



FTC and AGs Rally for Fans in Ticketmaster and Live Nation Lawsuit Over Bots and Fees

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Late last week the [FTC](#) and a bipartisan coalition of seven [state attorneys general](#) sued Ticketmaster and Live Nation in the Central District of California. The FTC and most of the states brought actions under their state UDAP statutes and the federal Better Online Ticket Sales Act (BOTS Act). The BOTS Act prohibits circumventing security or technological measures on a ticket website that enforces ticket limits or other purchase rules. It also prohibits selling a ticket obtained through such violations if the seller participated in or had the ability to control the conduct, or knew or should have known of the violation. The government Plaintiffs assert that Defendants have publicly claimed they prioritize getting tickets to fans and blame scalpers and resale sites for high prices. However, in actuality Defendants allegedly secretly worked with the scalpers to extract additional profit against artists' wishes resulting in consumers incurring extra costs.

The complaint states that Defendants represent they impose ticket limits through multiple channels, including consumer-facing purchase pages of the website, the Purchase Policy outlined in the terms, security measures such as IP address blocking, and representations made to artists. However, they allow ticket brokers to exceed the limits, admitting in an internal email they “turn a blind eye as a matter of policy.” Defendants can “triple dip” on ticket brokers because they collect fees when they first purchase the tickets, when Ticketmaster sells those tickets on their own secondary market, and from consumers making purchases on the secondary market.

Plaintiffs allege Ticketmaster was aware that ticket brokers were able to use software to generate proxy IP addresses and multiple accounts in violation of the BOTS Act and let brokers who made purchases in violation of terms continue to purchase from the primary market and list on the secondary market. Defendants provided software solutions which allowed certain brokers to bypass account limits, with the ability to monitor users' sales. Plaintiffs also found that though Defendants tested enhanced security measures that could block ticket limit violations, at times they did not implement them or bypassed certain systems.

Plaintiffs also allege Defendants display deceptive low prices in search results (such as when sorting by price or range) for most of the purchase process on both the primary and secondary markets, without disclosing mandatory fees of up to 30% in the list price. According to the complaint, Ticketmaster itself called this a “bait and switch” approach despite publicly representing that “the first price the consumer sees is the price the consumer pays.” In addition, Plaintiffs claimed though the checkout total ultimately included fees, it did not by default separately display the fees without clicking a dropdown button. Plaintiffs further alleged a clock counted down the limited time to

complete the purchase, creating pressure not to review the checkout page information.

The complaint describes that Defendants (including Ticketmaster's President) were aware of consumer "sticker shock" through surveys Defendant conducted, some of which showed that "hiding the fee until checkout resulted in the highest conversion." Other Ticketmaster internal testing showed that the "less transparent" option resulted in more purchases – and one of these tests was referred to as "Surprise Fee" in emails. Other Defendant communications showed that the prominence of a fee toggle in search results negatively affected purchase behavior, but Defendants chose to leave the fee toggle "buried in filters." In May 2025, Defendants announced they would display "all-in" pricing that includes fees in listed ticket prices.

It is notable that though this case seems like a clear example of "junk fees," none of the states or the FTC allege specific fee law violations. Instead, they allege it is deceptive to imply tickets are available at a specific price or price range or allege other specific UDAP violations – like advertising goods with intent not to sell as advertised, failing to disclose the amount of fees, omitting material facts consumers rely on, or making false or misleading statements concerning the price of goods.

Some takeaways:

- State AGs and the FTC [continue to work together](#) on bipartisan consumer protection investigations and enforcement actions.
- Before conducting a study, A/B test, or survey, consider the potential risks of what it might reveal and how you label it. Also think about whether the business would be open to adopting a more consumer-friendly approach based on the findings..
- Remember that public statements, not just ads, can be part of a consumer protection deception allegation.
- Don't turn a blind eye to known issues with third parties taking advantage of your platform (and consumers).
- States will use all the tools in their toolbox, including a combination of state and federal laws, when bringing consumer protection enforcement actions. The broad nature of state UDAP authority allows AGs to use it alongside sector specific authority like the BOTS Act to hit companies with multiple alleged violations for the same conduct.