

FTC to Study “Surveillance Pricing”

Alexander I. Schneider

July 31, 2024

On July 23, 2024, the Federal Trade Commission (FTC) announced that it had voted unanimously to initiate a new study focused on how companies may be leveraging consumer purchasing behaviors to personalize pricing for consumers. Using its authority under 6(b) of the FTC Act, which empowers the FTC to study specific industries or business practices, the Commission issued orders to eight companies that it believes offer products that use technology and personal information to enable businesses to set personalized prices for a product or service. The FTC’s press release refers to this conduct as “surveillance pricing,” and says the study will “shed light on the shadowy ecosystem of pricing middlemen.” Commissioners Holyoak and Ferguson, in their concurring statements, suggested that they would have preferred the Commission use a more neutral term to describe the practices being studied, but support the 6(b) effort.

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