



What's New in Consumer Protection at the FTC?

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FTC Tools to Protect Consumers

- Law Enforcement
- Rulemaking
- Research
- Consumer Education



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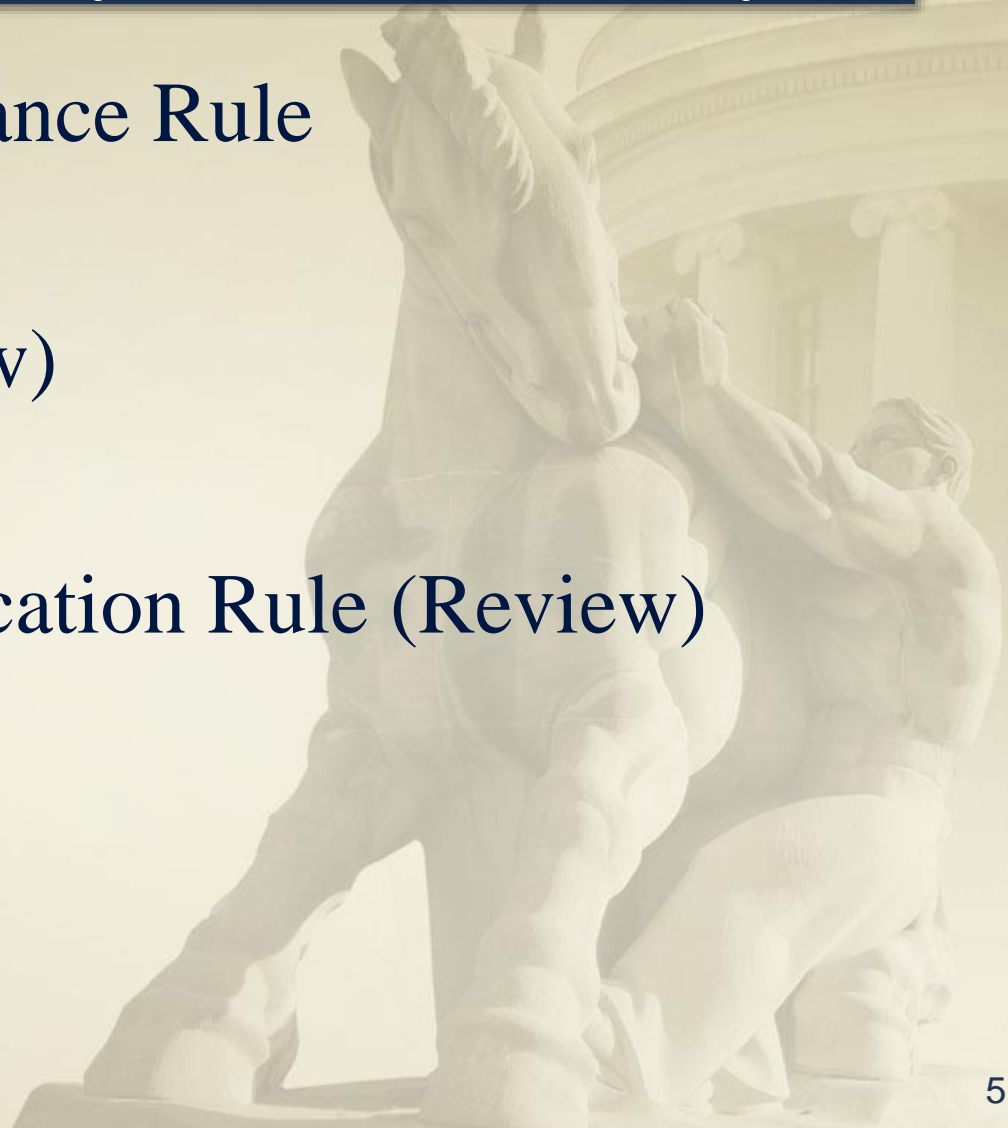


Rulemakings: Information Disclosure

- **CARS Rule**
- Unfair or Deceptive Fees (“Junk Fees”) Rule
- Negative Option [Click to Cancel] Rule (Review)
- Funeral Rule (Review)

Rulemakings: Privacy & Data Security

- Commercial Surveillance Rule
- COPPA Rule (Review)
- Health Breach Notification Rule (Review)



Rulemakings: Fraud

- Impersonation Rule
- Reviews & Endorsements Rule
- Deceptive or Unfair Earnings Claims Rule
- Business Opportunity Rule (Review)

What's New in Consumer Protection

1. Rulemaking

2. Digital Economy

3. Competition & Consumer Protection

Enforcement: Information Disclosure

No thanks, I do not want fast, free shipping

Get FREE Two-Day Shipping

Enjoy Prime FREE for 30 days

Enforcement: Information Disclosure

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elements. For example, according to the same 2018 document: (1) the button to enroll in Prime “does not make it clear that consumers are signing up for Prime”; (2) the option to decline Prime enrollment “is not clear/prominent so customers miss it” and click on the enrollment option inadvertently; (3) Prime branding is not prominent on the UPDP “so customers did not realize this was a Prime upsell”; and (4) the price of Prime and the fact that the subscription service would auto-renew “was not prominent so customers did not realize the associated cost.”

