

The FTC is Holding Corporate Actors Accountable, Protecting Small Businesses, Workers, and Consumers

The Federal Trade Commission, led by Chair Lina Khan, has entered a new era of more effective, modern, and democratic enforcement to better protect consumers, workers, and independent businesses. Chair Khan has revitalized the FTC's critical enforcement role, promoting free and competitive markets where new entrants and small businesses can thrive by combating unprecedented levels of economic concentration and fostering competition in pursuit of prosperity. Under her leadership, the FTC is:

Enforcing Existing Rules to Hold Significant Corporate Actors Accountable

Protected Consumers and Small Businesses from Corporate Fraud and Deception

- [Launched an investigation](#) to enforce the law against pharmacy benefit managers for [engaging in commercial bribery and illegal kickbacks](#) that raise the price of drugs like insulin and put independent pharmacies out of business.
- Launched a [crackdown on deceptive “junk fees”](#) that businesses use to jack up prices after a consumer has selected a purchase, projected to save Americans 50 million hours per year, or more than \$10 billion over the next decade.
- Supported lower drug prices by pushing for the use of “[march-in rights](#),” which require patents created with federal funding to be licensed to other applicants.
- [Sued retail giant Walmart](#) for facilitating money transfer fraud that cost consumers at least \$197 million, possibly as much as \$1.3 billion, while pocketing millions in fees.
- Won an initial ruling [against TurboTax maker Intuit](#), which it sued for airing bogus and deceptive advertisements pitching “free” tax filings that a vast majority of taxpayers can't use.

- [Launched an inquiry](#) into the small business credit reporting industry, which wields enormous power over the success of small businesses and is not covered by the same laws applying to consumer credit reporting.
- [Filed suit](#) against crypto firm Voyager Digital for lying about the safety of its digital assets, banning it from handling Americans' money and winning \$1.65 billion in relief for those affected.
- [Led a lawsuit](#) – along with six state attorneys general – against Roomster for using fake reviews and phony listings with consumers seeking affordable housing.
- [Ordered](#) Publishers Clearing House to pay \$18.5 million for manipulative design techniques that misled consumers about sweepstakes entries and for adding surprise fees to purchases that averaged over 40% of product costs.
- [Cracked down](#) on fraud in online marketplaces through informing businesses about their obligations to comply with the new INFORM Consumers Act.
- [Filed an action](#) that resulted in a temporary restraining order against the Ganadores Online/Inversiones Bienes Raíces coaching scheme that targeted Spanish-speaking consumers with false promises of financial freedom.
- [Led a lawsuit](#) that forced real estate investment training company Response Marketing to pay \$15 million for false claims about their programs.

Restored FTC Authority to Protect Workers, Small Businesses, and Fair Markets from Unfair Methods of Competition

- Proposed a [near-complete ban on exploitative non-compete agreements](#) for employees, which suppress American wages by more than an estimated \$250 billion per year and limit workers' employment options.
- Took sweeping action to crack down on the illegal listing of patents in the FDA's "Orange Book," [challenging more than 100 patents](#) keeping life-saving medicines like asthma inhalers and epinephrine prohibitively expensive for those who need them most. Pharma firms use sham listings to game the drug safety system, preventing rivals from delivering the same treatments at far lower prices and driving up costs for patients and providers.
- [Banned](#) car dealerships from using junk fees and unfair bait-and-switch tactics to rip off Americans making what for many is the single most expensive purchase they will ever make, saving consumers \$3.4 billion and tens of millions of hours yearly.
- [Ordered](#) Mastercard to end its noncompetitive practice of withholding customer account information to prevent merchants from choosing competing networks to process payments.

Resurrected the Long-Dormant Penalty Offense Authority to Punish and Deter Corporate Wrongdoing

- Revived the dormant [Penalty Offense Authority](#) to ensure corporations that knowingly break the law are penalized, bolstering the FTC's ability to claw back money for consumers.
- The FTC first resurrected the authority in 2021 with unanimous votes to put on notice:
 - Over 70 [for-profit colleges for predatory behavior](#);
 - Over 700 companies for [fake online reviews](#); and
 - Over 1,000 businesses, including [Amazon, Doordash, and Grubhub](#), for deceiving gig workers about potential earnings.

