

Top 100 Shopify websites

Report on ADA compliance (digital inclusion).

March 2022



FOREWORD

The requirement for websites to comply with the Americans with Disabilities Act (ADA) is not going away. Organizations that ignore this are likely to face litigation, negative public opinion, and much higher costs than those that take immediate action. In the same way that we expect buildings to accommodate people living with disabilities, inclusivity for all is expected online.

Due to lucrative rewards and the ease of demonstrating non-compliance, litigation is growing exponentially across all sectors – and with considerable expansion in e-commerce platforms, such as Shopify, organizations must start dealing with compliance in this well-established sector.

Compounding the problem is a false sense of security, felt by many who believe that they have matters in hand, spurred on by service providers that promise compliance but lack accountability.

There are solutions; AAAtraq provides the first service of its kind to make the assessment of risk easy to understand, i.e., non-technical reporting and monitoring, protects you from litigation with insurance cover and provides a checklist for you to follow to mitigate risk. Most of all to make the changes that continually improve and accommodate all users equally – to ensure compliance for good.



Andrew Grant
Chair – Diversity and Inclusion Committee.

“Most of all to make the changes that continually improve and accommodate all users equally – to ensure compliance for good.”

SCHEDULE

First audit completed on on Jan 27th (this report). Next audit of websites will take place on or around Mar. 18th, with next report due Apr. 27th. Full 2022 schedule is available on request.

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USE OF DATA

The use of the findings of this report for litigious reason is not permitted – any claim made, reliant on the data contain herewith should be considered invalid.

ADA

You wouldn't have a building without a ramp – the law also requires websites to accommodate.



WEBSITES AUDITED

List compiled based on Google search 'Shopify Top 100 websites' and consolidation of reported results.

Grovmade	Kylie Cosmetics	Nomatic	Limited Run Games
ColourPop	Gaiam	Rhone	Teddy Fresh
Jeffree Star Cosmetics	Huel	Alo Yoga	Indestructible Shoes
Kith	TeeFury	Outdoor Voices	Live Fit. Apparel
Bungie Store	Mack Weldon	Parachute Home	Mondo
U.S. Polo Assn	Daily Steals	Vital Proteins	Fanjoy
Raycon	Goulet Pens	Kingice	Wear Figs
Gfuel	Thinx	Chubbies Shorts	Puro Vida Bracelets
Morphe	Untuckit	Taylor Stitch	Morphe
Bombas	Native	Snow®	VICI
Mous	Vincero Watches	Get KeySmart	PopSockets®
ThirdLove	William Painter	Vapor	Bodega
EightVape	The Frye Company	Dope	HALO BEAUTY VITAMINS
Fleshlight	Timbuk2	Bohme	Manscaped
The Ridge Wallet	PeakDesign	Dagne Dover	Secretlab
Steve Madden	RipNDip	Vape Juice Depot	IslamiCity
Allbirds	Red Dress Boutique	UNIF	Shop Mr Beast
Cymatics.Fm	Humble Household	Marine Layer	Better Snatch
Fangamer	Brooklinen	Cettire	Mavi Jeans
Proozy	NOMAD®	Fab	The Yetee
VaporDNA	Soylent	Medal Hangers	Bajaa0
Ruggable	Thesill	BEhearty	Soko Gla
Glorious PC Gaming Race	Todd Snyder	Vintage Clothing	MISTHUB
LEIF	The Music Zoo	UNTUCKit	Omaze
5seconds	Rebecca Minkoff	Crown & Caliber	I Love Biko

WEBSITES LISTING 'Shopify Top 100 websites'

<https://webinopoly.com/blogs/news/top-100-most-successful-shopify-stores> <https://ecommerce-platforms.com/articles/best-shopify-stores>

<https://www.linnworks.com/blog/best-shopify-stores>

<https://www.shopify.com>

Three mannequins with duck heads are seated in a row on chairs. The mannequin on the left is wearing a white dress shirt, a solid-colored tie, and checkered trousers. The middle mannequin is wearing a vertically striped dress shirt and a patterned skirt. The mannequin on the right is wearing a white dress shirt, a diagonally striped tie, and vertically striped trousers. The background is a plain, light-colored wall.

