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Advocates Ask FTC to Protect Youth From Manipulative “Dark Patterns” Online

BOSTON, MA and WASHINGTON, DC — May 28, 2021—Two leading advocacy groups protecting children from predatory practices online [filed comments](#) today asking the FTC to create strong safeguards to ensure that internet “dark patterns” don’t undermine children’s well-being and privacy. Campaign for a Commercial-Free Childhood (CCFC) and the Center for Digital Democracy (CDD) cited leading authorities on the impacts of internet use on child development in their comments prepared by the Communications & Technology Law Clinic at Georgetown University Law Center. These comments follow testimony given by representatives of both groups last month at a FTC workshop spearheaded by FTC Acting Chair Rebecca Slaughter.

CCFC and CDD say tech companies are preying upon vulnerable kids, capitalizing on their fear of missing out, desire to be popular, and inability to understand the value of misleading e-currencies, as well as putting them on an endless treadmill on their digital devices. They urged the FTC to take swift and strong action to protect children from the harms of dark patterns.

Key takeaways include:

- A range of practices, often called “dark patterns” are pervasive in the digital marketplace, manipulate children, are deceptive and unfair and violate Section 5 of the FTC Act. They take advantage of a young person’s psycho-social development, such as the need to engage with peers.
- The groups explained the ways children are vulnerable to manipulation and other harms from “dark patterns,” including that they have “immature and developing executive functioning,” which leads to impulse behaviors.
- The FTC should prohibit the use of dark pattern practices in the children’s marketplace; issue guidance to companies to ensure they do not develop or deploy such applications, and include new protections under their Children’s Online Privacy Protection Act (COPPA) rulemaking authority to better regulate them. The commission must bring enforcement actions against the developers using child-directed dark patterns.
- The FTC should prohibit the use of micro-transactions in apps serving children, including the buying of virtual currency to participate in game playing.
- The FTC should adopt a definition of dark patterns to include all “nudges” designed to use a range of behavioral techniques to foster desired responses from users.

The groups’ filing was in response to the FTC’s [call for comments](#) on the use of digital “dark patterns” — deceptive and unfair user interface designs — on websites and mobile apps.

Comment of Jeff Chester, executive Director of the Center for Digital Democracy:

“Dark Patterns” are being used in the design of child-directed services to manipulate them to spend more time and money on games and other applications, as well as give up more of their data. It’s time the FTC acted to protect young people from being unfairly treated by online companies. The commission should issue rules that prohibit the use of these stealth tactics that target kids and bring legal action against the companies promoting their use.

Comment of Josh Golin, executive Director of the Campaign for a Commercial-Free Childhood:

In their rush to monetize children, app and game developers are using dark patterns that take advantage of children’s developmental vulnerabilities. The FTC has all the tools it needs to stop unethical, harmful, and illegal conduct. Doing so would be a huge step forward towards creating a healthy media environment for children.

Comment of Michael Rosenbloom, Staff Attorney & Clinical Teaching Fellow, Communications and Technology Law Clinic, Georgetown University Law Center:

Software and game companies are using dark patterns to pressure children into playing more and paying more. Today, many apps and games that children play use dark patterns like arbitrary virtual currencies, encouragement from in-game characters, and ticking countdown timers, to get children to spend more time and money on microtransactions. These dark patterns harm children and violate Section 5 of the FTC Act, and we urge the FTC to act to stop these practices.

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