



Office of the Chairman

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

August 28, 2025

Via electronic mail to Halimah D. Prado, General Counsel

Sundar Pichai
Chief Executive Officer
Alphabet Inc.
1600 Amphitheatre Parkway
Mountain View, CA 94043

Re: Potential FTC Act Violations Related to Partisan Administration of Gmail

Dear Mr. Pichai,

The Federal Trade Commission (“FTC”) is the nation’s consumer protection agency responsible for protecting American consumers from unfair or deceptive acts or practices. As part of its mission, the agency brings law-enforcement actions and educates businesses, industries, and market participants about compliance with the laws the FTC enforces. I write due to recent reporting that suggests Alphabet’s administration of Gmail is designed to have partisan effects, and accordingly to notify you that Alphabet may be engaging in unfair or deceptive acts or practices.¹

My understanding from recent reporting is that Gmail’s spam filters routinely block messages from reaching consumers when those messages come from Republican senders but fail to block similar messages sent by Democrats. Indeed, according to recent reporting, Alphabet has “been caught this summer flagging Republican fundraising emails as ‘dangerous’ spam—keeping them from hitting Gmail users’ inboxes—while leaving similar solicitations from Democrats untouched....”² Likewise, commenters on the FTC’s request for information regarding Technology Platform Censorship have complained that Google is using a partisan

¹ While outside my purview, I believe such conduct may also violate applicable state consumer protection laws.

² See, e.g., Thomas Barrabi, *Google Caught Flagging GOP Fundraiser Emails as “Suspicious” – Sending Them Directly to Spam: Memo*, N.Y. Post, Aug. 13, 2025 (“After weeks of back and forth with Google, the company’s support team acknowledged that links to WinRed were deemed ‘suspicious’ and flagged with a ‘red warning banner’ alerting users that it was ‘potentially suspicious or unsafe,’ according to a screenshot of a July 22 email.”), <https://nypost.com/2025/08/13/business/google-caught-flagging-gop-fundraiser-emails-as-suspicious-sending-them-directly-to-spam-memo/>.

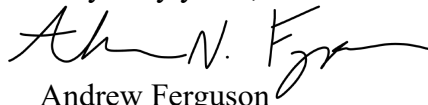
approach in administering its spam filters.³ And finally, as you know, similar concerns have resulted in ongoing litigation against Google in other settings.⁴

Section 5 of the FTC Act prohibits unfair or deceptive acts or practices.⁵ A representation is deceptive under the FTC Act if it is material and would likely mislead consumers acting reasonably under the circumstances.⁶ An act or practice is unfair if it causes or is likely to cause substantial injury to consumers that cannot reasonably be avoided, and that injury is not outweighed by countervailing benefits to consumers or competition.⁷ Alphabet's alleged partisan treatment of comparable messages or messengers in Gmail to achieve political objectives may violate both of these prohibitions under the FTC Act. And the partisan treatment may cause harm to consumers.

Hearing from candidates and receiving information and messages from political parties is key to exercising fundamental American freedoms and our First Amendment rights. Moreover, consumers expect that they will have the opportunity to hear from their own chosen candidates or political party. A consumer's right to hear from candidates or parties, including solicitations for donations, is not diminished because that consumer's political preferences may run counter to your company's or your employees' political preferences.⁸ If Gmail's filters keep Americans from receiving speech they expect, or donating as they see fit, the filters may harm American consumers and may violate the FTC Act's prohibition of unfair or deceptive trade practices.

As the Chairman of the FTC, I write to inform you of your obligations under the FTC Act. Any act or practice inconsistent with these obligations could lead to an FTC investigation and potential enforcement action.

Very truly yours,



Andrew Ferguson
Chairman
Federal Trade Commission

³ See, e.g., Joint Comment, NRSC & NRCC, FTC-2025-0023-2809 (May 21, 2025), <https://www.regulations.gov/comment/FTC-2025-0023-2809>.

⁴ See, e.g., Notice of Oral Argument, *Republican National Committee v. Google Inc., et al.*, No. 24-5358 (9th Cir. July 7, 2025).

⁵ 15 U.S.C. § 45(a).

⁶ See Fed. Trade Comm'n, Policy Statement on Deception (1983) (appended to *Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)).

⁷ 15 U.S.C. § 45(n); see Fed. Trade Comm'n, Policy Statement on Unfairness (1980) (appended to *International Harvester Co.*, 104 F.T.C. 949 (1984)).

⁸ The fact that the preferences of your company's employees have been unambiguously expressed in the past lends credence to more recent reporting about Alphabet's alleged partisan approach to administering Gmail. See, e.g., Jillian D'Onfro, *Leaked Video Shows Upset Alphabet Executives Responding to President Trump's Election in Company-Wide Meeting*, CNBC, Sept. 12, 2018, <https://www.cnbc.com/2018/09/12/leaked-video-from-alphabet-tgif-meeting-after-president-trump-election.html>.