



February 8, 2023

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610 (Annex B)
Washington, DC 20580

Re: Unfair or Deceptive Fees ANPR, R207011

Truth in Advertising, Inc. (“TINA.org”) welcomes the opportunity to submit the following in conjunction with the Federal Trade Commission’s (“Commission,” “Agency” or “FTC”) November 8, 2022 request for comments regarding its proposal to commence a rulemaking proceeding to address certain deceptive and/or unfair acts or practices relating to fees.¹ As explained in more detail below, TINA.org’s work tracking and exposing junk and hidden fees makes clear that it is a pervasive problem that causes real financial harm to consumers. As such, TINA.org supports the commencement of a rulemaking proceeding regarding junk – as well as hidden – fees.

INTEREST OF COMMENTER

TINA.org is a nonpartisan, nonprofit consumer advocacy organization whose mission is to combat deceptive advertising and consumer fraud; promote understanding of the serious harms commercial dishonesty inflicts; and work with consumers, businesses, independent experts, synergy organizations, self-regulatory bodies and government agencies to advance countermeasures that effectively prevent and stop deception in our economy. At the center of TINA.org’s efforts is its website, www.tina.org, which provides information about common deceptive advertising techniques, consumer protection laws, and alerts about specific deceptive marketing campaigns—such as nationally advertised “Built in the USA” vans manufactured abroad;² pillows and essential oils falsely marketed as being able to treat chronic diseases;³ and a delivery meal kit service that falsely advertises free meals.⁴

The website functions as a clearinghouse, receiving consumer complaints about suspicious practices, which TINA.org investigates and, when appropriate, takes up with businesses and regulatory authorities. The website is also a repository of information relating to consumer protection lawsuits and regulatory actions. Through its collaborative approach and attention to emerging issues and complexities, TINA.org has become a trusted source of expertise on matters relating to consumer fraud, and has testified before Congress on issues related to consumer protection, deceptive marketing and economic justice.⁵

TINA.org regularly draws on its expertise to advocate for consumer interests before the FTC and other governmental bodies and appears as amicus curiae in cases raising important questions of consumer protection law.⁶ Since its inception, TINA.org has filed legal actions against hundreds of companies and entities, published more than 1,300 ad alerts, written over 1,000 news articles, and tracked more than 4,000 federal class actions alleging deceptive marketing. Notably, since 2015, state and federal agencies have obtained more than \$250 million from wrongdoers based on TINA.org legal actions and evidence, and returned millions in ill-gotten gains to consumers.

JUNK AND HIDDEN FEES ARE PERVASIVE

Over the last 10 years, TINA.org has taken an active role in working to hold marketers accountable for imposing junk and hidden fees. TINA.org's experience demonstrates that these fees are a serious, widespread and insidious problem present throughout the marketplace. By way of example, TINA.org has highlighted dozens of companies engaged in deceptive marketing practices using junk and hidden fees.

- **Legal Actions:** TINA.org has complained to federal and state regulators concerning four companies' use of deceptive charges:
 - *Bob's Discount Furniture's Hidden Interest Fees:* After receiving numerous consumer complaints, TINA.org investigated Bob's Discount Furniture, a Connecticut-based furniture company, and found that the company, which advertised "interest free" financing for furniture purchases, deceptively back-charged interest (at an exorbitant 27.99%) from the date of purchase if consumers did not pay off their balance within one year without properly communicating this information to consumers. (TINA.org also found that the monthly bills consumers received were structured such that consumers had to pay in excess of the monthly statements in order to ensure their balances were paid off within the year.) Ultimately, TINA.org filed a complaint with Connecticut state regulators, who requested that Bob's make changes to its "interest free" marketing.⁷ Unfortunately, TINA.org has continued to receive numerous consumer complaints reporting large financial losses incurred as a result of Bob's persistent hidden fees, which TINA.org has systematically forwarded to state regulators and Bob's representatives, who, on occasion, have reimbursed consumers for their losses.
 - *Adore Me's Improperly Disclosed Recurring Monthly Fees:* TINA.org sent a warning letter to online lingerie retailer Adore Me, as well as regulatory complaints to the FTC, the New York Attorney General's Office and a group of California district attorneys, regarding the company charging consumers monthly fees without obtaining their express, informed consent, prompting all three regulators to take enforcement action.⁸

