

# Is it Time to Extinguish CUTPA's "Cigarette Rule"

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**T**he Connecticut Unfair Trade Practices Act ("CUTPA"), like the Federal Trade Commission Act, prohibits "unfair acts and practices." Hoping to draw from the federal government's experience, the Connecticut General Assembly requires courts to use federal interpretations of the FTC Act as a guide for interpretations of CUTPA.<sup>1</sup>

In many ways, Connecticut courts have followed this mandate, allowing CUTPA to grow and evolve alongside federal law in areas such as deception and securities law. However, this growth has been stunted in one area—the test for measuring "unfairness." Rather than progressing with federal law, Connecticut courts continue to analyze "unfairness" under an antiquated methodology that the FTC developed in 1964, but abandoned in 1980. Known as the "Cigarette Rule," the FTC's old test allows courts and juries to find unfairness using amorphous concepts such as "immorality" or by gazing into "penumbras" of rules and regulations. The FTC abandoned the rule over 35 years ago, in recognition of the fact that the Cigarette Rule simply did not permit consistent enforcement of such nebulous concepts. This instability, needless to say, made it exceedingly difficult for businesses to conform their behavior to the agency's changing interpretations.

These concerns apply with far greater force in Connecticut, where individual juries (not one agency) are authorized to determine what is "unfair" on a case-by-case basis. This problem was dramatically illustrated in *Artie's Auto Body v. Hartford Fire & Casualty Insurance*, where an insurer faced a \$34 million verdict for violating a previously unrecognized "penumbra" of an insurance regulation that even the Insurance Commissioner did not believe was violated.<sup>2</sup> Although the Connecticut Supreme Court eventually overturned the verdict

on different grounds, the fact that such liability is even possible calls into serious question the continuing utility of the Cigarette Rule. The Supreme Court has echoed these doubts for over a decade, and has now called on the General Assembly for guidance. Interestingly, since 1976, the Connecticut General Assembly has instructed courts to seek guidance from interpretations of the FTC Act issued by both the FTC and the federal courts.

## 1. The FTC's Evolving Definition of Unfairness

Although Congress gave the FTC the power to regulate "unfairness" in 1938,<sup>3</sup> the agency did not fully exercise that power until 1964. The FTC's first attempts to define unfairness came during proceedings to address and regulate cigarette advertisements and labels.<sup>4</sup> During those proceedings, the FTC identified three criteria that it would use to evaluate whether a practice was "unfair":

- (1) whether the practice, without necessarily having been previously considered unlawful, offends public policy as it has been established by statutes, the common law, or otherwise—whether, in other words, it is within at least the penumbra of some common-law, statutory, or other established concept of unfairness;
- (2) whether it is immoral, unethical, oppressive, or unscrupulous;
- (3) whether it causes substantial injury to consumers (or competitors or other businessmen).<sup>5</sup>

Known as the "Cigarette Rule," these three criteria are disjunctive: "[a] practice may be unfair because of the degree to which it meets one of the criteria or because to a lesser extent it meets all three."<sup>6</sup> The U.S. Supreme Court gave its imprimatur to these criteria in 1972, when it cited the standard in *F.T.C. v. Sperry & Hutchinson Co.*<sup>7</sup>

The FTC applied the rule aggressively for several years. However, as the agency gained experience, it came to realize that the Cigarette Rule's indistinct unfairness standard failed to provide adequate guidance as to what acts were in fact prohibited. Businesses could no longer rely upon court opinions, statutes, or regulations to establish the bounds of "unfairness," because the FTC could later declare that

conduct violated a previously undiscovered "penumbra" of a legal norm. Businesses faced liability for breaking some unknown, unwritten rule even if no one had suffered a substantial injury.

