

Price Gouging Enforcement Escalates At Federal and State Levels

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As a follow-up to our recent posts on price gouging (see [here](#), [here](#), and [here](#)), we noted recent signs that federal and state authorities have escalated their enforcement efforts.

- On Monday, the President signed an [executive order](#) to prevent hoarding and price gouging of crucial medical supplies. It authorizes criminal prosecution of anyone whose purchases exceed reasonable limits. Attorney General Barr concurrently announced that the Justice Department has already launched hoarding investigations to carry out the order.

So, if you're sitting on 17,700 bottles of hand sanitizer, it's probably time to [donate that](#)....

- The AGs in 32 states sent a [letter](#) to online retail platforms (Amazon, eBay, Craigslist and others) urging them to do more to crack down on price gouging. The letter calls for the platforms to set policies and enforce restrictions on price gouging during emergencies, trigger these protections independent of or prior to an emergency declaration, and create and maintain a fair pricing page or portal where consumers can directly report price gouging incidents.
- In a March 17 [letter](#), the House Energy & Commerce Committee urged the FTC to take action to protect consumers from price gouging. The Committee also says it will continue to pursue other means, including legislation, to protect consumers.

What's the takeaway? Operators of online retail and advertising platforms should be evaluating pricing practices to ensure that they do not run afoul of the patchwork of state laws governing price gouging. Further, compare existing practices to those outlined in the AG letter and see what can be done to address these points.

- And finally, as a follow up to reports of consumers using Tito's Vodka to make hand sanitizer, Tito's Vodka [announced](#) this week that it will be producing 24 tons of hand sanitizer and donating it. Cheers to that. Stay well!

For other helpful information during this pandemic, visit our [COVID-19 Resource Center](#) and our [Advertising and Privacy Law Resource Center](#).