- *Savage X Fenty's Improperly Disclosed Recurring Monthly Fees:* TINA.org filed regulatory complaints with the FTC and California district attorneys regarding this web-based lingerie company (and joint venture between music icon Rihanna and TechStyle, Inc.) for similarly charging consumers monthly fees without obtaining their express, informed consent, prompting California regulators to take enforcement action.⁹
- *FabKids' Improperly Disclosed Recurring Monthly Fees:* TINA.org filed regulatory complaints with the FTC and California district attorneys regarding this online children's clothing brand for also charging consumers monthly fees without obtaining their express, informed consent.¹⁰ To date, no regulators have taken action.
- **Ad Alerts:** TINA.org has published many alerts to warn consumers regarding deceptive hidden and junk fees occurring in a wide range of industries:
 - Gas savings app GasBuddy charging consumers fees without providing adequate disclosures;¹¹
 - U-Haul charging junk and hidden fees on truck rentals;¹²
 - Groupon charging junk fees on purchases;¹³
 - AT&T imposing hidden fees for its television service;¹⁴
 - Online ticket reseller Vivid Seats charging consumers undisclosed fees;¹⁵
 - E-cigarette company Vapex charging consumers large restocking fees and other hidden costs;¹⁶
 - Sears imposing improperly disclosed charges and fees on carpet cleaning services;¹⁷
 - Comcast advertising free installation and then charging consumers hidden fees;¹⁸
 - Car-shopping website TrueCar charging consumers more than the advertised price for vehicles despite “no surprises” marketing claim;¹⁹
 - Question-and-answer app JustAnswer charging consumers recurring monthly fees without clearly and conspicuously informing them of the charges;²⁰
 - Supplement companies billing consumers on a monthly basis without first obtaining consumers' express, informed consent.²¹

- **Class-Action Tracker:** TINA.org also has tracked and published information about hundreds of class-action lawsuits against a multitude of companies in various industries alleging they charge – and hide – junk fees, including:
 - Restaurants adding junk fees to advertised food prices,²² as well as imposing additional “service fees” on delivery orders, charging more for menu items when they’re delivered, or both despite advertising free or low-cost delivery;²³
 - Airlines imposing fees despite advertising a “no fees” policy for ticket changes and cancellations;²⁴ imposing additional charges in the form of “Passenger Usage Fees”;²⁵ falsely telling consumers the airline will refund security fees to passengers who do not use their tickets;²⁶ falsely representing that certain passengers do not have to pay for checked bags;²⁷ and misrepresenting that consumers who do not purchase travel insurance are required to pay cancellation and change fees without disclosing that such fees are waived during the COVID-19 pandemic;²⁸
 - Rental car companies not disclosing certain additional fees²⁹ or misrepresenting the purpose of the added fees;³⁰
 - Moving companies misrepresenting and deceptively adding environmental charges to truck rentals;³¹
 - Mobile phone service companies deceptively advertising “no contract” plans and then charging consumers fees when they switch carriers;³² failing to adequately inform customers traveling abroad that they will be charged international roaming charges for international calls they do not accept, voicemails they do not check and calls they do not place while abroad;³³ and charging other hidden fees;³⁴
 - Credit unions and banks falsely representing to consumers they will not charge overdraft fees when they do;³⁵ falsely representing that they will provide accountholders with refunds of various bank fees (including overdraft fees and monthly maintenance fees) during the COVID-19 pandemic and then refusing to provide such refunds;³⁶ and failing to disclose all of the fees charged to consumers;³⁷
 - Buy Now, Pay Later companies marketing their services as “free” and then charging overdraft and/or nonsufficient fund fees;³⁸
 - Payday loan providers advertising a payday advance with no fees or hidden costs and then charging a junk fee disguised as a “tip”;³⁹