Further, because the rule was disjunctive, the FTC could rely exclusively on "public policy" with no consideration for consumer injury or "the offsetting benefits that a challenged act or practice may have on consumers."<sup>8</sup> The former Director of the FTC Bureau of Consumer Protection has explained that the FTC focused on unwritten "penumbras" and vague "public policies," which resulted in "overreaching under broad, unfocused, policy-based unfairness." This spawned:

broad, newly found theories of unfairness that often had no empirical basis, could be based entirely upon individual Commissioner's personal values, and did not have to consider the ultimate costs to consumers of foregoing their ability to choose freely in the marketplace. Predictably, there were many absurd and harmful results.<sup>9</sup>

The FTC finally pushed the rule too far when it tried to ban all advertising directed at children. The FTC claimed that such advertising was "immoral, unethical, oppressive, or unscrupulous" and violated the general public policy of protecting children.<sup>10</sup> The FTC Chairman threw fuel on the fire when he contemporaneously proclaimed that the Commission could use unfairness, *inter alia*, to regulate the employment of illegal aliens and to punish tax cheats and polluters.<sup>11</sup>

Faced with a chorus of criticism, the Senate assigned a subcommittee to inquire into the FTC's use of its "unfairness" powers.<sup>12</sup> In 1980, the FTC responded by reworking its definition of "unfairness" to remove amorphous concepts such as "public policy" and "penumbras," and re-emphasize the importance of injury to consumers or competitors.<sup>13</sup> In a letter to Congress known as the "1980 Unfairness Statement," the FTC explained, that public policy alone would not support a finding of unfairness unless it "is so clear that it will entirely determine the question of consumer injury."<sup>14</sup> It also stated that the FTC would no longer consider whether a practice was "immoral, unethical, oppres-

sive, or unscrupulous."<sup>15</sup>

The 1980 Unfairness Statement also laid the groundwork for the FTC's new "substantial unjustified injury test." The letter explained that "[u]njustified consumer injury is the primary focus of the FTC Act, and the most important of the three [Cigarette Rule] criteria."<sup>16</sup> Following a few minor modifications, the test now requires a balancing of "substantial injury" to a plaintiff with "any countervailing benefits to consumers or competition that the practice produces," and requires that any injury be one that "consumers themselves could not reasonably have avoided."<sup>17</sup> These changes returned the concept of unfairness to the FTC Act's core objective: protecting against unjustified, substantial injury. Congress subsequently codified the substantial injury test in 1994, re-emphasizing the critical role of that test in determining unfairness.<sup>18</sup>

## 2. Courts Untether CUTPA from Federal Law

Following the FTC's lead, a few states that have considered the issue have abandoned the Cigarette Rule for much the same reason.<sup>19</sup> The Supreme Court of California explained that the Cigarette Rule used "[a]n undefined standard of what is 'unfair' [that] fails to give businesses adequate guidelines as to what conduct may be challenged and thus enjoined and may sanction arbitrary or unpredictable decisions about what is fair or unfair."<sup>20</sup> Other California courts have likewise recognized that the FTC's substantial injury test "is more focused, less dependent on subjective notions of fairness and, for these reasons, easier to apply and administer."<sup>21</sup>

Connecticut courts have yet to reach the issue. CUTPA was one of the many state "Little FTC Acts" that were passed in the late 1960s and early 1970s. The act mirrors Section 5(a)(1) of the FTC Act by prohibiting "unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce."<sup>22</sup> Like the federal act, CUTPA itself did not set out to precisely define unfairness or create a comprehensive set of unfair trade practices. It instead gave "the commissioner [of consumer protection] and the courts" the power to define "unfairness."<sup>23</sup>

As originally adopted, the General As

sembly tethered the statute directly to the FTC Act, requiring that any interpretation of CUTPA be “determined by” the federal interpretation.<sup>24</sup> This absolute requirement proved too cumbersome—it robbed courts of the discretion to declare unlawful “practices which had not yet been specifically declared unlawful by federal authorities.”<sup>25</sup> The legislature, therefore, amended the statute to require that the “commissioner [of consumer protection] and the courts of this state shall be *guided* by interpretations given by the Federal Trade Commission and the federal courts to [the FTC Act] . . . as from time to time amended.”<sup>26</sup> Further, the Commissioner of Consumer Protection can only enact regulations that are consistent “with the rules, regulations and decisions of the federal trade commission and the federal courts in interpreting the provisions of the [FTC] Act.”<sup>27</sup>

One of CUTPA’s key innovations was to link its definition to evolving federal law “as from time to time amended.” The legislature recognized that the FTC and Congress would learn from their experiences over time, and that Connecticut could be a beneficiary of the FTC’s evolving nationwide experiences.<sup>28</sup>

