

CENTER FOR
DIGITAL
DEMOCRACY

October 7, 2024

Hon. Lina Khan, Chair
Hon. Rebecca Lelley Slaughter, Commissioner
Hon. Alvaro Bedoya, Commissioner
Hon. Melissa Holyoak, Commissioner
Hon. Andrew N. Ferguson, Commission
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580
Via email

Dear Chair Khan and Commissioners:

We respectfully urge the commission to launch an investigation into the connected television (CTV) industry in the U.S., including on antitrust, consumer protection and privacy grounds. Today, the Center for Digital Democracy released a report, *How TV Watches Us: Commercial Surveillance in the Streaming Era*, which documents a series of data collection and marketing practices that requires a comprehensive regulatory response.

As you know, CTV has become a major focal point for the commercial surveillance marketing system. So-called “first-party” consent-based data is gathered from tens of millions of American consumers through an opaque array of tactics operating within and behind TV screens and digital devices. Our CTV data flows into an array of state-of-the-art advertising technology systems operated by many of the leading digital media, TV manufacturer and entertainment companies. Through elaborate partnerships with data brokers, consumer “identity” specialists, ad agencies, retailers, supermarkets, data “clean rooms,” and platforms, CTV data is further enhanced to deliver personalized targeting to individuals and families across online and offline environments. So-called “programmatic” data-driven personalized targeting, including through auctions and direct placement, dominates CTV, as it does elsewhere online. AI, as well as generative AI, play a growing and consequential role in the creation and delivery of marketing, including efforts to foster increased data collection. These practices should be addressed.

We also urge the commission to examine the report’s discussion of how consumer health data is currently being harvested and utilized by CTV, as well as the complex of data-driven programming services aimed at both communities of color and young people. The numerous and growing interactive ad formats on CTV require scrutiny, such as those undertaken by Amazon, Comcast/NBCU and Disney to expand the ways the medium delivers real-time product sales. In addition to consumer protection and privacy, we request that the antitrust division examine the

close set of partnerships CTV companies have with major data brokers, retailers and platforms. Given the role that continuous data collection and targeting play in the operations of the most powerful companies, we believe that there are a number of practices—including, for example, data collaborations—that undermine competition within and outside of the CTV industry. We also ask the commission to investigate the alliances formed by leading networks, studios, advertisers and CTV companies to develop or refine media-measurement applications—so-called “currencies”—to identify the impact of programming and marketing on CTV as well as cross-platform. The relationships formed by these initiatives raise competition and consumer protection concerns.

Here is the [link](#) to our report.

You will find the report further substantiates the key findings of the recent FTC staff report on large social media and video streaming companies and their surveillance practices.

We look forward to any questions you, your colleagues and commission staff may have about this request to investigate CTV.

Sincerely,

Jeffrey Chester
Executive Director

cc: Sam Levine
Director, Bureau of Consumer Protection