

Press Coverage | June 30, 2026

Anti-Surveillance Pricing Trend Picks Up Steam in New York

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[Ashley L. Taylor, Jr.](#), a partner in Troutman Pepper Locke's [State Attorneys General](#) Practice Group, was quoted in the June 30, 2026, *Corporate Counsel* article, "[Anti-Surveillance Pricing Trend Picks Up Steam in New York](#)."

At the same time, retailers "shouldn't paint with too broad a brush regarding what is prohibited," since not all algorithm-driven price changes are surveillance pricing, according to Ashley Taylor, co-leader of Troutman Pepper Locke's state attorneys general practice.

"Algorithmic pricing remains viable," he said. "The clear line is the individualized consumer information being used to set prices." Uniform programs that offer coupons for loyalty are not covered, he said, even though they do rely on tracking individual consumers' purchasing behavior.

Taylor said that he expected enforcement would likely be driven by complaints that surveillance pricing is driving prices higher for some, rather than by the minutiae of discount programs.

"Regulators don't often get upset when you're lowering the price," Taylor said. "They tend to get animated when you're raising the price. ... It's going to be outcome-driven and consumer complaint-driven."

He also said that regulators may investigate companies simply to learn more about what algorithmic pricing practices they are using, which has so far been opaque, and that a request for information might not necessarily lead to any action.

"Unfortunately, I think a lot of companies are going to receive subpoenas or civil investigative demands, but I think they're going to be more for the regulators' education initially," Taylor said, adding that companies "would be wise not to overreact or overcorrect" in the face of such demands.

Both Taylor and Ohlhausen said they expected the trend of surveillance pricing laws to continue.

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