

Retail Industry Leaders Association Encourages FTC to Preserve Retailers' Use of Procompetitive Data-Driven Pricing

Skadden

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If you have any questions regarding the matters discussed in this memorandum, please contact the attorneys listed below or call your regular Skadden contact.

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Skadden represented the Retail Industry Leaders Association (RILA) in the submission of comments to the Federal Trade Commission (FTC) in connection with the FTC's Request for Public Comment on its Proposed Enforcement Policy on Personalized Pricing.

The FTC's proposed policy could discourage retailers' use of loyalty programs and personalized promotions that lower prices. The proposal also significantly departs from the FTC's well-established Section 5 deception standards and could result in confusing disclosures that encourage meritless litigation.

RILA's comments provide feedback on the proposed enforcement policy and suggest modifications to the FTC's approach that RILA believes would protect retailers' use of such procompetitive data-driven pricing as loyalty programs, which are popular with consumers.

[Read the comments RILA submitted to the FTC.](#)

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