



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Ted Regnaud

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Regnaud:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

In your comment, you indicate that this issue has affected you and all Amazon Flex drivers greatly and that many drivers stopped taking routes in boycott of Amazon stealing your pay. You suggest that the proposed order should include consumer redress for all drivers, dividing the settlement equally, not based on hours or miles worked.

The proposed order includes equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices in the future. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers. The Commission believes that the better course is to distribute the funds to drivers who were affected based on the amount of tips that were withheld from those individual drivers, rather than basing it on hours or miles worked. The relief does not include a requirement for the funds to be distributed evenly to all drivers because the complaint does not allege that Amazon withheld tips from all drivers.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



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June 9, 2021

Commenter Norman Scroggins

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Scroggins:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The

order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay more than \$61.7 million, including interest on the funds being returned to drivers. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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WASHINGTON, D.C. 20580

June 9, 2021

Commenter Marilyn Abreu

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Abreu:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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Office of the Secretary

June 9, 2021

Commenter CyriSSa Nicholson

Re: *In the Matter of Amazon Flex*, File No. 192 3123, Docket No. C-4746

Dear Commenter Nicholson:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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June 9, 2021

Commenter Moumita Roy

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Roy:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The

order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay a fine on top of the \$61.7 million being returned to drivers. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward

Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and will not deter other companies from improperly withholding drivers' tips. You state that Amazon should be required to pay interest on the \$61.7 million being returned to drivers, along with a fine many times larger than the amount of tips withheld. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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Office of the Secretary

June 9, 2021

Commenter Alisa Stansbury

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Stansbury:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will

update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



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WASHINGTON, D.C. 20580

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

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The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The

order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay more than \$61.7 million, including interest on the funds being returned to drivers. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

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April J. Tabor
Secretary



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WASHINGTON, D.C. 20580

June 9, 2021

Commenter Diane Scarborough

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Scarborough:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex from January 2016 through June 2018, and you express the concern that the FTC's complaint and the proposed order do not include the entirety of that time period. As alleged in the FTC's complaint, Amazon changed its practices in late 2016, and as a result it withheld tips from drivers from late 2016 through August 2019. The FTC will distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When

the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

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April J. Tabor
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June 9, 2021

Commenter Morgan Lindsey

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Lindsey:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The

order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement should require Amazon to pay more than \$61.7 million, including interest and damages. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(1) of the FTC Act, 15 U.S.C. § 45(1).

In your comment, you also ask how drivers will know they are receiving the correct amount under the proposed settlement. Section IV of the proposed order requires Amazon to provide this information to the Commission.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

Your comment expressed concern that Amazon is still using tips to subsidize its contribution to driver pay because Amazon "still do[es] not provide a breakdown of tips for each individual delivery." You also suggest that you have been seeing "wild swings in resolved tips from otherwise very similar routes" and that you have "enough anecdotal evidence in the records [you] keep" to convince you that "this issue is not resolved." As alleged in the complaint, on August 22, 2019, Amazon announced to its current drivers an "Updated Earnings Experience," which was similar to the original compensation program that had been in effect from 2015 through late 2016 at the start of the Amazon Flex program. After the August 2019 announcement, Amazon began separately displaying in the App the amount it would pay drivers and the tips for each delivery block. The complaint does not allege that Amazon separately displays the tips for each individual delivery. The proposed order includes both equitable

monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

Your comment also states that Prime Fresh and Prime Now customers are now able to have groceries delivered with Electronic Benefits Transfer (EBT) payments (SNAP benefits), which are tip-free unless a customer tips in cash and in person because consumers cannot tip with EBT under Federal guidelines. You indicate that Amazon gives drivers an overly optimistic estimate of tip range on those routes. As noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers. If, in the future, Amazon violates the order, the Federal Trade Commission could pursue civil penalties of up to \$43,792 per violation.