Stood Up to Big Tech and Protected Privacy in the Digital Age

- [Fined Epic Games \\$520 million](#) for violations of children's privacy laws and tricking users to make unintended purchases.
- [Ordered](#) eight social media and streaming platforms, including Facebook, Instagram, TikTok, YouTube, and others, to turn over information about deceptive and fraudulent advertising on their platforms.
- [Ordered](#) Microsoft to pay \$20 million for illegally collecting and retaining children's personal data on Xbox without parental knowledge or consent.
- [Ordered](#) Amazon to pay \$25 million for violating children's privacy laws by failing to delete sensitive voice recordings and geolocation data.
- Hosted a [public forum](#) and opened public comments to determine whether to issue rules addressing commercial surveillance, data hoovering, and lax data security practices to protect consumers from Big Tech's dominance in the information economy.
- [Warned](#) around 130 hospitals and telehealth providers about privacy and security risks related to their use of digital trackers from Meta and Google Analytics that leak users' sensitive personal health data to third parties.
- [Warned](#) tax prep firms like TurboTax that they could face penalties if they use consumers' confidential data for other unrelated purposes, such as advertising, without consent.
- [Opened an investigation](#) into ChatGPT maker OpenAI, probing whether the chatbot has harmed consumers via data collection and proliferating false information about individuals.
- [Voted unanimously to adopt a policy statement](#) reaffirming the agency's authority to enforce meaningful limitations on Big Tech's ability to collect, use, and retain children's data.
- Issued a landmark report proving the leading internet service providers (ISPs) [collect and sell more data than consumers know](#) – including full browsing history, location data, sexual orientation, and more.

- [Launched an inquiry](#) into the market power of cloud computing providers like Amazon, Google, and Microsoft, whose services underlie large parts of the economy.
- Strengthened the Safeguards Rule to [require banks to protect customer data](#) following widespread data breaches that led to financial losses and identity theft.
- [Protected over 100 million app users](#) by requiring that sensitive health data to not be shared with Facebook and Google without permission.
- Moved for a [blanket ban](#) on Facebook's use of children's data.
- Banned shady actor SpyFone and its CEO from the surveillance business and ordered them to [delete all secretly stolen data](#).
- Successfully [refiled an antitrust suit against Facebook](#) for alleging an illegal buy or bury scheme.
- Cracked down on health firms like [BetterHelp](#) and [GoodRx](#) for illegally selling Americans' sensitive health data to advertisers like Facebook and Google, ordering them to pay restitution and banning them from selling health data moving forward.
- [Charged](#) genetic testing company 1Health for failing to secure customers' sensitive genetic and health data and for deceiving customers about its privacy and security practices.
- [Sued data broker Kochava](#) for selling geolocation data that can be used to track people at sensitive locations like addiction recovery facilities, reproductive health clinics, and places of worship. In Feb 2024, a federal judge [ruled](#) that the lawsuit's allegations have merit and that it must proceed.

Blocking Illegal Mergers and Promoting Competitive Markets

FTC, DOJ Opened Merger Guidelines Review to Small Businesses, Workers, Consumers

- The FTC and the DOJ finalized a critical [update to merger enforcement guidelines](#), bringing in new learning and evidence discovered by economists, business people, consumers, and scholars over the last fifteen years. The new guidelines better reflect today's new market realities and will help strengthen enforcement against illegal mergers that drive higher prices, lower wages, and reduce innovation.
- The new guidelines reflect public input, with the FTC receiving [almost 6,000 public comments](#) - approximately 187x more than a previous merger guideline rewriting in 2010 - from entrepreneurs, small businesses, workers, and consumers who have experienced firsthand the effects of mega-mergers and acquisitions.
- [Modernized the merger filing process](#) along with the DOJ, which would require merging parties to submit additional information allowing antitrust agencies to evaluate the effects of a merger more efficiently and effectively. The new filing process [takes into account](#) companies' history of labor law violations.