- Gyms and fitness centers increasing membership renewal fees without properly informing consumers;⁴⁰
- Credit and debit card processing service providers advertising transparent billing practices and then charging fees that are buried in a list of other charges;⁴¹
- Event ticket sellers charging – and misrepresenting the purpose of – junk fees;⁴²
- Travel companies overcharging consumers taxes and fees purportedly imposed by the government and then keeping the difference as profit;⁴³
- Communication companies misleadingly advertising and charging fees for television, internet and phone services;⁴⁴
- Outlet stores charging customers undisclosed fees;⁴⁵
- Hotels advertising a low base rate for rooms and then charging customers more than the advertised rate by imposing additional fees;⁴⁶
- Sports betting websites falsely advertising their bet matching policy and then requiring consumers to pay additional entry fees to obtain the advertised promise;⁴⁷
- Online auction website eBay charging fees without adequately disclosing the amount and frequency of the charges;⁴⁸
- Amazon charging consumers an additional “Amazon Prime” membership fee without adequately disclosing the charge;⁴⁹
- Google charging Google Drive subscribers monthly fees without adequately informing them of the automatic renewal and recurring charges;⁵⁰ and
- UPS charging customers more than the advertised rates by imposing a “Delivery Area Surcharge” fee.⁵¹

As the examples above make clear, the use of junk and hidden fees (as defined by the FTC⁵²) has been and continues to be a serious and widespread issue, and one that impacts numerous industries and millions of consumers.⁵³

JUNK AND HIDDEN FEES CAUSE SIGNIFICANT CONSUMER HARM

The overwhelming majority of U.S. consumers are victimized by junk and hidden fees.⁵⁴ In fact, many consumers are paying hundreds of dollars per year in such deceptive fees,⁵⁵

a dollar figure that is continuously growing.⁵⁶ Moreover, because these fees are not properly disclosed, consumers are not able to meaningfully price shop for products and services, thereby “undermin[ing] competition” and causing “a serious ripple effect on people’s finances.”⁵⁷ And as these fees add up, many consumers experience greater difficulty meeting basic financial needs, such as rent, utility and food.⁵⁸ According to consumer finance experts, hidden fees are “quietly draining the wallets of middle-class Americans.”⁵⁹

Because the harm imposed by such fees is so widespread and injurious, numerous consumers have complained to TINA.org about losing significant money to a multitude of companies that employ these tactics, including, for example, event ticket sellers, television/internet/phone providers, e-cigarette sellers and various retail stores.

Using just one company as an example, TINA.org has received many consumer complaints regarding Bob’s Discount Furniture’s hidden interest fees, including the following:

...I was charged with the interest fee of \$394.17... I was not provided with clear and complete information about their interest-free financing promotion and also this amount is way too high for me to pay. I am only paid minimum wage. The \$394.17 interest that is being charged to me could be used for my other utility bills and house expenses....

I have been paying my monthly installments on time for the pass [sic] year yet I am being told I have to pay 862.23 PLEASE PLEASE HELP ME.

I have been charge [sic] 600 in interest for 200 dollars on a remaining balance. And it was up 2 days before I received my bill. ... I work very hard for my money and I have just enough for my bills I can’t take this hit.

Last year I bought a couch and a coffee table at Bob’s furniture. I had some money to put down but not all of it. I was told that I could have interest free financing for 12 months. I got all excited. I knew my interest free would end this December. I never missed a payment but I did not finish paying it off by the time the interest free financing was over. I thought that when the time period ended, they would charge me interest on the remaining due. My whole amount was about 1300 and now it was 441. I get the bill in the mail and notice they charged me interest on my entire purchase of 265 dollars! No one in the store ever tells you that this is only interest free if you pay off the entire amount by the end of the 12 month period. This is very misleading and I’m very upset that this will put me back that amount of money.

... I was charged over \$500 because I did not have the entire purchased [sic] paid [sic] off. If I had been aware, I would have placed the remaining amount that I owed on a credit card with a lower rate.

I purchased furniture from Bobs Discount Furniture a year ago when I bought the 5500 dollars worth of furniture all they kept saying was youll [sic] love the no interest for a yr deal ... I made every payment on time and the full amount for a year and I just received a bill with 1500 dollars added to it due to the SCAM!!!!...

Last year I had bought a bedroom set for my daughter from Bobs Discount Furniture. I was excited because they offered interest free payments if paid by the promotion date. I was making monthly payments of 98.44 and sometimes more when I had the money ... My mother had passed away and that caused such unexpected chaos in my life that I didn't open my bill until today. The promotional balance of \$959.99 was due on March 23. I called today on March 31 because when I opened the bill it said i owed \$1,532.63. ... It turns out that the 27.99% APR is accumulated over the 12 months you are paying. I think that the agreement is VERY MISLEADING...