We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. Further, if you have any additional information regarding these practices, we would encourage you to submit a complaint with the Commission at our website, www.reportfraud.ftc.gov, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Valerie Spechio

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Spechio:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will

update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Raph Cary

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Cary:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will

update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward

Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement should be expanded to include interest, penalties and fines, including the amount by which Amazon's stock price appreciated during the relevant time period. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and, as you acknowledge in your comment, the Commission currently lacks authority to collect penalties or fines based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

In your comment, you also suggest that the Commission should investigate how Amazon compensates drivers when they exceed the allotted block time through no fault of their own, for example, when a driver must return alcohol to Amazon because no one of legal age was available to accept delivery. As noted above, the proposed order would prohibit Amazon from misrepresenting the amount it pays drivers or their likely income. While the Commission cannot comment on whether it has opened any investigations, we have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

Your comment further suggests that the proposed settlement should allow for a class action lawsuit to demand that Amazon pay additional compensation to drivers. The proposed settlement resolves the Commission's allegations in its complaint against Amazon. The proposed order does not address any right that individuals may have to sue under other state or federal laws.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 9, 2021

Commenter Gabriel Brown

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Brown:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The

order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement should require Amazon to pay punitive damages. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect punitive damages based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay more than \$61.7 million, including interest on the funds being returned to drivers. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



Office of the Secretary

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

June 9, 2021

Commenter Sandra Jerue

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Jerue:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will

update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Carlos Mata

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Mata:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Julia Olivencia

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Olivencia:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Tonya Pruitt-Lyons

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Pruitt-Lyons:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

In your comment, you state that Amazon "did not disclose they would pay less money than advertised depending on the tips received as they could potentially cover the base pay." You suggest that Amazon should have been transparent and they "could have avoided this." The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

You do not propose any revisions to the draft Complaint or Decision and Order. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar acts or in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you express concern that the data used to identify Flex drivers who are owed tips may be incomplete, particularly as it relates to the PHL 1 warehouse. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to the Amazon Flex drivers who are entitled to them. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>. We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding your specific concerns, we would encourage you to submit a complaint

with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Melissa H

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter H:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement should require Amazon to pay more than \$61.7 million, including compensation to drivers for harmful stress, wage cuts, car maintenance, and/or mileage. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

Your comment also suggests that a third-party monitor should be appointed to supervise Amazon's financial decisions. Although the proposed order does not provide for such monitoring, the FTC regularly monitors compliance with its orders, and violators are subject to civil penalties as described above.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar acts or in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. You also express concern that the contact information for some former Flex drivers may be out of date. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to the Amazon Flex drivers who are entitled to them. Even if a former driver has moved, the FTC has access to the National Change of Address system, which records change-of-address notices submitted to the U.S. Post Office. Drivers do not need to do anything to make a claim for what they are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

In your comment, you also express concerns about Amazon’s driver support platform and other practices unrelated to the allegations in the complaint in this matter, including limiting driver hours and improper driver deactivations. To the extent these practices involve Amazon’s representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Udoka Okafor

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Okafor:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Carla McLaurin

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter McLaurin:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to the Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

In your comment, you also express concern over having had to affirmatively contact Amazon to receive all of the compensation you were entitled to for a block. The proposed order prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding Amazon requiring drivers to affirmatively make claims to receive tips they are owed, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Christina Eastman

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Eastman:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to redress for tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases->

[proceedings/refunds/refunds-amazon-flex-drivers.](#)

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

In your comment, you also express concerns about other practices unrelated to the allegations in the complaint in this matter. To the extent these practices involve Amazon’s representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Steve Baldwin

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Baldwin:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you express concerns about other practices unrelated to the allegations in the complaint in this matter. The proposed order resolves the allegations in the complaint, as they are described above. After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement should require Amazon to pay more than \$61.7 million, including interest and other amounts. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

In your comment, you also raise concerns about the adequacy of Amazon's driver support and payments to drivers who exceed the allotted block time because of bad traffic or other issues beyond their control. As noted above, the proposed order would prohibit Amazon from misrepresenting the amount it pays drivers or their likely income. We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Susan Hinson

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Hinson:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay more than \$61.7 million, including interest and penalties. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

