

Jennifer Driscoll Analyzes FTC Suit over Amazon's Advertising Pricing Practices

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In The News | 1 min read

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Hinshaw partner Jennifer Driscoll was featured in a new *Law.com* article examining a lawsuit brought by the Federal Trade Commission (FTC) and 22 states, accusing the digital retailer Amazon of secretly overriding the results of its digital advertising auctions and imposing higher, undisclosed prices.

The complaint alleges that this practice affected Amazon's Sponsored Products, Sponsored Brands, and Sponsored Display offerings, potentially raising advertising costs for approximately 1.2 million customers and contributing to higher consumer prices.

Part of a Wider Push by the FTC on Pricing Transparency

Jennifer framed the case as part of the FTC's broader push for pricing transparency. She noted that the Amazon complaint was filed just weeks after the agency issued a proposed enforcement policy statement on personalized pricing (or "surveillance" pricing): an AI- and algorithm-driven practice that uses personal customer data to set individualized prices. This pricing model is already regulated in several states, including Connecticut, Maryland, and New Jersey.

Impact of Pricing Practices on Businesses and Consumers

Jennifer described the Amazon complaint as a "variation on that same theme," explaining that both initiatives address how such pricing practices may affect businesses and ultimately consumers.

While personalized pricing guidance would focus on prices tailored to individual customer behavior, the Amazon case addresses what she described as "the other side of the coin": allegedly undisclosed increases in the advertising costs that businesses pay to reach those customers.

As Jennifer explained, higher advertising expenses may result in price increases that are passed along to consumers:

“The FTC will set a baseline if it does ultimately issue guidance on personalized pricing. This is almost addressing the other side of the coin. ... As is noted in the complaint, the price that these businesses pay to advertise on Amazon, ultimately, directly impacts the prices that consumers will pay for that product because a lot of times, if businesses pay a higher price to advertise on Amazon ... that cost is conceivably passed on to the consumer.”

[Read the full article](#)

- [Law.com: “FTC, 22 States Sue Amazon Over Alleged ‘Secret Surcharge’ Scheme in Online Ad Auctions”](#)
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Jennifer M. Driscoll

Partner

📞 212-655-3880

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