CONTRIBUTED CONTENT & PRESENTATIONS

Law360 Publishes Analysis by Benesch Attorneys Kevin Frankel, Zachary Cobb and Matthew Wulf on Expanding "Payola" Enforcement Risks

JUNE 18, 2026

Authors: Kevin B. Frankel, Zachary Cobb, Matthew G. Wulf

Featured Practices: Litigation, State Attorneys General Investigations & Enforcement

Law360 recently published an article from Benesch Litigation Partner Kevin Frankel, Of Counsel Zachary Cobb, and Associate Matthew Wulf examining a novel enforcement theory arising from the Texas Attorney General's investigation into music streaming platforms.

In the article, the team explores how traditional "payola" concepts-historically applied to undisclosed payments for radio airplay-are being adapted as a consumer protection tool to evaluate alleged undisclosed promotional arrangements within algorithm-driven recommendation systems.

The piece notes that this approach could extend well beyond the music industry, as regulators increasingly scrutinize transparency in digital platforms and the impact of undisclosed commercial relationships on algorithmic outputs.

It also highlights the potential for state consumer protection laws, including the Texas Deceptive Trade Practices Act, to serve as a framework for enforcement actions involving recommendation-driven technologies across sectors such as media, retail and social platforms.

More: Texas AG's Payola Theory May Reach Beyond Music Platforms - Law360