



The FTC's Proposed Enforcement Policy Statement Regarding Surveillance/Personalized Pricing—Americans pay escalating prices for groceries, fuel & other goods while the FTC refuses to use its Section 5 Authority to Protect Public, including their privacy.

Comment by the Center for Digital Democracy (CDD). September 2026
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The consequences of one-party rule at the Federal Trade Commission (FTC) are evident by the failure of the agency to fully understand the mechanisms behind surveillance pricing; its dramatic [expansion](#) across consumer-facing industries; adoption of far-reaching [Generative AI](#) & other technologies; and how it incorporates an array of powerful collaborator partners—including social media [platforms](#), [influencers](#), sophisticated data profiling and “[Adtech](#)” technologies that surround the consumer and direct their “[path to purchase](#).” Retail Media—the commercial surveillance apparatus that powers personalized pricing & promotes spending by U.S. consumers using an array of primarily stealth and unfair tactics—has generated [billions](#) of dollars in the U.S. for years, including (as we will describe) for retailers, supermarkets, “dollar” stores, credit card and others.

That's one reason CDD is shocked—but not surprised—that the FTC would even propose disclosure as a remedy. Decades of scholarly [research](#) show that disclosure doesn't work—so why would the FTC propose what is a well-known deceptive practice to address such a crucial concern for Americans? It is incredible the FTC would even claim that “many Americans do not understand just how much data they generate every second of their lives.” That statement is an indictment of the current FTC and its failure to track, document, and act on what goes on daily in terms of how our data is harvested and packaged to influence how and what we buy and how much we pay. The failure of the commission to adequately address this issue, at a time of real economic hardship born by the American people, should lead to congressional investigations and major reforms of the agency.

If the FTC is truly concerned about the skyrocketing prices the U.S. public pay, it should withdraw its policy statement and engage in legal action, using its Section 5 and related authority, to stem the massive and unauthorized use of data that is at the core of surveillance pricing-- the ubiquitous gathering, analysis and “activation” of consumer data on a massive and unprecedented scale. Such action would illustrate whose side the FTC is on—the data gathers and price hikers—or Americans just trying to make “ends meet” under these difficult times created by the Administration’s own policies.

At the core of surveillance pricing is the longstanding “retail media” infrastructure in the U.S., which has been permitted to gather data used for profiling and targeting, cloaking much of what it does as “loyalty” and convenience programs. Retail and commerce media [operations](#) are the engine for surveillance-based personalized pricing, incorporating loyalty programs, coupon delivery, ordering preferences, discounts, “[lifetime value](#)” estimates, and an extensive list of other [applications](#). That this FTC fails to explore the robust systems used by retail/commerce media to operationalize pricing on Americans, such as the series of [measurement](#) systems, “[best](#)” practices” and numerous case studies and [awards](#) illustrating its effectiveness, illustrates its lack of serious commitment to protect U.S. consumers.

For nearly 25 years CDD has filed reports and other material at the agency, laying out the growth of consumer-focused commercial surveillance that has eroded privacy, consolidated control over our data, undermined the public—including through the manipulative operations of marketing technologies. We are also largely responsible for the enactment of the Children’s Online Privacy Protection Act (COPPA) as well as the agency’s inquiry into behavioral targeting, for example. As the FTC reviews this and other comments, it should place them in context with the unfettered and integrated uses of our data by mobile devices, apps, “programmatic” (RTB) targeting, platforms, immersive and engagement strategies, streaming platforms, and so-called “first-party data” harvested by brands—all pieces of the Retail and Commerce Media apparatus.

We expect the agency to use the information filed here and from related consumer and privacy commenters to act—open investigations, file complaints, and issue the necessary rules and policies to stem the financial bleeding by American consumers.

[Dollar General](#)/DG Media Network. This chain’s retail media operations have a direct impact on especially budget-concerned Americans. A review of how its network offers marketers the opportunity to influence more than “100 million

reachable shoppers,” including via its app, is long overdue. The commission needs to investigate DG’s practices, including its partnerships with [Google](#), [Meta](#) and [Doordash](#), to name just a few.

7-Elevens “[Gulp](#),” the “largest coast to coast immediate consumption retail media network,” uses its 100 million registered consumers as part of its “ICE” data apparatus. Gulp’s “Immediate Consumption Ecosystem,” where every store is considered a “active, living research center,” illustrates the extensive use of consumer and behavioral [data](#), including how retail media networks take advantage of “impulse buying” propensities.

[Walmart](#) and its [Walmart Connect](#) division provides a set of retail and commerce media applications. Walmart Connect integrates a set of [partners](#) for consumer targeting that offers a set of functionalities that can deeply impact consumer purchasing behaviors. Walmart’s “[Scintilla](#)” is a related “commerce intelligence platform” using AI applications that help to “[extract](#)” the behaviors of consumers and deliver “purchasing pattern insights.”

[Kroger](#) and its Kroger Decision Marketing division provide “targeted digital coupons” and many other applications that impact pricing of grocery items. Through its ownership of consumer data company “[84.51](#)” Kroger’s retail media system leverages targeting digital coupons to, for example, “win back households using relevant incentives...” 84.51’s [processing](#) of data from “over 62 million households in the U.S. generate these “personalized offers,” [designed](#) to “drive more trips and bigger baskets and reward “your most loyal brand shoppers.”

[Instacart](#)’s retail media network offers “[AI](#)-powered optimization” to help boost “monetization” and [includes](#) “grocery data models.” It’s new “AI-powered shopping assistant” uses these “[proprietary](#) machine learning models” to help market groceries and other products that are built on data from “1.6 billion lifetime orders and live inventory data from nearly 100,000 stores across North America.”

[United Airlines](#) and its Kinective Media operation harvests the data from its 181 million travelers that also enable [targeting](#) “50 million matched profiles” when they are “offsite.” United’s retail media system especially highlights how marketers can take advantage of how “85% of travelers make unplanned purchases during travel” taking [advantage](#) of various psychological vulnerabilities.

[Mastercard](#)’s “[Commerce Media](#)” “end-to end” system uses its “proprietary card linking technology personalization” enabling “1:1 engagement and deterministic

closed-loop attribution built on “175 billion insights from billions of transactions each year” and reaching “500 million consumers [from its] partnership ecosystem.” This includes “grocery and food delivery, retail, dining, entertainment and more.

[Google](#) and [Amazon](#), of course, are leaders here, leveraging their ever-growing data and consumer surveillance and omnichannel infrastructure (including streaming video) to deeply influence the spending and prices paid. Amazon’s [AWS](#) offers an array of services for retail media, [including](#) an “AI-Powered Audience and Prediction Engine” that identifies consumers “based on shopping missions, life stage, propensity to buy, brand switching, and new-to-brand potential using advanced machine learning.” Google’s “Commerce Media [Suite](#),” which also incorporates data from YouTube viewing and grocery store and other partners, boast of its capabilities to unlock “new monetization opportunities... fuel sales in-store and online...actually move products off the shelves.”

If the Trump Administration controlled FTC does not act to seriously protect Americans from the data surveillance leviathan that manipulates what they pay—at the store, pump, and interest from [credit](#) --it will leave millions of Americans at greater financial risk. A failure to act will also demonstrate either industry capture and/or a complete failure to engage in the commission’s mission. Withdraw this policy statement and pursue an agenda to stop these costly practices—for our pocketbooks, wallets and privacy.