NEWS MEDIA ALLIANCE

Before the
FEDERAL TRADE COMMISSION

Proposed Enforcement Policy Statement Regarding Personalized Pricing	**FTC-2026-1057-0001** **Submitted September 25, 2026**

NEWS/MEDIA ALLIANCE COMMENTS REGARDING PROPOSED ENFORCEMENT POLICY STATEMENT REGARDING PERSONALIZED PRICING

The News/Media Alliance ("NMA") is the largest trade association representing around 2,200 news, magazine, and digital media organizations and their multiplatform businesses in the United States and globally who have printed news for centuries. The Alliance represents the news media industry within Congress, the Administration, state governments, and the courts, focusing on ensuring the future of journalism through communication, research, advocacy, and innovation. The News/Media Alliance is the parent organization of the American Press Institute, which supports local and community-based media through research, programs, and products. Covering all subject matters and political viewpoints, the Alliance's membership accounts for nearly 90 percent of the daily newspaper circulation in the United States, over 500 individual magazine brands, and dozens of digital-only properties.

NMA welcomes the opportunity to provide these comments to the Federal Trade Commission ("Commission" or "FTC") in response to the Proposed Enforcement Policy Statement Regarding Personalized Pricing, FTC-2026-1057-0001 (August 19, 2026) with the unique perspective of the news media industry and the trusted, first-party relationship with the readers and communities that publishers serve.

NMA members keep the communities they serve informed, engaged, and entertained, while employing thousands of hardworking Americans and contributing billions to the U.S. economy. The realities of the publishing ecosystem are characterized by a decline in both subscription and advertising revenues, while competing with digital platforms who regularly republish publisher content. Publishers who are deeply rooted in their local communities are thus continuously developing and highly reliant on effective and streamlined subscription and advertising revenue models.

Policies that place substantial burdens on subscription-based and other data-informed revenue strategies can significantly impact publishers' continued ability to provide high-quality content to their readers. Concurrently, publishers are already complying with highly regulated federal laws and a patchwork of state laws with regard to subscription renewal and the use of personal data. Sweeping restrictions on expected consumer data use, even in a known first-party context, will have significant negative impacts on news publishers' subscription revenue and reduce their ability to create the fact-checked journalism their communities so need.

NMA commends the Commission for its stated enforcement priorities: intervening where pricing practices are deceptive or unfair. We offer the following clarifications and urge the Commission to preserve the pricing flexibility that supports subscriber acquisition, retention, and access to professional journalism, practices that are expected and well-understood by consumers and beneficial to both readers and the broader communities served by the providers of high-quality journalism.

The Trusted First-Party Relationship Between Readers and Publishers

News publications provide readers with value, but in a way that is unlike groceries, clothing, transportation or other consumer goods that consumers require for daily living. News publishers depend on the trust of their readers and have a strong incentive to use consumer information responsibly to cultivate and foster long-term engagement. Unlike many everyday consumer goods, news is a voluntary purchase: readers choose to spend their money to support journalism because they value the content and the role news organizations play in their communities. That relationship is built on goodwill, transparency, and stewardship. The benefits of high-quality journalism extend beyond individual subscribers. News organizations serve as the eyes and ears of their communities, covering school boards, public safety, local government, elections, public spending, and other matters of civic importance. Subscribers help sustain that reporting, while the broader community benefits from the journalism that subscription revenue makes possible.

Broad-brush restrictions could significantly hamper customary newspaper and digital media subscription practices, including introductory offers, renewal offers, retention discounts, and other first-party subscription practices that benefit consumers and support access to local journalism. NMA urges the Commission to differentiate between the use of first-party subscription data and purchase-history data within an existing customer relationship and pricing based on sensitive or third-party data. In other words, NMA recognizes the Commission's stated prioritization of enforcement against practices that pose consumer harm, discrimination or are otherwise not expected by a consumer, such as differentiating the price of eggs based on a zip code obtained from a third-party vendor.

For these reasons, the Commission should expressly distinguish between the use of disclosed first-party utilization and past purchase information within an existing customer relationship and pricing practices based on sensitive information or data obtained from third parties. Treating these fundamentally different practices alike could unnecessarily restrict a longstanding and consumer-beneficial aspect of the publisher-subscriber relationship.

Pricing Flexibility is Expected, Benefits Consumers and Sustains Journalism

Broad restrictions on personalized pricing could interfere with customary subscription practices, including introductory offers, renewal discounts, loyalty offers, retention or "save" offers, and win-back offers. Publishers use these tools throughout the subscriber lifecycle to attract readers, retain existing subscribers, and sustain paid circulation. Preserving pricing flexibility can result in lower prices for consumers and continued support for journalism. It is therefore important that the Commission recognize that the use of first-party purchase or product usage information to make a discount offer is not inherently problematic and is, instead, beneficial to consumers and the economy.

These offers can be particularly valuable to consumers who initially subscribe at an introductory rate with clear notice that the price will increase at the end of the introductory period. Some subscribers may subsequently determine that the standard price no longer fits their circumstances and others may not have engaged with the publication as fully as they expected. Allowing publishers to consider a subscriber's relationship with the publication, including usage and engagement, can enable publishers to offer an appropriate discount rather than simply losing that subscriber.

Consumer advocacy groups have raised concerns about "different prices for different people." Subscription renewal offers are an ideal example of where this is appropriate, particularly as existing subscription renewal laws require advance notice of renewal prices such that consumers have already agreed to the pricing. The consumers at the high-end subscription tier pricing get a price they already agreed to, and the consumers at the other tiers get a price lower than they agreed to. This is pro-consumer in that it presents a consumer with a lower cost offer without having to haggle, and it is pro-business because it enables smart pricing decisions based on supply and demand and avoids "win-back" efforts which are time-intensive, costly, and uncertain in outcome.

Disclosure Requirements Should be Proportionate to Actual Harm

NMA is also concerned that an expansive disclosure requirement could discourage publishers from offering personalized subscription pricing discounts in the first place. The Commission should calibrate any disclosure requirements to the actual risk of consumer harm.

We urge the Commission to provide a maximum amount of latitude regarding the content and placement of disclosures, particularly for straightforward discount offers. Privacy policies, subscription sign-up flows, confirmation and renewal notices, and terms of use, provide consumers with sufficient information to make informed choices. Additional prescriptive disclosure language is not needed and adds complexity without meaningful consumer benefit.

The distinction is particularly important where a disclosure regime could unintentionally encourage businesses to replace personalized discounts with a higher uniform price. A rule intended to protect consumers should not have the practical effect of eliminating discounts that consumers would otherwise receive.

Preserve Access to High-Quality Journalism

The Commission can protect consumers from deceptive or unfair pricing while preserving legitimate pricing practices that benefit both consumers and publishers. Personalized introductory, retention, loyalty, renewal, and win-back offers based on limited first-party information are an important part of the modern subscription business and can help maintain consumers' access to high-quality journalism.

NMA therefore urges the Commission to focus enforcement on deceptive or unfair pricing practices that cause genuine consumer harm, while preserving publishers' ability to use their existing first-party customer relationships responsibly. Maintaining this flexibility will help publishers sustain subscriptions, support local newsrooms, and continue providing the fact-checked journalism on which communities across the country depend.

We believe this Administration and the Commission can and should ensure that its priorities safeguard Americans' access to information and content throughout the United States and the viability of important democratic institutions that millions of Americans rely on and that support vibrant local communities.