Enforcement: Information Disclosure

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226. In assisting with the memorandum, one Clarity Working Group member noted the existence of “consumer watchdogs [who] say the manipulative ‘dark pattern’ design makes it hard for people to end membership.”

Enforcement: Privacy and Data Security

FTC Sues Kochava for Selling Data that Tracks People at Reproductive Health Clinics, Places of Worship, and Other Sensitive Locations

Agency Alleges that Kochava's Geolocation Data from Hundreds of Millions of Mobile Devices Can Be Used to Identify People and Trace Their Movements

Geolocation: Household Mapping

- We determine a home location by looking at the resting lat/long of a given device between the hours of 10pm and 6am and omit known business locations.

Apps: Sensitive Characteristics

Expecting Parents

LIFESTYLE

11.41M DEVICES

This iteration of this audience segment is created based on consumers' usage of pregnancy, ovulation, or menstruation tracking apps.

Geolocation: Sensitive Locations

69. As another example, on a webpage advertising how Kochava's data could be used to study the effects of COVID-19, Kochava acknowledges that its data has included visitation information to sensitive locations such as hospitals and testing sites:

Points-of-Interest

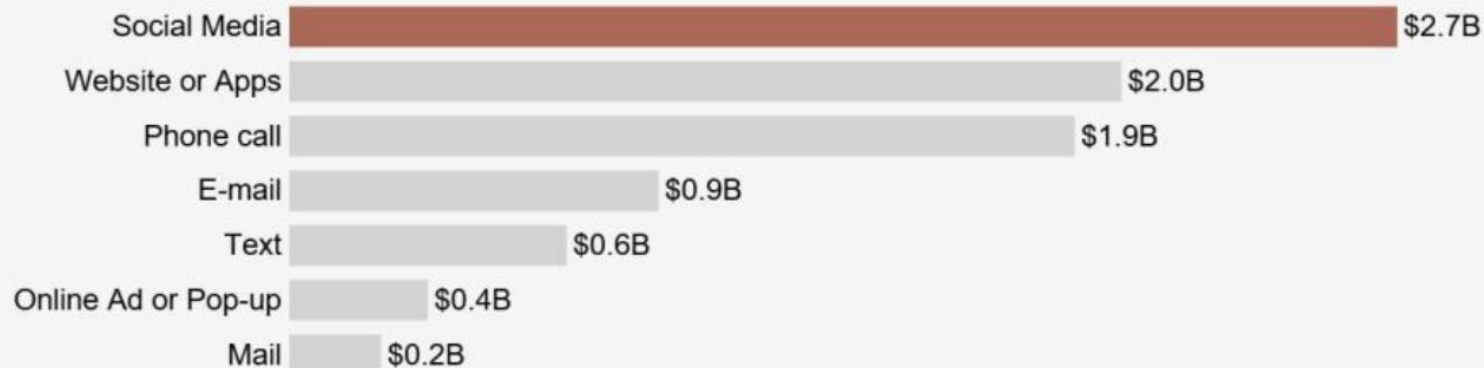
Unlock insights on visitation to essential brick-and-mortar stores, hospitals, testing sites, and more.

Research: Fraud

Reported fraud losses by contact method

January 2021 - June 2023

More money was reported lost to fraud originating on social media than by any other method of contact.



TOTAL LOSS

Not shown are contact methods classified as other, including TV or radio, print, fax, in person, and other methods consumers write in or that cannot be otherwise categorized.

Research: Fraud

FTC Issues Orders to Social Media and Video Streaming Platforms Regarding Efforts to Address Surge in Advertising for Fraudulent Products and Scams

FTC issues 6(b) orders to Meta, TikTok, YouTube, Twitter and others seeking information on how the platforms screen for misleading ads for scams and fraudulent and counterfeit products

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FTC's Dual Mandate

1. “Unfair Methods of Competition”
2. “Unfair or Deceptive Acts or Practices”

Dual Mandate: Insulin Case

FTC Sues Prescription Drug Middlemen for Artificially Inflating Insulin Drug Prices

Caremark, Express Scripts, Optum, and their affiliates created a broken rebate system that inflated insulin drug prices, boosting PBM profits at the expense of vulnerable patients, the FTC alleges