August 27, 2026

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue NW
Suite CC-5610
District of Columbia 20580

Re: Petition for Rulemaking Prohibiting Unconsented and Unstoppable Marketing Push Notifications for Wagering Applications, Docket Number FTC-2026-0958

Dear Commissioners:

The undersigned civil society organizations write in strong support of the petition for rulemaking submitted in July 2026 regarding smartphone push notifications for wagering applications. As the petition persuasively explains, wagering apps are exploiting a loophole in federal law to aggressively advertise to users with "push" alerts that pop up on their smartphone—notifications which they did not specifically opt into and which they cannot cancel without also blocking important non-promotional communications. Given the serious resulting consumer harms and the trivial value of any countervailing benefits, we urge the Federal Trade Commission ("FTC" or "Commission") to approve the petition and swiftly initiate a rulemaking to rein in the practice.

As broader context, wagering apps, including sports betting apps (such as DraftKings and FanDuel) and prediction market platforms (such as Polymarket and Kalshi), have surged in popularity in recent years. One opinion survey shows that more than a fourth of Americans—including 52% of men between 18 and 49 years old—have an active online sports betting account, while another poll found that 14% of registered voters said they sometimes or frequently use prediction markets, including 39% of men aged 18 to 34. The growth of online prediction markets, where users place bets on everything from sports events to election outcomes, in particular has been explosive: in December 2025, $12 billion was traded on Kalshi and Polymarket alone, representing an estimated 400 percent increase from the year before.

Millions of these bettors are placing their wagers via smartphone apps that are accessible 24/7 and installed on a device they can carry around everywhere in their pocket. This pervasive and instant availability is compounded by the apps' direct marketing alerts and pop-ups pushed onto the smartphone screen, making them strikingly effective at capturing user attention and encouraging repeated use. In fact, one experimental study showed that bettors who opted out of direct marketing (emails, texts, and push notifications) placed 23% fewer bets and spent 39% less than those who did not. As the lead petitioner National Consumers League found last year, profit is the point of these push notifications; during a 4-week test period, the organization found that virtually all (93%) of smartphone notifications sent by the three biggest sports betting companies contained advertising material.

As these digital enablers of gambling spread into everyday life, so too do the risks of harm associated with gambling itself: not just financial losses, but also more bankruptcy, excessive debt, higher suicide rates, and more domestic violence. Despite these individual and societal hazards, most of the top gambling apps do not offer a way for their users to selectively turn off *only* the promotional push notifications. Instead, the apps' all-or-nothing bundling of all commercial communications forces their users—including people who are near or past the point of developing a gambling addiction—to accept a steady flow of ads enticing them to gamble in order to get essential commercial communications, such as account security warnings.

This status quo offers no countervailing benefits that justify or eclipse the significant harms. Indeed, many businesses are already required by federal law to separate out their promotional emails and texts from the non-marketing messages so that their users may unsubscribe only from the ads. The problem is that similar rules and principles do not yet apply to commercial communications delivered via smartphone push notifications. The solution to this outdated loophole is obvious and simple.

That is why the National Consumers League, on behalf of itself, the Campaign for Fairer Gambling, the National Council on Problem Gambling, the Public Health Advocacy Institute, and Truth in Advertising, Inc., submitted the petition urging the FTC to initiate a rulemaking under Section 18 of the FTC Act (15 U.S.C. § 57a), which authorizes the agency to promulgate trade regulation rules regarding unfair or deceptive business practices. Specifically, a business act or practice is considered unfair if it causes (or is likely to cause) substantial injury to consumers and that injury is not reasonably avoidable and not outweighed by countervailing benefits.

We strongly agree with the petitioners that each element is met here: the resulting harm is substantial, it is not reasonably avoidable due to the all-or-nothing bundling of the promotional and non-promotional messages, and it is not outweighed by any countervailing benefit. Notably, the petition does not ask the FTC to prohibit gambling ads or to regulate the *content* of wagering apps' communications with users. The petition merely asks the FTC to apply long-settled consumer protection principles to a newer type of commercial communications: get users' affirmative permission for marketing push notifications, provide a simple opt-out mechanism from the promotional push notifications, and honestly disclose how often the app sends marketing notifications to users who have opted in.

By adopting these recommendations, the Commission would simply be restoring consumers' control over unwanted digital marketing via push notifications that we already have over marketing emails and texts. Americans should not have to be subjected to incessant unwanted ads popping up on their phones just to continue receiving important non-marketing messages about their account. We hope that you will agree.

Thank you for considering our request.

Sincerely,

Better Markets
Consumer Federation of America
Demand Progress Education Fund
Economic Empowerment Center DBA Lending Link
Electronic Privacy Information Center
Oregon Consumer Justice
Oregon Consumer League
Virginia Citizens Consumer Council