**9 out of 10 organizations
found to be immediately
vulnerable.**

SUMMARY

The websites that scored 12 or less indicating a lower risk of litigation

The results from the audit show that 96% of website homepages, failed to be inclusive. The stark reality is that more than 9 out of 10 websites are at risk and vulnerable to litigation from serial plaintiffs.

The INDEX is made up of 100 Shopify websites (looking at their primary website) and took no more than an hour to build. It really is very easy to identify vulnerabilities, which is why the plaintiff lawyers are targeting this sector, worse there is limited if any defense either; with the prospect of a futile and expensive legal fight, most claims are settled.

Even those organizations that show as 'low-risk' cannot afford to be complacent. The results are based on an audit of the homepage of the organization's main website. With a more in-depth audit, it's highly likely that failures could be identified on every website.

Top Websites (those scoring 12 or less)

/ TeeFury	teefury.com
/ Fab	fab.com
/ Limited Run Games	limitedrungames.com
/ The Music Zoo	themusiczoo.com

Excluded Websites

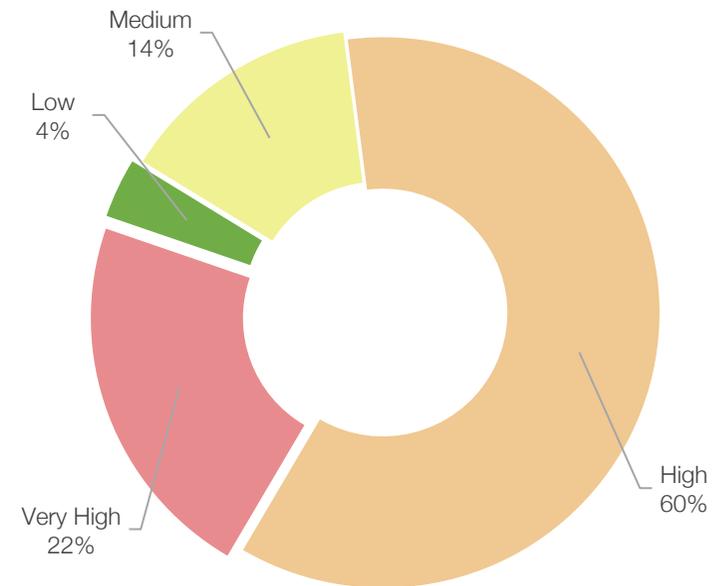
/ 5seconds	5seconds.com
/ Humble Household	humblehousehold.com
/ NOMAD®	hellonomad.com
/ Dope	dope.com
/ Manscaped	manscaped.com

NOTE AS TO THE SCORING

A page scoring 12 or less would be considered to be *inclusive*. The higher the number the greater the ADA failure risk. Scoring has color coding for immediate understanding as to status, with progress being monitored by way of reducing score.

Top 100 Shopify websites

Summary of the findings, following audit across 100 Shopify websites.



WEBSITE HOME PAGES

Plaintiff lawyers focus on 3 ADA vulnerabilities ahead of issuing a demand. Across the various home pages, the % that had failings in these 3 key (some would call basic) areas:

ALT TEXT	69%	(alt text explained)
LINK TEXT	81%	(link text explained)
FORM LABELS	72%	(form labels explained)

CHECK 3-THINGS™

Check you have some of the fundamentals in place.



Check 3 things – make a world of difference close

If 70% of the compliance challenge is starting and a major hurdle being the requirements themselves – Check 3-things is about removing the technicalities, focusing on actions that make immediate difference, and laying the foundations of a better online world for all.