The Connecticut Supreme Court on occasion has heeded this legislative mandate to follow the FTC’s interpretations in order to cabin in “the open-ended language of CUTPA.”<sup>29</sup> The Court relied heavily on the FTC when it modified the evolving definition of “deceptive practices” under CUTPA.<sup>30</sup> When CUTPA was first enacted, Connecticut courts used an old FTC deception test that focused on certain factors such as determining whether the consumer, including the “unthinking, ignorant and credulous person,” was deceived in his initial contact with the challenged practice.<sup>31</sup> However, when the FTC changed its test and adopted a new standard for “deception,”<sup>32</sup> the Supreme Court subsequently followed suit and adopted the FTC’s new definition without any additional legislative guidance and without significant policy discussion.<sup>33</sup>

The Court similarly relied on the FTC when deciding that CUTPA does not apply to securities transactions.<sup>34</sup> In reaching its decision, the Court recognized that

neither the FTC nor any federal court had ever applied the FTC Act to a securities transaction.<sup>35</sup> The Court also noted that securities were not on the FTC’s list of “transactions and conduct to which the FTC Act applies.”<sup>36</sup> The Court applied similar reasoning in another case when it decided that CUTPA does not apply to municipal housing authorities.<sup>37</sup>

Despite this history of deference to federal interpretations, Connecticut courts have not done so when measuring “unfairness.” While the Connecticut Supreme Court initially adopted the Cigarette Rule out of the apparently mistaken belief that it was in fact following the then current FTC unfairness test,<sup>38</sup> the Court has continued to use the rule for over 30 years.

It has done so, however, with reservations. On several occasions, the Court has questioned the continuing vitality of the rule and some members have called for its repeal. Over ten years ago, the Court noted that “[a]lthough we consistently have followed the cigarette rule in CUTPA cases . . . when interpreting ‘unfairness’ under CUTPA, our decisions are to be guided by the interpretations of the Federal Trade Act by the Federal Trade Commission and the federal courts.”<sup>39</sup> The Court continued, “Review of those authorities indicates that a serious question exists as to whether the cigarette rule remains the guiding rule utilized under federal law.”<sup>40</sup> More recently, Justice Zarella and Justice Palmer called on the Court to jettison the Cigarette Rule standard and “finally bring our construction of [CUTPA’s unfairness section] into alignment with the approach that the [Federal Trade] [C]ommission and the federal courts have taken.”<sup>41</sup> Yet, until last year, the Court did not confront the issue head on because the rule’s opponent in each instance had failed to preserve the issue.<sup>42</sup>

Last year, the lingering question presented itself again in *Artie’s Auto Body*.<sup>43</sup> The plaintiffs were a class of auto body repair shops who argued that an automobile insurer had unfairly negotiated labor rates. The plaintiffs claimed that the insurer had employed staff appraisers to negotiate the rates, thereby violating the appraisers’ duty of impartiality found in an insurance regulation. The jury returned a

\$14.7 million verdict, and the trial court judge tacked on an additional \$20 million in punitive damages.<sup>44</sup>

The case was unique in that the jury answered targeted interrogatories, specifying which prong of the Cigarette Rule it believed had been violated. Unlike in other cases where a jury returned a general verdict under the Cigarette Rule, the jury in *Artie’s* specifically found that the insurer had not engaged in any “immoral, unethical, oppressive, or unscrupulous” conduct and had not caused a “substantial injury.” It instead based its entire unfairness finding on its conclusion that the insurer had “offended” a previously unknown “penumbra” of an insurance regulation.

The Connecticut Supreme Court reversed unanimously without reaching the Cigarette Rule. The Court held that “the appraiser’s role is limited to an assessment of the auto parts in need of repair and the number of hours to complete the auto body repair job, whereas the rate that an auto body repair shop is to be paid is the subject of negotiation between the insurer and the shop.”<sup>45</sup> Therefore, it held that CUTPA liability was inconsistent with the “regulatory principles” that underlie the regulation.<sup>46</sup> Notably, it decided that because “plaintiffs’ CUTPA claim fails even under the more lenient cigarette rule, it is unnecessary for us to decide whether that rule should be abandoned in favor of the federal test.”<sup>47</sup> It then called on the legislature for guidance, recognizing that “the legislature may wish to clarify its position with respect to the proper test” because “of the likelihood that this court will be required to address this issue in a future case.”<sup>48</sup>

### 3. Connecticut Should Abandon the Cigarette Rule

*Artie’s Auto Body’s* call for legislative guidance is, we suggest, unnecessary. Connecticut courts are already directed to be “guided by” federal interpretation of “unfairness.” As noted above, the Connecticut Supreme Court has never before waited for additional legislative guidance when following the FTC in changing the test for deception,<sup>49</sup> and in refusing to apply the act to securities<sup>50</sup> or municipal housing authorities.<sup>51</sup>

Visit [ctbar.org/CUTPA](http://ctbar.org/CUTPA) to read a contrasting take on this topic by David Belt. Robert Langer and David Belt will be presenting on this topic at the seminar titled, “CUTPA After 40 Plus Years: Why So Many Unanswered Questions?” at the Connecticut Legal Conference on June 13.

