



May 18, 2026

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Food Delivery Fees ANPRM (Project No. P267101) (Docket No. [FTC-2026-0463](#))

The Center for Science in the Public Interest (CSPI) respectfully submits these comments in support of the Federal Trade Commission (FTC) issuing a rule to address unfair or deceptive acts or practices (UDAP) relating to fees and charges by online food and grocery delivery platforms. CSPI recommends FTC's rule should require at the online point of selection, prior to checkout a) disclosure of the total cost of each item (including mandatory fees), b) disclosure of any differences between online and in-store prices, c) disclosure of any processes that may lead to differences in prices between customers, and d) that all required label information must be available and easily accessible.

CSPI is an independent consumer advocacy organization that has worked for over 50 years to improve the food system to support healthy eating. CSPI is funded by individual donations; subscriptions to our magazine, Nutrition Action; individual donors; and foundation grants. We accept no funding from corporations. We support evidence-based and community-informed policies that promote nutrition, food safety, and health.

Establishing clearer, standardized guidelines for fee transparency across all online food delivery platforms and across states and localities would promote fair competition in the restaurant and food retail marketplace, prevent economic harm to consumers, and promote equitable food access. FTC's mission is "protecting the public from deceptive or unfair business practices and from unfair methods of competition through law enforcement, advocacy, research, and education."¹ Any action by FTC should put consumers' interests first.

Under FTC Act Section 5, FTC has the authority to regulate acts and practices that are unfair or deceptive.² The agency can do so through enforcement actions and rulemakings.³ FTC has established that certain fees and charges, and practices related to those fees and charges, are UDAP and are therefore illegal under FTC Act Section 5.⁴ For example, as noted in the ANPRM, in 2024, in *FTC and Illinois v. Grubhub Inc.*, the agency alleged that the food delivery platform Grubhub was, among other things, deceiving consumers about how much its services cost by displaying a low- or no-cost delivery charge at all ordering stages until customers reach the checkout screen.⁵ And FTC's 2025 Rule on Unfair or Deceptive Fees for the live-event ticketing and short-term lodging industries established bait-and-switch pricing and misrepresentations about the nature of fees and charges at UDAP. Similar federal action on fees for food and grocery delivery that are UDAP could help ensure companies provide consumers with fair and transparent prices, whether they are shopping for food in person or online.

Online food ordering and delivery facilitates food access for many groups of consumers and can be a particularly important option for people who live in urban and rural food deserts,⁶ are immunocompromised, have mobility limitations, lack access to or funds for transportation, or are single parents.⁷ However, when online food ordering and delivery platforms adopt UDAP to maximize profits, they undermine food access and employ practices that are detrimental to consumers and their household food budgets. These detrimental practices include those described in section B of this ANPRM (e.g., misrepresenting or failing to disclose: the total price of items; the purpose or recipient of added fees; that fees, charges, and costs may vary based on factors such as the number of items purchased or delivery location; that some fees are optional; and that prices of items ordered online may differ from prices for the same items offered in-store). Other detrimental practices include the use of personalized pricing (i.e., where each customer receives different prices for the same product) and the failure to disclose product information that could affect purchasing decisions at the point of selection.

Below are responses to select questions posed in the ANPRM from the perspective of how UDAP in online food and grocery ordering and delivery impact consumers.

A. Questions about the market for online food delivery platforms

Question 14 asks about the prevalence of online food and grocery delivery platforms failing to clearly and conspicuously disclose all mandatory fees and charges prior to checkout.

Consumers are not always able to determine the full cost of an item at the point of selection. For example, Dominos (which has 7,100 U.S. locations, including restaurants in all 50 states)⁸ does not allow customers to view price information on its online ordering platform until after items have already been added to the cart.⁹ Additionally, customers can be surprised by hidden fees that corporations fail to disclose until checkout,¹⁰ or that change at checkout.¹¹ FTC's rule should require that the total cost of each item, including mandatory fees, be disclosed at the point of selection rather than obscured until checkout. This requirement would ensure that consumers can assess the full product cost when making purchasing decisions and throughout the transaction. FTC should also require that any advertisements referencing prices and/or fees should clearly and conspicuously disclose the total price of goods and services more prominently than any other price information.

Question 17 asks about the prevalence of online food and grocery delivery platforms... misrepresenting the identity of the good or service for which the fee is charged or imposed.

A 2024 study found that mandatory food label information, including the Nutrition Facts label, ingredients list, major allergens, or percent juice disclosures, was not present for 15% of food products sold on major online grocery platforms (and for an additional 49% of products, this information was present, but inconspicuous or illegible).¹² Similarly, a 2023 study found that mandatory calorie disclosures were missing from about half of chain restaurant menus on third-party platforms DoorDash, Grubhub, and UberEats.¹³ This information is essential to accurately portraying the identity of the products for sale. Without this information, consumers cannot make fully informed decisions about whether to purchase a product at the price listed. Their attention is instead drawn elsewhere, to puffery and other vague claims about the product. Because this issue pervades the major online grocery platforms, it is prohibitively difficult for consumers today to make informed decisions about what foods to purchase when shopping online. FTC's rule should

specify that all required label information must be available and easily accessible at the online point of selection, prior to checkout.

Question 25 asks about the extent to which online food delivery and grocery platforms charge prices that are different from the prices offered by food and grocery merchants to consumers in person (“in-store prices”). Consumers have been charged 30-50% more for groceries ordered online and delivered compared to the same basket of goods purchased in store without disclosure at point of selection.¹⁴ Current corporate practice requiring customers to navigate apps and websites through multiple clicks to arrive at vague descriptions of pricing policies is inadequate.¹⁵ FTC’s rule should require disclosure of any differences from in-store prices at the online point of selection, prior to checkout.