If everyone, everywhere checked 3-things on their web pages – spending a few minutes on the changes they can influence, a significant portion of the accessibility barriers would be removed and often unintentional discrimination is no more.

IMAGES **FORMS** **LINKS**

on web pages need descriptive alt text. For those with vision disabilities, screen technology reads out the description, allowing them to understand the image.

requiring attention / modifications by overlay

THUMBAIL	ALT TEXT	ACCESSIBLE
	null alternate text	Location%2fzvejgiprwnahznpphf9%2fimages%04f948b3be01ab14d8b20bf2
	null alternate text	ACCESSIBILITY, shift, K, alt, control. Computer key and keyboard
	null alternate text	Risk : Complimentary 7 Day Trial, installation : Add a single line of code to your website for 24 Automated Compliance : Receive your Accessibility Statement and Certificate of Performance in less than 48 hours.
	null alternate text	Location%2fzvejgiprwnahznpphf9%2fimages%9f474e6aaf53cc50d89e4de0

1. Enter any website
2. Click /show yours
3. Review the text you have for images

It's only going to take you a minute.
Along with reducing ADA exposure, updating can improve search optimization.

NO QUICK ANSWER

Accessibility widgets and overlays offer no guarantees.

There has been a significant rise in the number of lawsuits, especially where there is an accessibility overlay (the likes of accessiBe, UserWay AudioEye – examples of companies that offer such a service).

Of late, their marketing seems to be telling the story that people want to hear – a quick fix to a complex problem, all for \$49/mnth, a fix that also includes protection (by way of warranty) if you are sued.

The promise to prevent ADA lawsuits by using an accessibility widget or overlays isn't real. Many lawsuits in 2021 list widgets and overlay features as a barrier to equal access in addition to other inaccessible aspects of the website. This means these approaches give plaintiffs more claims to add to a lawsuit, not less.

Over 400 companies that have an accessibility widget or overlay on their website have been sued.

It's perhaps worth reading these articles and considering - *are you really covered?*;

<https://adrianroselli.com/2020/06/accessibe-will-get-you-sued.html>

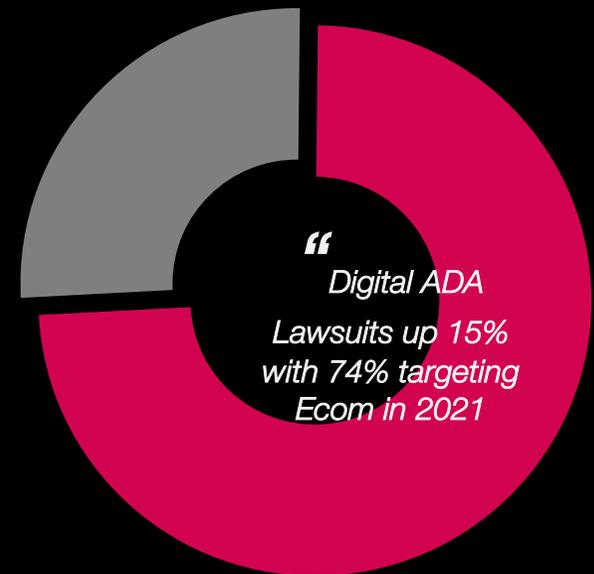
<https://adrianroselli.com/2021/09/userway-will-get-you-sued.html>

<https://overlayfalseclaims.com/index.html>

<https://www.forbes.com/sites/gusalexioiu/2021/06/26/largest-us-blind-advocacy-group-bans-web-accessibility-overlay-giant-accessibe/>

<https://ericwbailey.design/writing/accessibe-and-the-false-david-vs-goliath-narrative/>

E-Commerce websites are cited the most in digital accessibility lawsuits. Companies with locations high on the target list.



<https://www.usablenet.com>

DEMANDS ARE THE RISK

Legal landscape outlines very rich pickings – difficult to win against a compliance failure.

