



Office of the Director  
Bureau of Consumer Protection

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## **Meeting Consumers Where They Are**

*Advancing Consumer Protection by Deepening Public Engagement*

Remarks of Samuel Levine at the  
International Consumer Protection and Enforcement Network

September 27, 2024

I'm delighted to be here on our last day of the ICPEN Conference.<sup>1</sup> We hope you've enjoyed the panels and participated in some of the after-hours events that showcase our great city. A core mission of ICPEN, of course, is to promote cross-border cooperation, and today ICPEN has grown to include consumer protection authorities from over 75 countries – a significant achievement.

Over the last week and over the last many years, we've worked together to exchange ideas about cross-border fraud, dark patterns, greenwashing, and other challenges. And one of the things that's apparent to me is that we are in a unique moment in consumer protection. In the United States and around the world, consumer protection is a top agenda item for legislatures, political leaders, and of course, enforcers. There are many likely causes for this – from high prices to a global surge in digital fraud – but the salience of these issues is unmistakable.

Whatever the cause, I want to argue today that we have a real opportunity to seize this moment and help ensure lasting public engagement around the work we all do. At the FTC, we have made exciting moves in a host of areas over the last few years – from privacy and AI to junk fees and subscription traps. But a common theme throughout our work is finding new ways to engage the public – engagement that both strengthens and amplifies the work we do. Today, I want to discuss four key opportunities we are seizing to deepen our engagement with the consumers we serve, and in this final day of our conference, I look forward to hearing your ideas as well.

### *Finding New Ways to Connect with the Public*

The first opportunity we are seizing is to find new ways to hear directly from consumers about the challenges they are facing. Under Chair Lina Khan, we have taken important steps to deepen our engagement with the American public – recognizing that the work we do has a direct impact on so many lives. Let me share a few examples.

Starting in 2021, we began hosting virtual Open Commission Meetings. Today, members of the public can not only watch Commissioners deliberate on key matters but also participate in the meeting by addressing agency leadership directly. Just last week, we held an Open Commission Meeting to announce two key initiatives – our new fake review ban and our new report on social

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<sup>1</sup> The views expressed here are my own and do not necessarily represent the views of the Federal Trade Commission or any Commissioner.

media – but we devoted the first hour of the meeting to giving ordinary people a chance to bring their concerns to Commissioners, from franchise abuses to high drug prices. This two-way engagement is mutually beneficial. The public has a better understanding of the important work we do, and we have a better understanding of consumer protection challenges and real-world harms that may not be apparent otherwise.

We have also found more formal ways to engage the public. After we proposed our junk fee ban last year, we received comments from more than 60,000 people – not only consumer advocates and trade associations but everyday consumers who told us about experiences they had with these fees. We’ve also launched Requests for Information. For example, last year we joined the Consumer Financial Protection Bureau to request the public’s input on abuses renters are facing. And just this week, we announced a major action targeting junk fees in the rental sector. Finally, we have long invited public comment on many of our cases. You might have seen that on Wednesday, we announced a significant crackdown on AI-fueled fraud, and we will be seeking public feedback on two of the actions we brought.

These efforts genuinely make our work better. Our rule to protect car-buyers, for example, underwent changes after we heard concerns from consumers and the business community about certain provisions. We also made changes to our fake review ban based on public feedback. Tapping into the public’s expertise and lived experience makes our work better, and the fact that we take this feedback seriously creates a positive feedback loop to strengthen engagement.

### *Describing Our Work in Plain Language*

The second opportunity we are seizing to deepen public engagement is to be conscious of the language, and languages, that we are using to describe our work. Most of us are lawyers. And while we speak different languages, I bet all of us fall into speaking legalese – language that only a lawyer can love.

But consumer protection is not an abstract, theoretical field. The work we do – inherently – is about the challenges everyday people face. When we take action to address these challenges, it’s important that we communicate what we’re doing in a language people can understand. This not only raises awareness of our work, but promotes the kind of two-way engagement that is so critical to making our work better.

Let me share some recent examples. For years, consumer protectors around the world have expressed concerns about “drip pricing” – where companies sneak fees into the buying process that aren’t included in the sticker prices. It’s a big problem. But have you ever asked your neighbor what drip pricing is? Have you raised drip pricing at cocktail parties, and gotten knowing nods? I bet not. It’s a term that only lawyers can love.

Here, across our government, we are reframing this challenge as *junk fees*. Using this plain and descriptive term helps people understand on an intuitive level what we mean. Fees that are hidden. Fees for bogus services. Fees tacked on at the last minute. The kind of fees many of us see multiplying, from concert tickets to hotels to lease agreements. It is no wonder we got more than 60,000 comments on our proposal to ban these fees. The public knew what we meant, and the great majority of them urged us to act.