In your comment, you also raise concerns about Amazon's support for drivers and its system for assigning gigs. We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have information about unfair or deceptive practices or order violations, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and will not deter other companies from improperly withholding drivers' tips. You state that Amazon should be required to pay more than \$61.7 million, including interest and penalties in the form of Amazon stock. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices in the future. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you disagree with another public comment which suggested that the proposed order should include consumer redress for all drivers and divide the settlement equally to all drivers instead of based on the number of hours or miles worked. You state that the settlement "is money to REIMBURSE Amazon Flex drivers who worked during a SPECIFIC period of time ('late 2016 through August 2019') and were directly impacted by Amazon's 'variable base pay'." You also state that you have kept "meticulous records" of the work you performed for Amazon Flex, including the days and hours you worked, the types and number of deliveries you made, the amount you were told you would be paid, the amount you were actually paid, and the total mileage you drove. You state that "this settlement is NOT charity to be split equally among all drivers as this issue did NOT impact all drivers equally" and that from your records, you were able to calculate that you should be reimbursed thousands of dollars. You state

that although distribution of the settlement based on exactly how much was withheld from each individual driver will be “time consuming and tedious,” it’s the only way it should be done and is the right way.

The Commission also believes that the better course is to distribute the funds to drivers who were affected based on the amount of tips that were withheld from those individual drivers. The relief does not include a requirement for the funds to be distributed evenly to all drivers because the complaint does not allege that Amazon withheld tips from all drivers.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Shanket Karki

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Karki:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you state that you have been an Amazon Flex drivers since 2016 and you express concern about the way that Amazon treats its Flex drivers. You also state that you felt Amazon has stolen your tips and that when you contacted Amazon about this, you were told that you had been paid everything, including tips. As alleged in the FTC's complaint, Amazon withheld tips from drivers from late 2016 through August 2019. The FTC will distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

Your comment raises two additional concerns. First, you indicate that drivers with the same ratings do not see the same blocks and offers and that new drivers get to "see and grab" many offers in a single day while the "old drivers have to fight for even one offer a day." Second, you state that there is now a 30 minute gap between blocks when drivers were previously able to get back to back or connecting blocks. Your comment suggests that both of these practices are unfair.

To the extent these practices involve Amazon's representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Yogi Bohara

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Bohara:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar acts or in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

Your comment expresses concern about Amazon “deactivating” drivers and the amount of time it takes for drivers to “get Blocks.” To the extent these practices involve Amazon’s representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you state that you found out that Amazon was taking your tips at the end of 2016. You state that you emailed Amazon about this but were told that Amazon was

protecting the customer's privacy. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

Your comment also states that Amazon "scams" the drivers and the government because drivers have a lot of responsibilities but are called independent contractors for Amazon's tax purposes, which you state prevents them from receiving certain protections around compensation from the state and federal governments. The complaint does not make allegations about the characterization of drivers as "independent contractors." The proposed order defines a "driver" as "someone, regardless of employment status with Respondents, who provides delivery services by accepting individual offers to make a single delivery or set of deliveries to Respondents' customers." As noted above, the order thus prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips, regardless of the driver's employment status with Amazon.

Your comment also suggests that the FTC needs to further investigate this matter, that Amazon "has the money," and that Amazon is hiding things. You indicate that Amazon is still keeping some of your tips based on what customers told you about the amount of tips they have left that do not "add up." As noted above, the complaint alleges that between late 2016 and August 2019, Amazon secretly used nearly a third of customer tips to subsidize its own pay to drivers. On August 22, 2019, Amazon announced to its current drivers an "Updated Earnings Experience," which was similar to the original compensation program that had been in effect from 2015 through late 2016 at the start of the Amazon Flex program. After the August 2019 announcement, Amazon began separately displaying in the App the amount it would pay drivers and the tips for each delivery block. The order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. If, in the future, Amazon violates the order, the Federal Trade Commission could pursue civil penalties of up to \$43,792 per violation.

We have also added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. Further, if you have any additional information regarding these practices, we would encourage you to submit a complaint with the Commission at our website, www.reportfraud.ftc.gov, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Commenter Anonymous

Page 3

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Amanda

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Amanda:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you state that you started driving for Amazon Flex in 2015 and experienced a decrease in pay when Amazon implemented a hidden variable rate. You state that

in early 2020, Amazon changed to a guarantee of \$15 plus all tips. As alleged in the complaint, Amazon introduced “variable base pay” starting in late 2016 in various locations and withheld tips from drivers from late 2016 through August 2019. The FTC will distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

Your comment also includes other concerns about the Amazon Flex program. First, you state that there has been a significant increase in the number of delivery stops, which you note seems dangerous for people trying to meet deadlines with “very little room for error” and may lead to deactivation. To the extent these practices involve Amazon’s representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

Your comment includes additional concerns about other practices unrelated to the allegations in the complaint in this matter. The proposed order resolves the allegations in the complaint, as they are described above.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Patrick Hayes

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Hayes:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

In your comment, you indicate that you made deliveries for Amazon Flex and believe that you are entitled to tips that Amazon withheld from you. Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from

making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes equitable monetary relief and injunctive provisions to remedy Amazon's alleged practices and prevent the company from engaging in the same or similar practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers—which the FTC will return to the drivers whose tips Amazon withheld.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent.