I currently just received a bill with over 900.00 in interest fees on a 3,500 loan on furniture. I was completely blind sided by this interest and was not aware or told any of this when i purchased the furniture. Please help!

I ... ended up paying extra \$1,198.96 interest charge. For me when interest was charged on me I had few days old baby because of which I could not talk to them about it. And moreover I was on disability leave and was too hard for me to pay the interest amount they charged which was unknowingly high...

I was charged 800 in interest. I have tried to dispute this with them and have got no response. I'm hoping your [sic] can help me....

...I purchased a mattress from Bob's Furniture in the amount of approximately \$2,000. I was given an "interest free" offer, which I took. Since then I have made monthly payments of approx.. \$70 per month. Last Friday, my statement from Wells Fargo (with Bob's logo on the top) said there was a new interest charge of \$542.47. I thought his [sic] was a mistake... My balance went from \$1,281.05 to \$1,753.71 basically overnight, because of retroactive interest on the original purchase amount. As you know, this was a highly deceptive sales technique of which I was not fully informed at the time of purchase. Had I been informed properly, I would never have taken the so-called interest free loan option....

These reports support the Commission's position that junk and hidden fees arise "without real notice, unconnected to any additional service, in an industry where advertising is essential."⁶⁰

CONCLUSION

The prevalence of junk and hidden fees in our economy is simply too large and widespread for it to be effectively addressed by the Commission's currently available tools. A junk fees rule would be in the public's best interest, particularly in the wake of

the Supreme Court's AMG Capital Management decision, as it would substantially improve the agency's ability to combat and deter deception and unfairness in this area. As such, TINA.org supports the Commission's commencement of a rulemaking proceeding to address junk and hidden fees.

Sincerely,



Bonnie Patten
Laura Smith
Truth in Advertising, Inc.

¹ Unfair or Deceptive Fees Trade Regulation Rule Commission Matter No. R. 207011, 87 Fed. Reg. 67413 (advanced notice of proposed rulemaking and request for public comment Nov. 8, 2022), <https://www.federalregister.gov/documents/2022/11/08/2022-24326/unfair-or-deceptive-fees-trade-regulation-rule-commission-matter-no-r207011>.

² TINA.org's Mercedes-Benz Investigation, <https://truthinadvertising.org/brands/mercedes-benz>.

³ TINA.org's MyPillow Investigation, <https://truthinadvertising.org/brands/mypillow/>;
TINA.org's doTerra Investigation, <https://truthinadvertising.org/brands/doterra/>;
TINA.org's Young Living Investigation, <https://truthinadvertising.org/brands/young-living/>.

⁴ TINA.org's HelloFresh Investigation, <https://truthinadvertising.org/brands/hellofresh/>.

⁵ Safeguarding American Consumers: Fighting Fraud and Scams During the Pandemic Before the Subcomm. on Consumer Prot. and Com. of the Comm. on Energy and Com., 117th Congress (Feb. 4, 2021) (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/house-testimony-2021-summary-action/>; Curbing COVID Cons: Warning Consumers about Pandemic Frauds, Scams, and Swindles Before the Subcomm. on Consumer Prot., Prod. Safety, and Data Sec. of the Comm. on Com., Sci., & Transp., 117th Congress (Apr. 27, 2021), (testimony of Bonnie Patten, Exec. Dir., Truth In Advertising), <https://truthinadvertising.org/action/senate-testimony-2021-summary-action/>.

⁶ For example, TINA.org participated as amicus curiae in AMG Capital Management, LLC v. Federal Trade Commission. Brief of Amicus Curiae Truth In Advertising, Inc. In Support of Respondent, *AMG Capital Mgmt., LLC v. Fed. Trade Comm'n*, No. 19-508 (U.S. Dec. 7, 2020), https://www.supremecourt.gov/DocketPDF/19/19-508/162934/20201207192719389_19-508%20brief.pdf. TINA.org also filed an amici curiae brief in Federal Trade Commission v.

Quincy Bioscience Holding Co., Inc., which reinstated a Section 13(b) suit against a business falsely marketing a dietary supplement to the elderly as clinically proven to improve memory. Brief of Amici Curiae Truth In Advertising, Inc. et al. in Favor of Appellants and in Support of Reversal, *Fed. Trade Comm'n v. Quincy Bioscience Holding Co., Inc.*, 753 Fed. Appx. 87 (2d Cir. 2019) (No. 17-3745), <https://truthinadvertising.org/wp-content/uploads/2018/03/Prevagen-Amici-Curiae-brief.pdf>.