Aside from the statutory mandate, there are strong policy reasons for following the FTC’s lead. By removing the nebulous “public policy” and the “immoral” prongs, the rule is more definite than the Cigarette Rule. Under the new rule, juries can resist the temptation to create public policy out of the unwritten “penumbras” of established law. Rather than continuing the “overreaching, under broad, unfocused, policy-based unfairness” based on personal preferences that caused the FTC to abandon the rule 36 years ago,<sup>52</sup> the substantial injury test refocuses the unfairness inquiry on the public policies identified by the General Assembly and the Commissioner of Consumer Protection. This will give CUTPA the transparency that it now fundamentally lacks, making it a far more equitable legislative enactment with significantly more predictable outcomes.

Further, the Cigarette Rule’s ambiguity and imprecision has led to uncertain results that have dwarfed the problems it caused for the FTC. Importantly, the FTC Act contains no private right of action<sup>53</sup> and provides for civil penalties only in narrow circumstances.<sup>54</sup> CUTPA, by contrast, gives individuals a private right of action, and allows them to seek injunctive relief, punitive damages, attorney’s fees, and, in actions brought by the state, civil penalties.<sup>55</sup> In private actions, it places the “unfairness” determination in the hands of a jury, which can and has imposed huge verdicts based solely upon the nebulous concepts or “immorality” or “penumbras.” A jury could find—as they did in *Artie’s Auto Body*—that no consumers or competitors suffered a substantial injury, and yet award a multimillion-dollar verdict after finding a “violation” of a public policy that lurks in the penumbra of an agency regulation. The FTC designed the substantial injury test to prevent these types of absurd outcomes.

Indeed, the extraordinary criticism by Congress and the business community of the FTC’s use of the Cigarette Rule resulting in the FTC’s abandonment of the Cigarette Rule, occurred almost exclusively in

the context of its rulemaking authority.<sup>56</sup> CUTPA’s use of the Cigarette Rule, on the contrary, has occurred in the context of a far more problematic venue, i.e., ad hoc adjudications, in which both compensatory and punitive damages can be awarded without prior notice that the conduct at issue was “unfair.” Even the then Connecticut Commissioner of Consumer Protection, as CUTPA’s principal administrator, recognized CUTPA’s problematic divergence from the FTC. In a 2013 opinion, he noted, “the extent to which unfairness may be established absent any unjustified consumer injury is uncertain.”<sup>57</sup>

Abandoning the Cigarette Rule would not cause the parade of horrors envisioned by the rule’s proponents.<sup>58</sup> For example, it would not eliminate public policy entirely as a consideration in CUTPA jurisprudence. Courts could still use public policies clearly articulated in law to evaluate unfair acts and practices. Indeed, the Connecticut General Assembly has identified nearly 80 statutes that expressly provide that a violation of those statutes is deemed to be a violation of CUTPA.<sup>59</sup> What’s more, by regulation, the Commissioner of Consumer Protection has identified nearly 30 per se public policy violations of CUTPA. Conn. Agencies Regs. §§ 42-110b-1 through 42-110b-31.<sup>60</sup> These per se violations would continue to exist even under the substantial injury test.

Under the FTC’s “new” test, which is now actually in middle age, Connecticut would continue to offer broad consumer protection under CUTPA that in many instances surpasses both federal protections and protections under most states’ Little FTC Acts. It would also provide clearer guidance to the regulated community on what practices violate CUTPA. And the legislature and the Commissioner, of course, could still identify additional public policies to add to the over one hundred existing per se violations.

#### 4. Conclusion

The Connecticut legislature long ago instructed courts to look to the FTC and federal courts when interpreting CUTPA.