- The FTC and DOJ also [hosted joint listening forums](#) that included grocers, health care professionals, farmers, innovators in biotechnology, media and entertainment, and technology workers, who shared their personal experiences on the effects of previous mergers.

Challenged Monopolies and Rampant Consolidation, Including Successfully Blocking Illegal Vertical Mergers

- [Filed a groundbreaking antitrust lawsuit against Amazon](#), alleging the company has used anticompetitive tactics to build and maintain an illegal monopoly that siphons off as much as 50% of its sellers' revenue while raising prices for consumers.
- Sued to block a series of illegal mergers, which were then abandoned by the parties, including:
 - Defense giant Lockheed Martin's takeover of the last independent American rocket motor manufacturer firm, Aerojet
 - Chip supplier Nvidia and chip design company ARM
 - Berkshire Hathaway Energy's purchase of the Questar Pipeline
 - Sportsman's Warehouse Holdings merger with the Great Outdoors Group
 - Biotech firm Boston Scientific's attempt to become a majority shareholder in medical device maker M.I. Tech.
 - Cement firm CalPortland's acquisition of rival Martin Marietta Materials
 - Utah hospital systems HCA Healthcare and Steward Health Care System
 - New Jersey hospitals RWJBarnabas Health and Saint Peter's Healthcare System
 - New York hospital systems Upstate Medical University and Crouse Health System
 - Rhode Island hospital firms Lifespan and Care New England
 - California hospitals John Muir Health and San Ramon Regional Medical Center
- Challenged, litigated, and [won at trial](#) against biopharma data provider IQVIA's purchase of medical advertising firm DeepIntent, which would have allowed IQVIA to monopolize companies' ability to advertise drugs to doctors.
- [Reached a proposed consent order](#) to mitigate the competitive harms of pharmaceutical giant Amgen's \$28bn purchase of specialty drugmaker Horizon Therapeutics that many feared would raise drug prices for Americans with rare diseases.
- Stopped Sanofi's "[killer acquisition](#)" of a rare genetic-disorder treatment drug that would have enabled the pharma giant to continue charging \$750,000 annually for treatment.
- Helped nix Amazon's \$1.7 billion purchase of vacuum-tech firm iRobot. Amazon blamed "disproportionate regulatory hurdles," [abandoning the acquisition](#).

- Contributed to the [abandonment](#) of a \$140 billion healthcare mega-merger between health insurance providers Cigna and Humana that would have drastically further consolidated the industry.
- [Continues to challenge](#) Microsoft's purchase of gaming giant Activision, the largest-ever tech acquisition ever, in in-house administrative proceedings, even as Microsoft [guts thousands of jobs](#) at the studio.
- Investigating grocery giant Kroger's \$25 billion bid to buy rival supermarket Albertsons, [working with states affected](#) to assess the mega-merger's impact on consumers and independent grocers. FTC chair Lina Khan [attended](#) Nevada AG Ford's listening sessions hearing concerns from NV residents and businesses.
- Along with 10 state attorneys general, [filed a suit against agribusiness giants Syngenta and Corteva](#) for paying off distributors to exclude cheaper pesticides, increasing prices for farmers. In Jan 2024, a federal judge [ruled](#) the suit's allegations have merit and the case must move forward.
- Ordered biotech firm Illumina to [unwind its purchase](#) of cancer test maker Grail to protect competition and innovation in the life-saving cancer detection test industry. On appeal, the Fifth Circuit [affirmed](#) that the acquisition would harm Americans, setting critical precedent for future vertical merger challenges.
- Launched multiple investigations into the baby formula industry, examining whether [industry consolidation](#) was responsible for the national infant formula shortage and whether manufacturers [coordinated bidding](#) for contracts.
- [Secured a settlement](#) in a \$12 billion merger between the two major mortgage loan technology providers. As a result, the firms sold major elements of their businesses, the consolidation of which would lead to higher prices for American home buyers.
- Cracked down on private equity roll-ups to protect small businesses and good jobs, including suing a [private-equity backed multi-state healthcare firm](#) alleging a scheme to consolidate anesthesia practices and drive up care prices.
- [Settled](#) a lawsuit against pharma-IT firm Surescripts for monopolizing the e-prescription market and raising Americans' healthcare costs, issuing a consent order rectifying the firm's illegal behavior that will last 20 years.
- Brought a [court challenge](#) against state-issued "Certificates of Public Advantage" (COPAs) that allow health care firms to pursue anticompetitive mergers and evade antitrust law.
- Chair Khan [submitted a comment](#) in favor of the US Department of Agriculture's proposed rule on transparency in poultry grower contracting, urging the agency to take key steps towards a more fair and competitive food system.

