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## LAW OFFICES, LLC

### Click One of Four Boxes and Office Depot/OfficeMax Will Find Fictitious Malware on Your Computer

(March 28, 2019) Just check one of four boxes on the Office Depot/OfficeMax PC Health Check Program and it will find malware on your computer, even though the result is not linked to any scan. Confused? The Federal Trade Commission (“FTC”) found this practice deceptive, too. To settle the case, the company and the program supplier agreed to pay \$35 million.

PC SUPPORT AGENT

Office DEPOT OfficeMax TECH SERVICES PC SUPPORT AGENT

Does your computer have any of the problems below?

CHECK ALL THAT APPLY:

- Frequent pop-ups or other problems prevent me from browsing the internet.
- My PC recently became much slower or is too slow to use.
- I am often warned of a virus infection or I am asked to pay for virus removal.
- My PC frequently crashes.

CONTINUE SCAN

Feedback 1-877-384-6202 | officedepot-support.com

For over nine years, Office Depot and OfficeMax offered a free PC Health Check Program to customers to check their computers for performance and security. Provided by Support.com, Inc., the program, with the full knowledge of Office Depot/OfficeMax, was rigged to find a malware issue so that the technician could sell anti-virus and malware protection programs.

When the PC Health Check Program was initiated, the FTC noted in its complaint, customers were asked four questions about whether the computer ran slow, received virus warnings, crashed often, or displayed pop-up ads. If a customer answered “yes” to any of the questions, a “scan” then falsely reported a malware issue. “In fact, the scan itself did not ‘find’ or ‘identify’ anything to return to the results listed in the ‘Malware Symptoms’ section because the results under this section were triggered only by checking one of the Initial Checkbox Statements.” When customers clicked a button labeled “Repair & Recommend,” the program “initiated a number of limited optimizations” that “had no effect on the security category.”

The FTC complaint states, “Since at least 2012, the Office Depot Companies understood that checking any of the four boxes would lead to a malware symptoms finding. Indeed, in May 2013, OfficeMax warned its stores not to run the PC Health Check Program *after* a tech repair service had been completed.” The company knew that, if any of the questions at the beginning of the PC Health Check Program had been checked, it would falsely indicate that the computer just repaired by Office Max had a malware problem.

The FTC alleged the program was designed to upsell customers to buy anti-virus, malware, and other computer repair programs from Office Depot/OfficeMax. Store managers and employees who promoted the program received extra commissions. At the same time, Office Depot censured store managers and store employees who continually failed to meet the targets to run the program.

The FTC said Office Depot/OfficeMax collected tens of millions of dollars from the program, which was run on thousands of customer computers each week.

To settle the FTC claim, Office Depot/OfficeMax agreed to pay \$25 million and Support.com agreed to pay \$10 million. The FTC intends to use the funds to refund customers. “Consumers have a hard enough time protecting their computers from malware, viruses, and other threats,” said FTC Chairman Joe Simons in a press release. “This case should send a strong message to companies that they will face stiff consequences if they use deception to trick consumers into buying costly services they may not need.”

*Federal Trade Commission v. Office Depot, Inc. and Support.com, Inc.*, S.D. Florida, No. 19-cv-80431, filed March 27, 2019.