Another example is “negative option marketing.” I’m sure you all know what I mean – it’s the legal term, more or less, for subscription plans that don’t turn off unless the consumer takes

affirmative steps to cancel them. But I would venture a guess that few consumers know this term, even if they're well aware of the problem. That's why we're calling this problem what it is – "subscription traps." And we're also using plain language to describe the reform we are seeking – "click to cancel."

Here, too, I think our reframing is working. We not only received thousands of comments, but there is momentum around the country to combat subscription traps. Just this week, in fact, the Governor of California signed "click-to-cancel" legislation that closely mirrors the rule proposed by the FTC. Millions of consumers will benefit.

Plain language is not just about branding for an agency or its agenda. It's about demystifying the work we do, and meeting consumers where they are.

Speaking of: Another important way we meet consumers where they are is by using their language, which isn't only English. Scammers work in many languages, and so do we. People can now report scams to the FTC in twelve languages, and we have interpreters that speak Spanish, French, Mandarin, Korean, Arabic, Amharic, Somali, and more. And we not only take reports in many languages, we also offer a variety of consumer education materials in these. These materials help people avoid scams, including scams that target small businesses, and advise what to do if you already paid a scammer.

Deepening public engagement in our work can succeed only if people understand our work, so whether it's using plain language or a foreign language, we're going the extra mile to communicate clearly.

### *Building Bridges Across Disciplines*

The third opportunity we are seizing to deepen public engagement is by connecting with professional communities outside the consumer protection space.

One of the unique things about the FTC is that we have authority to challenge both consumer protection abuses and anticompetitive practices. But too often our work is siloed – separated into isolated departments, not only within government but among academics and practitioners. Breaking down these silos is another key way we can expand our engagement with the public and sharpen our work.

I'll give a recent example. Just last week, we sued three pharmacy benefit managers for rigging the drug distribution system in their favor and in a way that drove up the price of life-saving drugs like insulin. Importantly, this lawsuit advances two kinds of theories – unfair methods of competition, and unfair acts and practices. This is the first action in years to include both consumer protection and competition theories, and I think the complaint illustrates the benefits of approaching major problems through multiple lenses.

Another key theme I'm sure you heard this week is our deepening engagement with technologists. Chair Khan formed an Office of Technology staffed with some of our country's top technologists, and importantly, these technologists are not just sitting around writing papers. They are staffed on dozens of cases across every corner of our agency, helping to ensure that we're equipped to tackle cutting edge challenges. Our success in moving so nimbly to challenge AI abuses, including five enforcement just actions just this week, is a direct consequence of this collaboration.

It's not only competition lawyers and technologists we are integrating. We have long worked closely with our economists, who help us understand the economic implications of our work. We have a team of world class consumer education specialists to help us craft those plain language messages that are so important. And we rely heavily on our investigators, forensic accountants, and e-discovery specialists too to build winning cases.

I know that so many of you have embraced this interdisciplinary approach, and at the FTC, we have looked around the world for models on how to advance this goal. That brings me to the final way we can deepen engagement – cooperation across borders.

### *Promoting Cross-Border Cooperation*

Through conferences like this one, we get the opportunity to learn about different approaches to tackling common challenges, whether it's AI, online gaming, or job scams that fuel human trafficking. We forge connections that encourage us to reach out when we need help, whether it's to learn about another agency's investigation or refer a matter that involves a scammer operating in a foreign partner's jurisdiction. These connections also help us tackle common problems.

These are global problems, and may involve scammers in one country, victims in another, and evidence and assets in a third. If you're interested in learning more about the scale of our international enforcement cooperation, take a look at last year's Safe Web Report, where we discuss the tools we use to engage with international counterparts, and our great record of combatting cross-border fraud and protecting consumers in an increasingly global and digital economy.

### **Conclusion**

Let me conclude by reiterating my belief that we enjoy a real moment of opportunity to deepen the public's engagement with the work we do. In the United States and around the world, deceptive pricing, dark patterns, digital fraud and more have become top issues for policymakers. Not because the government made them so, but because of grassroots frustration with the everyday abuses consumers endure. And that gives us an opportunity. An opportunity to show that we are listening to the public. To show that we have unique tools and ideas to make markets more fair. To describe our work in language people can understand and contribute to. And to reach out across disciplines and across borders to develop cutting-edge solutions to decades-old problems.

That is exactly the goal of this conference, and I hope you've found – as I have – that we have so much to learn from one another, and so many lessons to carry forward as we advance this work. Thank you again for joining us this week. It's been a pleasure for me and I hope you as well.