



UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Division of Advertising Practices

[DATE]

Via Federal Express
[NAME]

Re: INFORM Consumers Act Effective June 27, 2023

Dear [NAME]:

I am enclosing a copy of the INFORM Consumers Act, which Congress passed in December 2022 as part of the Consolidated Appropriations Act of 2023, Pub. L. No. 117-175, 117 Stat. 2809, 15 U.S.C. 45f, as well as a copy of FTC staff's recently published business guidance concerning the Act. Because [NAME OF MARKETPLACE] appears to meet the definition of "online marketplace" under the Act, this letter is to notify you of your responsibility to comply with this law.

The INFORM Consumers Act, effective June 27, 2023, imposes obligations on online marketplaces regarding the collection, verification, safeguarding, and disclosure of certain identifying information of "high-volume third party sellers" that sell, offer to sell, or contract to sell new or unused consumer products in the United States through marketplace platforms. The Act also requires online marketplaces to provide electronic and telephonic reporting of suspicious marketplace activity to the online marketplace in certain circumstances. We recommend that you carefully review the statute and the enclosed guidance, and take the necessary steps to ensure that your company is in full compliance with the law by June 27.

We also urge you to communicate with your third party sellers about the Act's requirements.

The INFORM Consumers Act is a new FTC rule. Online marketplaces that violate the Act may face FTC penalties of \$50,120 per violation. Section 15 U.S.C. 45f also gives enforcement authority to State Attorneys General and other State. They may file an action in federal court to enjoin further law and other remedies permitted under state law, and obtain damages and compensation for residents of that state.

This letter does not reflect any assessment as to whether you have

[NAME]

[DATE]

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companies that may meet the Act's definition of "online marketplace

If you have any questions about this letter or the enclosed materials, please contact Tiffany Woo at twoo@ftc.gov or (202) 326-5883, or Carl Settlemeyer at csettlemeyer@ftc.gov or (202) 3262019.

Very truly yours,

Serena Viswanathan
Associate Director