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October 04, 2022

FTC Issues New Dark Patterns Report and Signals Further Enforcement



The Federal Trade Commission (FTC), on September 15, 2022, published [Bringing Dark Patterns to Light](#) (Dark Patterns Report), which stemmed from an [FTC workshop](#).

The Dark Patterns Report highlights common dark patterns—design practices that trick or manipulate consumers into making choices that they might not otherwise have made and that may cause harm. According to the FTC, dark patterns undermine the consumer's ability to make informed decisions and are therefore misleading or deceptive.

The FTC documented what it considered dark patterns in a variety of online businesses, including in cookie consent banners, apps aimed at children, and subscription sales. According to the Dark Patterns Report, four common tactics are:

- **Design elements that induce false beliefs.** These include ads made to look like editorial content, false claims that other shoppers are currently viewing the same product to encourage a purchase, and paid consumer review websites claiming to be impartial.
- **Design elements that lead to unauthorized charges.** These include techniques that trick someone into paying for products or services they did not want or intend to buy, free trials followed by an unexpected subscription, and hard-to-cancel recurring subscriptions.
- **Design elements that hide or delay disclosure of material information.** These include concealing key terms and material information, including hidden fees, or only disclosing mandatory fees at the end of the purchasing process.
- **Design elements that obscure or subvert privacy choices.** These include techniques that dupe consumers into sharing data by disguising options for privacy settings or presenting hard-to-understand language when seeking consent to share, collect, and use personal data.

The FTC stated that it "will continue to take action" against companies that deploy dark patterns. In light of the FTC's ongoing attention towards the issue, brands should carefully assess their websites and ads with their marketing, design, and legal teams.

## **Authors**

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