2019 (Settlemyer)
Email: twoo@ftc.gov
csettlemyer@ftc.gov

Respectfully submitted,

**FOR THE UNITED STATES OF
AMERICA:**

BRETT A. SHUMATE
Assistant Attorney General
JORDAN C. CAMPBELL
Deputy Assistant Attorney General
SARMAD KHOJASTEH
Senior Counsel
Civil Division

LISA K. HSIAO
Acting Director
ZACHARY A. DIETERT
Assistant Director

By: /s/ Sarah Williams
SARAH WILLIAMS
Senior Trial Attorney
Telephone: (202) 616-4269
sarah.williams@usdoj.gov
U.S. Department of Justice
Civil Division
Consumer Protection Branch
450 5th Street, N.W. Suite 6400-South
Washington, D.C. 20044

LEAH B. FOLEY
United States Attorney

/s/ Alexandra Brazier
ALEXANDRA BRAZIER
Assistant United States Attorney
John J. Moakley U.S. Courthouse, Suite 9200
1 Courthouse Way
Boston, MA 02210
Phone: (617) 748-3100
alexandra.brazier@usdoj.gov