⁷ TINA.org's Bob's Discount Furniture Investigation, <https://truthinadvertising.org/brands/bobs-discount-furniture/>.

⁸ TINA.org's Adore Me Investigation, <https://truthinadvertising.org/brands/adore-me/>.

⁹ TINA.org's Savage X Fenty Investigation, <https://truthinadvertising.org/brands/savage-x-fenty/>.

¹⁰ TINA.org's FabKids Investigation, <https://truthinadvertising.org/brands/fabkids/>.

¹¹ *GasBuddy Ad Alert*, Truth In Advertising, Mar. 31, 2022, <https://truthinadvertising.org/articles/gasbuddy/>.

¹² *U-Haul's Hidden Fees Ad Alert*, Truth In Advertising, May 26, 2021, <https://truthinadvertising.org/articles/u-hauls-hidden-fees/>; *How Far Will U-Haul's Base Rate Really Get You?*, Truth In Advertising, Mar. 31, 2015 (updated July 7, 2016), <https://truthinadvertising.org/articles/u-haul/>.

¹³ *South Coast Aeronautics Groupon Takes Consumer for a Ride*, Truth In Advertising, Aug. 2, 2018, <https://truthinadvertising.org/articles/groupon-south-coast-aeronautics-take-consumer-for-a-ride/>.

¹⁴ *AT&T TV Ad Alert*, Truth In Advertising, Mar. 6, 2020, <https://truthinadvertising.org/articles/att-tv/>.

¹⁵ *Vivid Seats Ad Alert*, Truth In Advertising, Oct. 6, 2017, <https://truthinadvertising.org/articles/vivid-seats/>.

¹⁶ *Vapex E-Cigarette Freestarter Kit Ad Alert*, Truth In Advertising, Nov. 4, 2013 (updated Feb. 12, 2016), <https://truthinadvertising.org/articles/vapex-e-cigarette-freestarter-kit/>.

¹⁷ *Carpet Cleaning by Sears Ad Alert*, Truth In Advertising, May 9, 2016, <https://truthinadvertising.org/articles/carpet-cleaning-sears/>.

¹⁸ *Xfinity Extreme Premier Triple Play Ad Alert*, Truth In Advertising, July 6, 2015, <https://truthinadvertising.org/articles/xfinity-extreme-premier-triple-play/>.

¹⁹ *TRUECar Ad Alert*, Truth In Advertising, Mar. 26, 2015, <https://truthinadvertising.org/articles/truecar/>.

²⁰ *JustAnswer Ad Alert*, Truth In Advertising, Oct. 26, 2022, <https://truthinadvertising.org/articles/justanswer/>.

²¹ *Fungus Eliminator Ad Alert*, Truth In Advertising, June 29, 2022, <https://truthinadvertising.org/articles/fungus-eliminator/>.