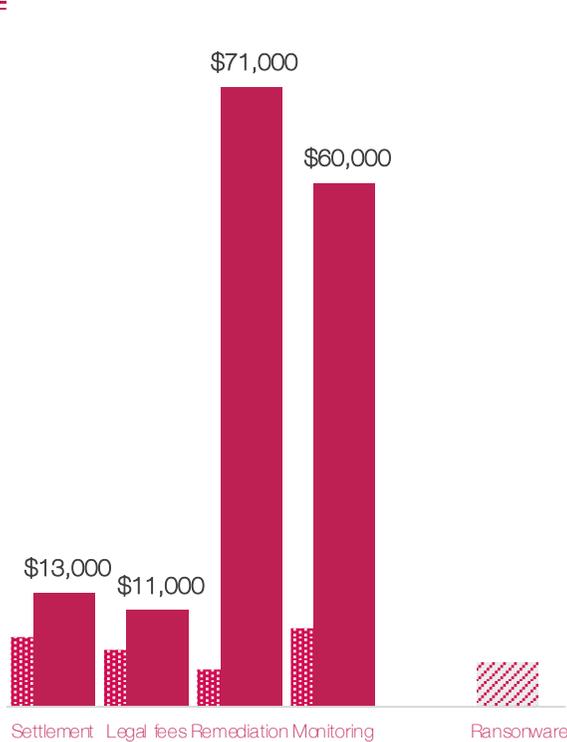
Lawsuits filed

Claims last 4 years / 57% increase



Cost of a demand (exc. internal costs)

Lower bars indicate the minimum, cover on following slide.



0.013%

Proportion of demands to claims (2019)

\$6.62bn

Estimated (external) costs to settle demands, excludes the cost of ongoing monitoring (2020)

64%

Increase in search term 'ADA Demand letter' (2021)

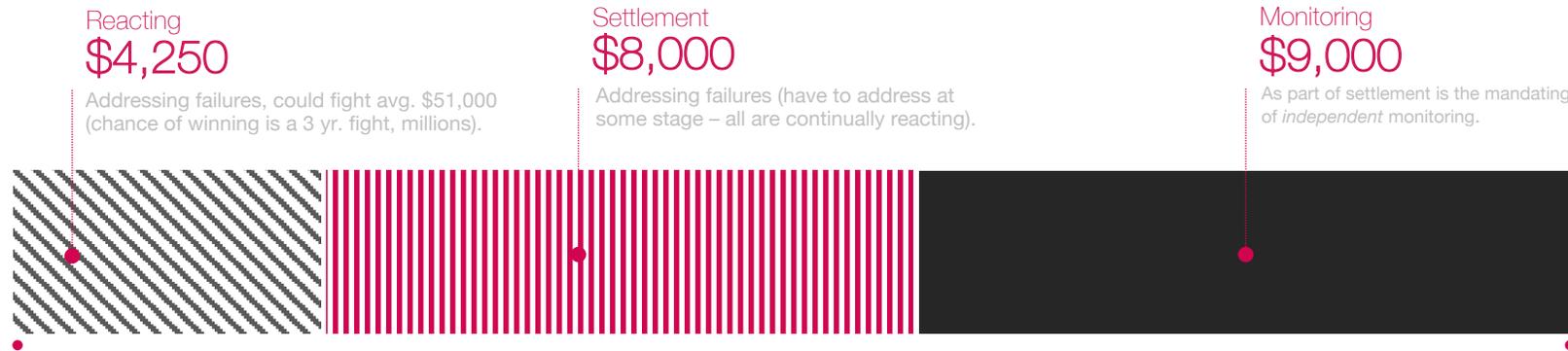
\$110,000

Typical expense of a repeated claim

10% of all ransom demands are over \$5,000.
<https://purplesec.us/resources/cyber-security-statistics/>
<https://www.boia.org/blog/did-u-s-businesses-spend-billions-on-legal-fees-for-inaccessible-websites-in-2020>

DEMAND IMPACT (MINIMUM)

What are the cost's of a demand?