Question 26 asks about the extent to which online food and grocery delivery platforms employ “personalized pricing” and about the costs and benefits of such practices for consumers. Recent national polling indicates 72% of consumers find it unfair that online food retailers charge different prices for the same products from the same stores based on purchase history or demographic information.¹⁶ A 2025 investigation by Consumer Reports and Groundwork Collective found that some grocery prices differed by as much as 23% per item between customers shopping on Instacart.¹⁷ While this study did not find differences by demographic characteristics such as income or zip code, CSPI is currently investigating potential online food retailer UDAP related to pricing against Supplemental Nutrition Assistance Program (SNAP) participants in online grocery shopping. Specifically, CSPI will assess the extent to which the three largest online grocery retailers engage in price discrimination (different prices for the same item), price steering (prominently displaying more expensive items), and steering towards products of poorer nutritional value (prominently displaying less healthy items) based on SNAP participation that could violate FTC Act Section 5 and US Department of Agriculture SNAP equal treatment provisions. These equal treatment provisions require SNAP-authorized retailers to treat SNAP customers the same as non-SNAP customers, including offering identical prices.¹⁸ CSPI would be happy to share our findings with FTC once they are released later this year. Regardless of our findings, FTC’s rule should require disclosure of processes that may lead to differences in prices between customers, including if personalized pricing is used, which factors (e.g., zip code, past purchases, nutrition assistance program participation) are used, and the range of resulting markup (e.g., personalized pricing can result in up to a XX% increase). All of this information should be required to be displayed at the online point of selection, prior to checkout.

B. Questions about potential rule provisions and other potential commission action

Question 36: Yes, a rule should prohibit online food delivery platforms from offering, displaying, or advertising any price for delivery services (or price for alternatives to delivery services such as in-store pickup) without clearly and conspicuously disclosing the total price of such services, including all mandatory fees and charges.

Question 37: Yes, a rule should require online food delivery platforms, in any offer, display, or advertisement that represents the total price of goods or services, to disclose the total price including all mandatory fees and charges more prominently than any other pricing information.

Question 38: Yes, a rule should prohibit online food delivery platforms from failing to disclose clearly and conspicuously, before consumers consent to pay for goods or services, the nature, purpose, amount, refundability, and recipient of any fee or charge that they have excluded from advertised prices and the identity of the good or service for which the fee or charge is imposed.

Question 39: Yes, a rule should prohibit online food delivery platforms, in any offer, display, or advertising for goods or services, from misrepresenting any fee or charge, including: the nature, purpose, amount, refundability, or recipient of any fee or charge; and the identity of the good or service for which the fee or charge is imposed,

Question 43: Yes, a rule should require fees or charges to accurately reflect the actual cost of the goods or services covered by the fee or charge.

Question 44: Yes, a rule should require online food delivery platforms to disclose the extent to which fees or charges will or will not be paid to delivery workers (or to food and grocery merchants). The rule should require disclosure of which fees and charges will be paid to these workers, including disclosure of fees that could be construed as a fee or charge that will be paid to a delivery worker or food and grocery merchant (e.g., service fee).

Question 45: A rule should require that the full tip or gratuity amount be paid to delivery workers to align with consumer expectations that tips are being paid to these workers.¹⁹ No part of the tip should be withheld by the corporation.

Question 46. A rule should require that the full tip or gratuity amount be paid to grocery merchant staff to align with consumer expectations that tips are being paid to these workers.²⁰ No part of the tip should be withheld by the corporation.

Question 48: Yes, a rule should require all mandatory fees and charges to be disclosed before a consumer begins placing an order on an online food delivery platform.

Question 51: Yes, a rule should require online food delivery platforms to disclose whether the prices of items are the same as (or different from) the prices offered by food and grocery merchants to consumers in person (in-store prices). Specifically, the rule should disclose the full cost of each item at point of selection, including any markups that result in a) differences from in-store prices, b) differences in prices between customers, and c) fees that will increase the total cost of the basket of goods.

Question 52: Yes, a rule should require online food delivery platforms to disclose whether they use personalized pricing and the extent to which consumers' data is collected or used in connection with personalized pricing, including which factors (e.g., zip code, past purchases) are used, and the range of the resulting price markup.

Question 53: Yes, the requirements of a rule should apply equally to orders placed for delivery and orders placed with an alternative to delivery (such as in-store pickup). All online food shopping platforms, regardless of whether consumers opt for delivery or on-site pickup, should be required to provide fair and transparent prices to consumers.

Question 54: Yes, the requirements of a rule should apply equally to all food and grocery merchants. All online food shopping platforms, regardless of type of food or grocery merchant, should be required to provide fair and transparent prices to consumers.

Question 55: No, a rule should not exempt or exclude any type of online food delivery platforms from compliance with the rule. All online food shopping platforms, regardless of whether they are operated by a grocery or food merchant or a third-party platform, should be required to provide fair and transparent prices to consumers.

CSPI applauds FTC for upholding fair and transparent prices in the live-event ticketing and short-term lodging industries²¹ and encourages the agency to similarly prioritize regulating the online food ordering and delivery industries to protect consumers' best interests.

Thank you for considering our comments on this ANPRM.

Sincerely,

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⁴ 15 U.S.C. § 45(a)(1).

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