-
- ²² TINA.org’s Class Action Tracker: Com Dev Fund Fees at Missouri Restaurant, <https://truthinadvertising.org/class-action/com-dev-fund-fees-at-missouri-restaurants/>.
- ²³ *CATrends: Hidden Food Delivery Fees*, Truth In Advertising, Dec. 15, 2021, <https://truthinadvertising.org/articles/catrends-hidden-food-delivery-fees/>.
- ²⁴ TINA.org’s Class Action Tracker: Southwest’s “No Fees” Policy for Ticket Changes and Cancellations, <https://truthinadvertising.org/class-action/southwests-no-fees-policy-for-ticket-changes-and-cancellations/>.
- ²⁵ TINA.org’s Class Action Tracker: Spirit Airlines, <https://truthinadvertising.org/class-action/spirit-airlines/>.
- ²⁶ TINA.org’s Class Action Tracker: Southwest Airline’s Refunds of Security Fees, <https://truthinadvertising.org/class-action/southwest-airlines-refunds-of-security-fees/>.
- ²⁷ TINA.org’s Class Action Tracker: American Airlines Baggage Fees, <https://truthinadvertising.org/class-action/american-airlines-baggage-fees/>.
- ²⁸ TINA.org’s Class Action Tracker: Travel Guard Insurance for United Airlines Flights, <https://truthinadvertising.org/class-action/travel-guard-insurance-for-united-airlines-flights/>.
- ²⁹ TINA.org’s Class Action Tracker: ACE Rental Car Insurance Hidden Charges, <https://truthinadvertising.org/class-action/ace-rental-car-insurance-hidden-charges/>; TINA.org’s Class Action Tracker: Hotwire.com Car Rentals, <https://truthinadvertising.org/class-action/hotwire-com-car-rentals/>.
- ³⁰ TINA.org’s Class Action Tracker: Dollar Rent A Car Fees, <https://truthinadvertising.org/class-action/dollar-rent-a-car-fees/>; TINA.org’s Class Action Tracker: Dollar Rent A Car’s “Administrative Fees”, <https://truthinadvertising.org/class-action/dollar-rent-a-cars-administrative-fees/>.
- ³¹ TINA.org’s Class Action Tracker: U-Haul Co. of West Virginia’s Environmental Fees, <https://truthinadvertising.org/class-action/u-haul-co-of-west-virginias-environmental-fees/>; TINA.org’s Class Action Tracker: U-Haul’s Fees, <https://truthinadvertising.org/class-action/u-hauls-fees/>.
- ³² TINA.org’s Class Action Tracker: T-Mobile’s “No Contract” Cellphone Plans, <https://truthinadvertising.org/class-action/t-mobiles-no-contract-cell-phone-plans/>.
- ³³ TINA.org’s Class Action Tracker: AT&T’s International Roaming Fees, <https://truthinadvertising.org/class-action/atts-international-roaming-fees/>.
- ³⁴ TINA.org’s Class Action Tracker: T-Mobile’s Prices and Fees, <https://truthinadvertising.org/class-action/t-mobiles-prices-and-fees/>.
- ³⁵ *See* TINA.org Class Action Tracker, search for “overdraft fees,” showing more than 150 class actions filed against banks and credit unions for allegedly deceptively charging overdraft fees.

See, e.g., TINA.org’s Class Action Tracker: Digital Federal Credit Union Overdraft Fees, <https://truthinadvertising.org/class-action/digital-federal-credit-union-overdraft-fees/>; TINA.org’s Class Action Tracker: Alliant Credit Union Overdraft Fees, <https://truthinadvertising.org/class-action/alliant-credit-union-overdraft-fees/>; TINA.org’s Class Action Tracker: United Federal Credit Union’s Overdraft Fees, <https://truthinadvertising.org/class-action/united-federal-credit-unions-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees Charged by SEFCU, <https://truthinadvertising.org/class-action/overdraft-fees-charged-by-sefcu/>; TINA.org’s Class Action Tracker: Overdraft Fees at Navy Federal Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-navy-federal-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at Bank of America, <https://truthinadvertising.org/class-action/overdraft-fees-at-bank-of-america/>; TINA.org’s Class Action Tracker: Apple Federal Credit Union’s Overdraft Fees, <https://truthinadvertising.org/class-action/apple-federal-credit-unions-overdraft-fees/>; TINA.org’s Class Action Tracker: Envision Credit Union Overdraft Fees, <https://truthinadvertising.org/class-action/envision-credit-unions-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees at Citizens Equity First Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-citizens-equity-first-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at Pathfinder Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-pathfinder-bank/>; TINA.org’s Class Action Tracker: Northeast Credit Union’s Overdraft Fees, <https://truthinadvertising.org/class-action/northeast-credit-unions-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees at Flagstar Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-flagstar-bank/>; TINA.org’s Class Action Tracker: Overdraft Fees at Cabrillo Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-cabrillo-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at New Peoples Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-new-peoples-bank/>; TINA.org’s Class Action Tracker: Overdraft Fees at Credit Union of New Jersey, <https://truthinadvertising.org/class-action/overdraft-fees-at-credit-union-of-new-jersey/>; TINA.org’s Class Action Tracker: Overdraft Fees at Trustco Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-trustco-bank/>; TINA.org’s Class Action Tracker: Overdraft Fees at Chase Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-chase-bank/>; TINA.org’s Class Action Tracker: Patelco Credit Union Overdraft Fees, <https://truthinadvertising.org/class-action/patelco-credit-unions-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees at Sunmark Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-sunmark-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at Empower Federal Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-empower-federal-credit-union/>; TINA.org’s Class Action Tracker: Credit Union 1 Overdraft Fees, <https://truthinadvertising.org/class-action/credit-union-1-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees at Banner Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-banner-bank/>; TINA.org’s Class Action Tracker: Wells Fargo’s Overdraft Fees, <https://truthinadvertising.org/class-action/wells-fargos-overdraft-fees/>; TINA.org’s Class Action Tracker: Overdraft Fees at OnPoint Community Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-onpoint-community-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at TD Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-td-bank-2/>; TINA.org’s Class Action Tracker: Overdraft Fees at WESCOM Central Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-wescom-central-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at Municipal Credit Union, <https://truthinadvertising.org/class-action/overdraft-fees-at-municipal-credit-union/>; TINA.org’s Class Action Tracker: Overdraft Fees at Axos Bank, <https://truthinadvertising.org/class-action/overdraft-fees-at-axos-bank/>; TINA.org’s Class Action Tracker: Overdraft Fees at Keesler Federal Credit Union, <https://truthinadvertising.org/class->