In your comment, you express the view that the proposed settlement is too lenient and should require Amazon to pay more than \$61.7 million, including interest on the funds being returned to drivers, and should require Amazon to provide a forensic accounting of the tips withheld from each driver. The Commission's proposed complaint, however, alleges violations of Section 5 of the FTC Act, and the Commission is not authorized to collect fines or penalties based on such violations. Given this limitation, the Commission has determined that monetary relief equal to the full amount of tips Amazon withheld from drivers and the conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission's final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l). Additionally, Section IV of the proposed order requires Amazon to provide the FTC with the information necessary to administer restitution to drivers.

In your comment, you also express concern about Amazon's delivery routes and driver support, and its practices related to late or returned deliveries and "late block forfeits." As noted above, the proposed order would prohibit Amazon from making misrepresentations about drivers' pay and tips, and from changing the extent to which it uses a driver's tips toward its contribution to the driver's earnings without first obtaining express informed consent from the driver. We have added your comment to our agency's complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission's website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon's conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon's contribution to drivers' earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver's tips toward Amazon's contribution to the driver's earnings without first getting the driver's express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you state that you have been an Amazon Flex driver since 2016. You express concern that Amazon may be continuing to steal drivers' tips. You also state that

Commenter Anonymous

Page 2

Amazon refuses to compensate drivers for the overtime required to work to complete the block, allows “cheaters” to use other sources to steal blocks, and retaliates if drivers ask to be compensated for the overtime worked. To the extent these practices involve Amazon’s representations or conduct relating to drivers, as noted above, the order against Amazon would prohibit it from misrepresenting to all consumers the income a driver is likely to earn or the amount Amazon will pay drivers, among other things. We have added your comment to our agency’s complaint database, which assists us in tracking complaints and helps inform our law enforcement decisions. If you have additional information regarding such practices, we would encourage you to submit a complaint with the Commission at our website at <http://www.ftc.gov>, or by calling our Consumer Response Center at (877) 382-4357.

Please be assured that the FTC has obtained from Amazon the necessary information to distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Laura Padin

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Commenter Padin:

Thank you for your comment on behalf of the National Employment Law Project (“NELP”) regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission’s Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. (“Amazon”) engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

The proposed order includes both equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices to those alleged in the complaint in the future. The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips that apply to Amazon’s conduct with regard to all drivers moving forward. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent. The proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

In your comment, you applaud the FTC for using its enforcement authority to hold

Amazon accountable for its action in this case and note that you submit the comment “to explain that the independent contractor misclassification seen in this case, as well as related types of subcontracting perpetuated by Amazon, are pervasive business strategies, particularly in underpaid, labor-intensive occupations where the workforce is predominantly people of color and immigrants with little bargaining power vis-à-vis the corporation that hires them.” You also state that Amazon’s misclassification of its Amazon Flex drivers enabled the deceptive practices at issue in this case because Amazon’s advertised hourly rate for Flex drivers does not accurately account for expenses incurred by the drivers like fuel and tolls, does not account for hours of uncompensated work that drivers must perform, and allows Amazon to more easily get away with unfair and deceptive practices that are prohibited or regulated in the employer-employee relationship, like tips. The complaint does not make allegations about the characterization of drivers as “independent contractors.” The proposed order defines a “driver” as “someone, regardless of employment status with Respondents, who provides delivery services by accepting individual offers to make a single delivery or set of deliveries to Respondents’ customers.” As noted above, the order thus prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips, regardless of the driver’s employment status with Amazon.