Courts should take heed of this mandate, and adopt the unfairness test that the FTC has employed for over 35 years. This would not only fulfill courts’ statutory obligation to take guidance from the FTC, but it would also make CUTPA far more transparent. By reducing the role of penumbral public policies in CUTPA litigation, the power to craft public policy will appropriately shift from the jury box to the State Capitol. **CL**

## Notes

1. Conn. Gen. Stat. § 42-110b(b).
2. 317 Conn. 602, 626 (2015).
3. See the Wheeler-Lea Act, 52 Stat. 111 (1938) (amending Section 5 of the original Federal Trade Commission Act of 1914 to proscribe “unfair or deceptive acts or practices”).
4. “Statement of Basis and Purpose of Trade Regulation Rule 408, Unfair or Deceptive Advertising and Labeling of Cigarettes in Relation to the Health Hazards of Smoking,” 29 Fed. Reg. 8355 (1964).
5. *Id.*
6. Statement of Basis and Purpose Relating to Disclosure Requirements and Prohibitions Concerning Franchising and Business Opportunity Ventures, 43 Fed. Reg. 59,614, 59,635 (1978).
7. *FTC v. Sperry & Hutchinson Co.*, 405 U.S. 233, 244 n.5 (1972).
8. J. Howard Beales, “The FTC’s Use of Unfairness Authority: Its Rise, Fall, and Resurrection,” 2003 WL 21501809 at \*2 (FTC 2003) (emphasis in original) (also available at <http://www.ftc.gov/speeches/beales/unfair0603.shtm>).
9. *Id.*
10. *Id.*
11. *Id.*
12. See Letter dated December 17, 1980 from the FTC Commissioners to the Consumer Subcommittee of the Senate Committee on Commerce, Science and Transportation, attached as an appendix to *In the Matter of Int’l Harvester Co.*, 104 F.T.C. 949, 1071-76 (1984).
13. *Id.*
14. *Id.*
15. *Id.*
16. *Id.*
17. *Ulbrich v. Groth*, 310 Conn. 375, 475 (2013) (Zarella, J., dissenting) (describing 1980 Policy Statement).
18. 15 U.S.C. § 45(n).
19. Most states have yet to grapple with the question. See Robert M. Langer, John T.

Morgan and David L. Belt, CONNECTICUT PRACTICE SERIES: CONNECTICUT UNFAIR TRADE PRACTICES, BUSINESS TORTS AND ANTITRUST, § 2.2, pp. 46-49 (2015-2016 ed.); see also *id.* Appendix M.

20. *Cel-Tech Commc'ns, Inc. v. Los Angeles Cellular Telephone Co.*, 20 Cal. 4th 163, 185 (Cal. 1999).

21. *Camacho v. Auto. Club of S. Cal.*, 142 Cal. App. 4th 1394, 1404 (Cal. Ct. App. 2006).

22. See Conn. Gen. Stat. § 42-110b(a). This is based on section 5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. § 45(a)(1), which declared unlawful “[u]nfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce. . . .”

23. Conn. Gen. Stat. § 42-110b(b). The representative who introduced CUTPA for passage explained, “There’s very little case law in Connecticut on this subject of deceptive trade practices under an act like the Federal Trade Commission. This bill would enable the courts of this state to use the Federal cases that have been decided under the Federal Trade Commission Act and Regulations as the basis for lawsuits in this state.” 16 H.R. Proc., Pt. 14, 1973 Sess., pp. 7321 to 7324 (remarks of Rep. Howard A. Newman).

24. *Caldor, Inc. v. Heslin*, 215 Conn. 590, 598 (1990) (citing 1973 Public Act No. 73-615, § 2(a)).

25. *Id.*

26. *Id.* (citing 1976 Public Act No. 76-303, § 1(b), codified as Conn. Gen. Stat. § 42-110b(b)) (emphasis added).

27. Conn. Gen. Stat. § 42-110b(c) provides: “The commissioner may, in accordance with chapter 54, establish by regulation acts, practices or methods which shall be deemed to be unfair or deceptive in violation of subsection (a) of this section. Such regulations shall be not be inconsistent with the rules, regulations and decisions of the federal trade commission and the federal courts in interpreting the provisions of the Federal Trade Commission Act.”

28. Not all state legislatures have made that choice. See *ASRC Energy Servs. Power and Commc'ns, LLC v. Golden Valley Elec. Ass'n, Inc.*, 267 P.3d 1151, 1158 (Alaska 2011) (concluding that the Alaska legislature intended to create a static statute tied to the federal law as it existed as of 1974).