[action/overdraft-fees-at-keesler-federal-credit-union/](https://truthinadvertising.org/class-action/atlantic-union-banks-overdraft-fees/); TINA.org’s Class Action Tracker: Atlantic Union Bank Overdraft Fees, <https://truthinadvertising.org/class-action/atlantic-union-banks-overdraft-fees/>.

³⁶ See e.g., TINA.org’s Class Action Tracker: Refunds of Bank of America’s Fees, <https://truthinadvertising.org/class-action/refunds-of-bank-of-americas-fees/>.

³⁷ TINA.org’s Class Action Tracker: Undisclosed Fees on SmartLeases, <https://truthinadvertising.org/class-action/undisclosed-fees-on-smartleases/>.

³⁸ *CATrends: Buy Now, Pay Later Services Send Users Further Into Debt*, Truth In Advertising, June 9, 2022, <https://truthinadvertising.org/articles/catrends-buy-now-pay-later-services-send-users-further-into-debt/>; TINA.org’s Class Action Tracker: Earnin App, <https://truthinadvertising.org/class-action/earnin-app/>.

³⁹ TINA.org’s Class Action Tracker: Earnin, <https://truthinadvertising.org/class-action/earnin/>.

⁴⁰ TINA.org’s Class Action Tracker: Lifetime Membership to 24 Hour Fitness, <https://truthinadvertising.org/class-action/lifetime-memberships-24-hour-fitness/>.

⁴¹ TINA.org’s Class Action Tracker: Heartland Payment Systems, <https://truthinadvertising.org/class-action/heartland-payment-systems/>. See also TINA.org’s Class Action Tracker: Point & Pay’s Fees, <https://truthinadvertising.org/class-action/point-pays-fees/>.

⁴² TINA.org’s Class Action Tracker: Ticketmaster Processing and UPS Delivery Fees, <https://truthinadvertising.org/class-action/ticketmaster-processing-ups-delivery-fees/>; TINA.org’s Class Action Tracker: StubHub’s Advertised Prices, <https://truthinadvertising.org/class-action/stubhubs-advertised-prices/>; TINA.org’s Class Action Tracker: Ticket Prices on Vivid Seats, <https://truthinadvertising.org/class-action/ticket-prices-on-vivid-seats/>.

⁴³ TINA.org’s Class Action Tracker: Expedia and Reservation.com’s Taxes and Fees, <https://truthinadvertising.org/class-action/expedia-and-reservation-coms-taxes-and-fees/>.

⁴⁴ TINA.org’s Class Action Tracker: The Fees for “Advanced TV”, <https://truthinadvertising.org/class-action/the-fees-for-advanced-tv/>.

⁴⁵ TINA.org’s Class Action Tracker: Undisclosed Fees at Tanger Outlet in Ohio, <https://truthinadvertising.org/class-action/undisclosed-fees-at-a-tanger-outlet-in-ohio/>.

⁴⁶ TINA.org’s Class Action Tracker: Room Rates at Omni Hotels, <https://truthinadvertising.org/class-action/room-rates-at-omni-hotels-2/>.

