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News

SUSAN LYNCH AND EMMET ONG DISCUSS AI WASHING IN BLOOMBERG LAW

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Susan Lynch and Emmet Ong, partners in BCLP's white collar and healthcare practices, recently co-authored an article in Bloomberg Law about AI washing as it relates to the False Claims Act.

The authors noted regulators have targeted AI washing—misleading or exaggerated claims about artificial intelligence capabilities—while the Securities and Exchange Commission has pursued companies for misrepresenting their AI use, and the Federal Trade Commission has challenged deceptive claims about AI-enabled products.

In the article, Susan and Emmet analyzed potential exposure, cybersecurity parallels, familiar enforcement challenges and the future of AI washing and FCA enforcement.

"DOJ may not need a dedicated AI-washing initiative to pursue misrepresentations about AI capabilities," the authors wrote. "As AI becomes embedded in federal procurement and healthcare, contractors should expect greater scrutiny of the gap between promised capabilities and actual performance."

Related capabilities

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