



ADA Web Content Accessibility Guidelines

COMPLIANCE FACT SHEET

Updated: April 3, 2019

According to personal accounts, litigation attorneys and ongoing court proceedings, there is a heightened level of legal activity relating to small business website accessibility for the disabled and the requirement for all websites to conform to accessibility standards set forth by the Americans with Disabilities Act (ADA). Attorneys specializing in this area of the law recommend conforming to ADA standards to avoid litigation risk.

Many California small businesses, including craft breweries, have received letters from plaintiff litigation attorneys alleging that their business website is not compliant with state and federal rules and regulations regarding ADA accessibility.

These letters are not exclusive to California or to the brewing industry. In recent years there has been a proliferation of demand letters and lawsuits across the country alleging that businesses denied a blind or vision-impaired individual access to its goods and services because the business' website was not accessible, in violation of Title III of the Americans with Disabilities Act (ADA) and state laws.

Most of these lawsuits are filed under Title III of the ADA and the California Unruh Act. For example:

- In May of 2018, a California state court in Los Angeles held on summary judgment that a California restaurant [violated the state's Unruh Act by having a website that could not be used by a blind person with a screen reader](#) and ordered the restaurant to make its website comply with the [Web Content Accessibility Guidelines \(WCAG\) Level 2.0 AA](#). This was the second decision by a California state court on the merits of a website accessibility case.
- In June of 2018, Seyfarth Shaw, an attorney who specializes in these compliance issues, [wrote](#) about complaints from around the nation, including two in California.

In each of these cases, judges ultimately ruled that compliance issues were present on the websites referenced..



ADA WEBSITE STANDARDS: (WCAG) LEVEL 2.0 AA

Technological advancements have provided the visually impaired with computer programs known as “screen readers,” which allow the visually impaired individuals to access web content. The most widely used screen readers are [Job Access with Speech \(JAWS\)](#) for Windows and [VoiceOver](#) for Apple. For these programs to function properly websites need to meet WCAG standards.

To help you better understand what elements are required for full (WCAG) Level 2.0 AA compliance below are a few of the criteria that must be met. [You can learn more about WCAG here.](#) For a full list of compliance standards, please work with your website developer, attorney or IT consultant.

Images/Media

- Descriptive tags for hyperlinks, icons, images, videos, and other media types
- Automatic subtitles and transcripts
- No unnecessary media

Navigation and Links

- Detailed link descriptions
- Underlined links
- Contrasting link colors
- Larger links
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Development

- Avoids hard-coding layouts
- Provides user flexibility to modify text

Text

- Descriptive and clear page titles
- Converted abbreviations
- Can convert black text on white background
- Breaks text in to smaller segments
- Text will be larger than 14 pt.

Colors

- Avoids bright or loud colors
- Avoids color combinations that are known to cause issues for the colorblind
- On-screen keyboards navigation assistance
- Voice recognition
- Eye tracking software

COMPLIANCE RESOURCE/GUIDELINESS FOR CCBA MEMBERS

CA businesses and breweries can take proactive steps to determine if their company’s website is at risk by accessing some of the following resources:

1. Check your website for ADA compliance. One way to do so is to use one of the following testing resources:
 - a. <https://www.boia.org/w3c-tools-services-a11y>



- b. <https://dynamapper.com/blog/27-accessibility-testing/246-top-25-awesome-accessibility-testing-tools-for-websites>
 - c. There are several additional testing services available online many of which are listed [here](#).
2. Take one of these tests results to your IT professional. Your IT professional is the best resource to determine whether your website meets compliance standards or if it requires updates.

LEGAL RESOURCE FOR CCBA MEMBERS

The CCBA provides information to help California brewers comply with state regulations. The consultation is not legal advice and does not replace the advice or representation of a licensed attorney. We recommend you work with an attorney on any pending lawsuits or to avoid litigation risk,

[A complete list of CCBA's legal and compliance Allied Trade Members can be here.](#)