⁴⁷ TINA.org’s Class Action Tracker: DraftKings and FanDuel, <https://truthinadvertising.org/class-action/draftkings-and-fanduel/>.

⁴⁸ TINA.org’s Class Action Tracker: eBay’s “Good ‘Til Cancelled” Fees, <https://truthinadvertising.org/class-action/ebays-good-til-cancelled-fees/>.

⁴⁹ TINA.org’s Class Action Tracker: Amazon Prime Membership Fees, <https://truthinadvertising.org/class-action/amazon-prime-membership-fees/>.

⁵⁰ TINA.org’s Class Action Tracker: Google Drive Storage Fees, <https://truthinadvertising.org/class-action/google-drive-storage-fees/>.

⁵¹ TINA.org’s Class Action Tracker: UPS’s “Delivery Area Surcharge” Fees, <https://truthinadvertising.org/class-action/upss-delivery-area-surcharge-fees/>.

⁵² Unfair or Deceptive Fees Trade Regulation Rule Commission Matter No. R207011, 87 Fed. Reg. 67413 (advanced notice of proposed rulemaking and request for public comment Nov. 8, 2022), <https://www.federalregister.gov/documents/2022/11/08/2022-24326/unfair-or-deceptive-fees-trade-regulation-rule-commission-matter-no-r207011>.

⁵³ See *WTFee Survey: 2018 Nationally Representative Multi-Mode Survey*, Consumer Reports, Jan. 3, 2019, at 7, <https://advocacy.consumerreports.org/wp-content/uploads/2019/09/2018-WTFee-Survey-Report--Public-Report-1.pdf>; Penelope Wang, *Protect Yourself from Hidden Fees*, Consumer Reports, May 29, 2019, <https://www.consumerreports.org/fees-billing/protect-yourself-from-hidden-fees-a1096754265/>.

⁵⁴ See *WTFee Survey: 2018 Nationally Representative Multi-Mode Survey*, Consumer Reports, Jan. 3, 2019, at 7, <https://advocacy.consumerreports.org/wp-content/uploads/2019/09/2018-WTFee-Survey-Report--Public-Report-1.pdf> (showing that only 18 percent of consumers surveyed reported not spending money on unexpected or hidden fees in the past 12 months); Penelope Wang, *Protect Yourself from Hidden Fees*, Consumer Reports, May 29, 2019, <https://www.consumerreports.org/fees-billing/protect-yourself-from-hidden-fees-a1096754265/> (“At least 85 percent of Americans have encountered an unexpected or hidden fee over the past two years for a service they had used, according to a recently nationally representative CR survey of more than 2,000 U.S. adults.”)

⁵⁵ *Id.* (“A third of Americans say they’ve spent \$100 or more on unexpected or hidden fees in the past 12 months for the bills they regularly pay and 17% say they are unsure.”). See also *The Hidden Costs of Bill Pay 2021: doxoINSIGHTS Report 2021*, doxo, Oct. 20, 2021, <https://www.doxo.com/insights/the-hidden-costs-of-bill-pay-report-2021/> (“The average household spent \$925 on the hidden costs of bill pay in 2021.”)

⁵⁶ Penelope Wang, *Protect Yourself From Hidden Fees*, Consumer Reports, May 29, 2019, <https://www.consumerreports.org/fees-billing/protect-yourself-from-hidden-fees-a1096754265/> (“...two-thirds of [U.S. consumers] say they are paying more now in surprise charges than they did five years ago.”)

⁵⁷ *The Hidden Cost of Junk Fees*, Consumer Financial Protection Bureau, Feb. 2, 2022, <https://www.consumerfinance.gov/about-us/blog/hidden-cost-junk-fees/>.

⁵⁸ *Id.*

⁵⁹ ‘*Land of the Fee*’: *How Hidden Costs Hurt Consumers*, Knowledge at Wharton, Aug. 23, 2018, <https://knowledge.wharton.upenn.edu/article/hidden-costs-hurting-middle-class/>.

⁶⁰ Unfair or Deceptive Fees Trade Regulation Rule Commission Matter No. R207011, 87 Fed. Reg. 67413 (advanced notice of proposed rulemaking and request for public comment Nov. 8, 2022), <https://www.federalregister.gov/documents/2022/11/08/2022-24326/unfair-or-deceptive-fees-trade-regulation-rule-commission-matter-no-r207011>.