Distraction 4.5+ months
Immediate impact
(finding support, managing and unknown process).



**It takes 1 minute to identify vulnerabilities,
and under 30 minutes to issue a demand.**



...it's not if
it's so easy
it's when.

HELP IS AT HAND

Who can I talk to about this?

All too often, for far too many, the arrival of a demand notice is the first indication as to the importance of not discriminating online. Unfortunately, the clock is ticking by then and costs are starting to build.

The first call tends to be to the web services provider, who may say ‘nothing to do with us’ – what can you do?

1. Assess the Risk yourself, you can do this in 60 seconds (and it's free) at AAAtraq.com
2. Check to see if your present law firm has specific expertise in this area.
3. If they don't, you would be better served to use a specialist for this type of work,
<https://theinternetisforeveryone.com/contact>
4. Speak to your broker, understand if you have any ADA claims coverage.
5. Collate documentation you have in relation to actions you have previously taken that can be used to ‘*demonstrate reasonable adjustment*’
6. Sign up to AAAtraq – it doesn't cover you for this initial case, but you are at least covered for the future.



DON'T BE A STATISTIC

COMPLIANCE

www.StaceyTurmel.com

The Internet is for Everyone
ADA Website Compliance

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It's not us

We are OK....the supplier has promised compliance.



Who's got your back if you are sued?...

Reality of findings, lack of indemnity means it's you left holding the demand.



Stacey Turmel
Attorney



Stacey Turmel is an attorney with more than 25 years of regulatory compliance and business litigation experience, along with 5 years of higher-education compliance. In private legal practice, Stacey has litigated patent, trademark and copyright infringement matters along with corporate compliance issues before the state and federal courts.

A rise in ADA website compliance lawsuits against businesses inspired Stacey to provide compliance consulting by leveraging her deep litigation background with robust digital accessibility expertise. Stacey directs a team of blind consultants to fully evaluate company websites and mobile apps for ADA compliance through the team's unique user experience feedback and use of assistive technology.

Stacey regularly assists businesses and law firms as a website compliance legal consultant and trainer/facilitator through her success in developing and driving practical risk mitigation protocols and policies to minimize lawsuit risk.

Do it now

Understand any website risk
(it's free and takes 60 seconds)

www.AAAtraq.com



Continuous PROTECTION

CIMS offer protection from ADA litigation.

Risk MONITORING

Risk alerting and progress visibility.

Staff TRAINING

Confidence in actions.

Risk AUDIT

Independent audit and opinion.

ada RESPONSE

Claims management // demand support.

Content MANAGER (ACM)

Anyone can remove discrimination.

AAAtraq™

Websites, like buildings must adhere to the ADA (Americans with Disabilities Act).

Despite efforts, the majority are discriminating – resulting in distracting, expensive litigation.

Offering comprehensive protection; AAAtraq combines insurance, risk clarity and continuous mitigation.



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Disclaimer

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Where matters of legal compliance are concerned, you should always seek independent advice from appropriately qualified individuals or law firms.

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Accessibility

AAAtraq is committed to ensuring access to content for all, without discrimination of any kind. We engage in ongoing efforts to ensure adherence to the requirements defined by the World Wide Web Consortium (W3C), specifically, the Web Content Accessibility Guidelines (WCAG) 2.1.

Content contained within PDF documents can be provided in alternative formats to ensure access is available to as wide an audience as possible.

Although AAAtraq endeavours to meet the WCAG requirements, it is not always possible to do so in all areas of our websites, all documents formats at all times; be it our reliance on 3rd parties, technical or usability limitations.

If you experience problems, please let us know, at your convenience by email (accessibility@AAAtraq.com)

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ADA Compliance.
For Good.™

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