Finally, you urge the commission to “continue to focus its efforts to investigate and root out unfair and deceptive practices in the so-called ‘gig economy’ and in other sectors where misclassification and other types of subcontracting are common” and workers are “underpaid and lack bargaining power.” You suggest that the Commission’s competition powers should be used to “level the playing the [sic] field between workers and the companies that employ them,” especially where companies use workers labeled as independent contractors or engage in other types of subcontracting because the workers face unique vulnerabilities and substantial barriers to holding their employers accountable. You state that the Commission should “go beyond holding individual companies accountable and respect the right of all workers, regardless of classification, to organize and build power collectively.” While you do not propose specific revisions to the draft complaint or decision and order, we appreciate the insights you provide in the comment. The core concept of the case against Amazon—that companies have to be honest with gig workers and their customers about how tips are handled—applies to every company operating in the gig economy.

After considering your comment, the Commission has now determined that the public interest would best be served by issuing the Complaint and the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

June 9, 2021

Commenter Anonymous

Re: *In the Matter of Amazon Flex*, File No. 192 3123, FTC Docket No. C-4746

Dear Anonymous:

Thank you for your comment regarding the above-referenced matter. The Commission has placed your comment on the public record, pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii).

The complaint in this matter alleges that Amazon.com, Inc. and Amazon Logistics, Inc. ("Amazon") engaged in deceptive and unfair practices violating Section 5 of the FTC Act. Amazon operates Amazon Flex, a gig economy program through which consumers can become drivers for Amazon and, using their own vehicles, deliver products and groceries to Amazon customers. Amazon pays drivers for making deliveries, and for some types of deliveries, allows customers to tip the drivers through the app or website used to place the order. Amazon consistently represents to both drivers and customers that it passes on 100% of customer tips to drivers. The complaint alleges, however, that from late 2016 through August 2019, Amazon withheld nearly a third of the tips meant for drivers, about \$61.7 million in total, despite its representations that it would provide drivers 100% of customer tips in addition to the pay Amazon offered.

In your comment, you note that you are an Amazon Flex driver and worked as a driver during the time period covered by the proposed order. As alleged in the FTC's complaint, Amazon withheld tips from drivers from late 2016 through August 2019. The FTC will distribute payments to all Amazon Flex drivers who are entitled to them. You do not need to do anything to make a claim for what you are owed. When the FTC sends out the payments, it will issue another press release and blog post, and will update its Amazon refunds website at <https://www.ftc.gov/enforcement/cases-proceedings/refunds/refunds-amazon-flex-drivers>.

You also ask whether there is any possibility of the Commission pursuing a similar action against DoorDash, which you state "did a very similar thing (now since stopped)." While the Commission cannot comment on whether it has any investigations into other companies in the industry, the core concept of the case against Amazon—that companies have to be honest with gig workers and their customers about how tips are handled—applies to every company operating in the gig economy.

The proposed order includes equitable monetary relief and injunctive provisions to prevent Amazon from engaging in the same or similar acts or practices in the future. Specifically, the proposed order requires Amazon to pay \$61,710,583—the full amount of tips that it improperly withheld from drivers.

The proposed order also prohibits Amazon from making a wide variety of misrepresentations about driver pay and customer tips. For example, Amazon is prohibited from making misrepresentations to all consumers—including drivers and customers—about the income a driver is likely to earn; the amount Amazon will pay drivers; that Amazon will give drivers customer tips in addition to Amazon’s contribution to drivers’ earnings; the percentage or amount of any customer tip a driver will receive; or that any amount customers pay is a tip. The order also prohibits Amazon from changing the extent to which it uses a driver’s tips toward Amazon’s contribution to the driver’s earnings without first getting the driver’s express informed consent.

The Commission has determined that the monetary and conduct relief obtained by the order will serve to remedy the alleged violations of the FTC Act by Amazon and deter future violations. Amazon will be subject to the Commission’s final order for twenty years and liable for civil penalties of up to \$43,792 per violation should it violate that order, pursuant to Section 5(l) of the FTC Act, 15 U.S.C. § 45(l).

After carefully considering your comment, along with others received in this matter, the Commission has determined that the public interest is best served by issuing the Decision and Order in final form without modification. A copy of the final Decision and Order, and other relevant materials, are available from the Commission’s website at <http://www.ftc.gov>.

Thank you again for your comment. The Commission is aided in its analysis by hearing from a variety of sources, and we appreciate your interest in this matter.

By direction of the Commission.

April J. Tabor
Secretary