29. *Russell v. Dean Witter Reynolds, Inc.*, 200 Conn. 172, 179 (1986).

30. *Caldor*, 215 Conn., at 597.

31. See, e.g., *Hinchliffe v. American Motors*, 39 Conn. Supp. 107, 120-21 (1982), *aff'd*, 192 Conn. 252 (1984).

32. FTC Statement on Deception (Oct. 14, 1983), available at <http://www.ftc.gov/ftc-policy-statement-on-deception>.

33. *Caldor*, 215 Conn. at 597.

34. *Id.*

35. *Id.*

36. *Id.*

37. *Connelly v. Housing Authority of City of New*

*Haven*, 213 Conn. 354, 362-63 (1990).

38. *Ivey, Barnum & O'Mara v. Indian Harbor Properties, Inc.*, 190 Conn. 528, 539-540 (1983).

39. *Glazer v. Dress Barn, Inc.*, 274 Conn. 33 (2005).

40. *Id.* at 82 n.34.

41. 310 Conn. at 472 (Zarella, J. concurring and dissenting).

42. *Id.* at 422 (majority opinion); *State v. Acordia, Inc.*, 310 Conn. 1, 29-30 n.8 (2013); *Glazer*, 274 Conn. at 83 n.34; *Votto v. American Car Rental, Inc.*, 273 Conn. 478, 484 n.3 (2005); *American Car Rental, Inc. v. Commissioner of Consumer Protection*, 273 Conn. 296, 305 n.6 (2005); *Naples v. Keystone Bldg. and Development Corp.*, 295 Conn. 214, 238-39 (2010) (Justice Zarella concurring).

43. 317 Conn. at 622 n.13.

44. *Id.* at 606.

45. *Id.* at 626.

46. *Id.*

47. *Id.* at 622 n.13.

48. *Id.*

49. *Caldor*, 215 Conn. at 598.

50. *Russell*, 200 Conn. at 179.

51. *Connelly*, 213 Conn. at 362-63.

52. Beales, 2003 WL 21501809 at \*2.

53. See, e.g., *Holloway v. Bristol-Myers Corp.*, 485 F.2d 986, 988 (D.C. Cir. 1973); *Beckenstein v. Hartford Elec. Light Co.*, 479 F. Supp. 417, 422-23 (D. Conn. 1979); see also ABA SECTION OF ANTITRUST LAW, ANTITRUST

LAW DEVELOPMENTS at 706 (7th ed. 2012).

54. These circumstances usually involve some type of scienter, like a knowing violation of a trade regulation rule or knowingly engaging in unfair or deceptive practices established by a prior FTC order. See, e.g., 15 U.S.C. § 45(m)(1).

55. See Conn. Gen. Stat. §§ 42-110g(a), 42-110g(b), 42-110g(d), 42-110h, 42-110o(a) and 42-110o(b).

56. See Beales, 2003 WL 21501809 at \*2 (FTC 2003).

57. “Final Decision and Order,” *In the Matter of Christopher C. Shuckra*, (Conn. Dep’t of Consumer Prot., Feb. 7, 2013), at p. 10 n.1, [http://www.ct.gov/dcp/lib/dcp/pdf/administration\\_and\\_policy/final\\_order\\_innovative\\_sentencing\\_solutions\\_2-7-13.pdf/](http://www.ct.gov/dcp/lib/dcp/pdf/administration_and_policy/final_order_innovative_sentencing_solutions_2-7-13.pdf/).

58. Some scholars have taken the opposite view, and suggested that states should break from the FTC for various reasons. See, e.g., David L. Belt, *Should the FTC’s Current Criteria for Determining “Unfair Acts or Practices” Be Applied to State “Little FTC Acts”?*, 9 ANTITRUST SOURCE 1 (2010).

59. See Robert M. Langer, John T. Morgan and David L. Belt, CONNECTICUT PRACTICE SERIES: CONNECTICUT UNFAIR TRADE PRACTICES, BUSINESS TORTS AND ANTITRUST, Appendix E (2015-2016 ed.).

60. The Commissioner has repealed some CUTPA regulations, and reserved some regulation numbers for future use. The actual number of CUTPA regulations is less than 30.

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