



December 6, 2024

The Honorable Lina M. Khan
Chair
Federal Trade Commission
600 Pennsylvania Ave NW
Washington, D.C. 20580

Dear Chair Khan,

I write to urge the Federal Trade Commission (FTC) to investigate and bring enforcement actions against deceptive and unlawful practices in the live event ticketing market, including through vigorously enforcing the Better Online Tickets Sales Act (BOTS Act).

High-profile ticketing failures, such as Ticketmaster’s mishandling of Taylor Swift’s Eras Tour, have brought renewed attention to the persistent and pervasive issue of scalpers and misleading marketplaces. Concert-goers are increasingly competing with well-resourced scalpers, who crowd out real fans with automated bots to buy out seats for even small, local shows. Those scalpers often then resell tickets at starkly inflated prices, sometimes multiple times their price, on shady marketplaces that look like the original venue’s site in their branding and search results, often using sponsored ads to appear ahead of the actual venue’s website. As a result, consumers might not be aware they are buying from a scalper or that tickets are still available at face value — or even that a seller does not possess the ticket the buyer is trying to purchase (“speculative ticketing”).

Deceptive and unlawful ticket scalping harms consumers, concert venues, and artists. Concert venues suffer when abusive scalping leads to empty seats and undersold shows, and when fans are irate because a scalper leads the consumer to think they are buying directly from the venue and overcharges or fails to deliver on promised tickets.

And, while many venues do all they can to stop bots from buying up their inventory, small and independent venues are outmatched in the arms race against scalper’s sophisticated


circumvention and impersonation schemes.¹ This struggle to fend off bots and other anti-consumer practices by scalpers also reinforces the market power of large venues and dominant ticket sales platforms, such as Live Nation/Ticketmaster, when independent venues find themselves unable to protect real consumers' access themselves.

The BOTS Act made it illegal for scalpers to use bots to bypass the security measures and other limitations that ticket sales platforms put in place to ensure that real fans can get access to tickets. The Federal Trade Commission Act's prohibition on 'unfair or deceptive acts or practices' in commerce also makes it unlawful for marketplaces and sellers to deceptively impersonate concert venues and falsely claim to possess tickets in their speculative sales. Regrettably, however, despite the BOTS Act's enactment in December 2016, the FTC has only taken action once, against three ticket brokers in January 2021. This lack of deterrence from the underenforcement of the BOTS Act has fostered a sense of impunity, inviting more scalpers with more sophisticated schemes, driving up prices for consumers, and creating a minefield of scams.

I urge the Federal Trade Commission to vigorously enforce our consumer protection laws in the live event market, including the BOTS Act, to protect concert goers and venues from predatory ticketing schemes. I additionally request that the FTC provide a briefing about its consumer protection efforts in ticketing market, including work to warn consumers, enforcement actions, and recommendations for strengthening our laws on ticketing, no later than December 20, 2024.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, reading "Richard Blumenthal".

Richard Blumenthal
United States Senate

¹ "Why Ticket Brokers Can Get Taylor Swift Tickets and You Cannot" 404 Media. <https://www.vice.com/en/article/why-ticket-brokers-can-get-taylor-swift-tickets-ticketmaster-live-nation-monopoly/> "Why Scalpers Can Get Olivia Rodrigo Tickets and You Can't." 404 Media. <https://www.404media.co/why-scalpers-can-get-olivia-rodrigo-tickets-and-fans-cannot/>