Restored the Right to Repair with Unanimous Vote

- Unanimously moved to [enforce the "Right to Repair"](#) against corporations that make it difficult to repair their products.

- The FTC’s announcement was [hailed by advocates](#) and followed by [Apple announcing new public access to parts and repair manuals](#), reversing decades of restrictive repair policies.
- Launched an inquiry into repair terms surrounding [McDonald’s perpetually nonfunctioning ice cream machines](#).
- Launched [a public comment period](#) to gather more information about a broader set of one-sided contract terms that may harm fair competition.

Protecting Consumers from Abusive Tricks and Scams

Returned Millions to Working Americans and Curbed Subscription Traps

- [Proposed](#) new “click to cancel” rules requiring companies to make it just as easy to cancel subscriptions as it was to sign up, and [ramped-up enforcement](#) actions to defend Americans against illegal subscription traps in response to a rising number of complaints about deceptive sign-up tactics, unauthorized charges, and ongoing billing that is impossible to cancel.
- [Filed suit](#) against Amazon’s years-long effort of nonconsensually enrolling customers in Amazon Prime subscriptions and making it exceedingly difficult to cancel through its [“Project Illiad.”](#)
- Ordered [CreditKarma to pay \\$3 million](#) to its users after the company used dark patterns to misrepresent that consumers were “pre-approved” for credit card offers and harmed their credit scores.
- Under Chair Khan, returned over \$834 million to working families across the country after it was stolen, swindled, or scammed from them, including:
 - \$115 million in refunds to [victims of scams](#) facilitated on payment transfer platform MoneyGram;
 - \$99 million in refunds to Vonage internet subscribers who were [held hostage by illegal dark patterns](#) preventing them from cancelling services
 - \$60 million in [stolen wages returned](#) to Amazon drivers;
 - Up to \$40 million to patients defrauded by [“Pharma Bro” Martin Shkreli](#) after a unanimous FTC vote;
 - Tens of millions more in refunds to scam victims across the country.
- [Investigated DeVry University](#), which led to the U.S. Department of Education forgiving \$71.7 million in federal student loans for students deceived by the for-profit college.
- As part of an enforcement action against the for-profit University of Phoenix, worked with the Education Department to forgive [nearly \\$37m in student loans](#) for students affected by the school’s deceptive job placement claims

Cracked Down on Made in America Fraud Harming Ranchers and Consumers

- [Defended American entrepreneurs](#) by issuing a new rule that cracks down on false “Made In USA” labels often used by dominant meatpacking conglomerates.
- The [new rule especially benefits small businesses](#) that rely on their Made in America labels, but lack the resources to defend themselves from imitators. The rule also protects and incentivizes U.S. production by requiring companies to prove their products are “all or virtually all” made in the United States if they are to use Made In America labels.
- [Ordered](#) three clothing accessories companies to pay for falsely advertising their products as being “Made in the USA.”
- [Ordered](#) motocross and ATV parts maker Cycra to pay for falsely advertising their products as being “Made in the USA.”