



Office of the Chairman

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

Via Federal Express and Electronic Mail

Timothy Cook
Chief Executive Officer
Apple Inc.
One Apple Park Way
Cupertino, CA 95014
tcook@apple.com

**Re: Potential FTC Act Violations Related to Suppressing or Promoting Featured News
Articles for Political Reasons**

Dear Mr. Cook,

The Federal Trade Commission (“FTC”) is the nation’s consumer protection agency responsible for protecting American consumers from unfair or deceptive acts or practices. As part of its mission, the agency brings law-enforcement actions and educates businesses, industries, and market participants about compliance with the laws the FTC enforces. The FTC understands that Apple Inc. (“Apple”) is a global technology company that offers consumer electronics, software, and online services and applications, including in the United States.

Apple News is one of Apple’s many products and services. Apple News aggregates stories from newspapers, magazines, and digital publications, and curates those stories to provide consumers with a digital news feed. Apple News comes pre-installed on many Apple devices, including the iPhone and iPad, and purports to be the most used news app in the United States.¹

Section 5 of the FTC Act prohibits unfair or deceptive acts or practices.² A representation is deceptive under the FTC Act if it is material and would likely mislead consumers acting reasonably under the circumstances.³ The FTC Act prohibits both material misrepresentations and material omissions.⁴ An act or practice is unfair if it causes or is likely to cause substantial injury to consumers that cannot reasonably be avoided, and that injury is not outweighed by countervailing benefits to consumers or competition.⁵ Last year, the FTC issued a request for

¹ See Apple, *2025 Marked a Record-Breaking Year for Apples Services*, Apple Newsroom (Jan. 12, 2026), <https://www.apple.com/newsroom/2026/01/2025-marked-a-record-breaking-year-for-apple-services/>.

² 15 U.S.C. § 45(a).

³ See Fed. Trade Comm’n, Policy Statement on Deception (1983) (appended to *Cliffdale Assocs., Inc.*, 103 F.T.C. 110 (1984)). Among other requirements, the FTC Act requires that representations be truthful, non-misleading, and adequately substantiated. See *id.*; *FTC v. Direct Mktg. Concepts, Inc.*, 624 F.3d 1, 8 (1st Cir. 2010).

⁴ Policy Statement on Deception, *supra* n. 3.

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

public comment to better understand how Big Tech companies and platforms deny or degrade consumers' access to services or information based on the content of speech or their affiliations, including in ways that may violate Section 5 of the FTC Act.⁶

The First Amendment protects the speech of Big Tech firms. But the First Amendment has never extended its protection to material misrepresentations made to consumers, nor does it immunize speakers from conduct that Congress has deemed unfair under the FTC Act, even if that conduct involves speech.⁷ Accordingly, Big Tech companies that suppress or promote news articles in their news aggregators or feeds based on the perceived ideological or political viewpoint of the article or publication may violate the FTC Act if that suppression or promotion (1) is inconsistent with the terms and conditions of service; (2) is contrary to consumers' reasonable expectations such that failure to disclose the ideological favoritism is a material omission; or (3) when those practices cause substantial injury that is neither reasonably avoidable nor outweighed by countervailing benefits to consumers or competition. As you know, Apple News has instituted terms of service and policies covering its relationship with existing and prospective consumers. These terms of service and policies address a wide range of topics including, among other things, the content of the site, a consumer's use of the site, prohibited conduct, privacy and data security, and dispute resolution.⁸

Recently, there have been reports that Apple News has systematically promoted news articles from left-wing news outlets and suppressed news articles from more conservative publications.⁹ Indeed, multiple studies have found that in recent months Apple News has chosen not to feature a single article from an American conservative-leaning news source, while simultaneously promoting hundreds of articles from liberal publications.¹⁰ These reports raise serious questions about whether Apple News is acting in accordance with its terms of service and its representations to consumers, as well as the reasonable consumer expectations of the tens of millions of Americans who use Apple News.

As an American citizen, I abhor and condemn any attempt to censor content for ideological reasons. Such efforts, whether taken to appease overzealous activists, at the behest of foreign

⁶ Fed. Trade Comm'n, *Federal Trade Commission Launches Inquiry on Tech Censorship* (Feb. 20, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/02/federal-trade-commission-launches-inquiry-tech-censorship>.

⁷ See *POM Wonderful, LLC v. FTC*, 777 F.3d 478, 484 (D.C. Cir. 2015) ("The FTC Act proscribes—and the First Amendment does not protect—deceptive and misleading advertisements."); see also *FTC v. Super. Ct. Trial Lawyers Ass'n*, 493 U.S. 411, 428 n.12 (1990) (recognizing, in considering a First Amendment defense, that "Unfair trade practices may be restricted").

⁸ See *Apple News Terms and Conditions of Use*, <https://apple.news/legal/terms/newsweb.html> (last visited Feb. 10, 2026).

⁹ See, e.g., Thomas Barrabi, *Apples News Promotes Left-Leaning Media Outlets – As It Shuts Out Conservative Sites Entirely: Study*, NY POST (Feb. 10, 2026), <https://nypost.com/2026/02/10/business/apple-news-promotes-left-leaning-media-outlets-as-it-shuts-out-conservative-sites-entirely-study/>.

¹⁰ *Id.*; Heather Moon, *Apple News Shows Only 1 Right-Leaning Outlet Out of 560 Articles Throughout November*, Median Research Center (Dec. 8, 2025), <https://mrcfreespeechamerica.org/blogs/free-speech/heather-moon/2025/12/08/apple-news-shows-only-1-right-leaning-outlet-out-560>.

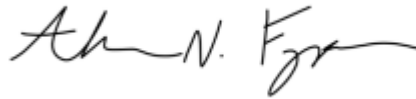
governments,¹¹ or simply to advance the political views of Silicon Valley elites, stifle the free exchange of ideas, manipulate the public discourse, and are inconsistent with American values.

The FTC is not the speech police; we do not have authority to require Apple or any other firm to take affirmative positions on any political issue, nor to curate news offerings consistent with one ideology or another. But Congress has mandated that we protect consumers from material misrepresentations and omissions, including when the product or service offered to consumers is a speech-related product.

As the Chairman of the FTC, I write to inform you of your obligations under the FTC Act. Any act or practice by Apple News to suppress or promote news articles based on the perceived ideological or political viewpoint of the article or publication, if inconsistent with Apple's terms of service or the reasonable expectations of consumers, may violate the FTC Act. I encourage you to conduct a comprehensive review of Apple's terms of service and ensure that Apple News' curation of articles is consistent with those terms and representations made to consumers and, if it is not, to take corrective action swiftly.

Please direct any inquiries concerning this letter to Levi Swank, lswank@ftc.gov (202) 355-5940.

Sincerely,

A handwritten signature in black ink, appearing to read "A.N. Ferguson".

Andrew N. Ferguson
Chairman
Federal Trade Commission

¹¹ See Fed. Trade Comm'n, *FTC Chairman Andrew Ferguson Warns Companies Against Censoring or Weakening the Data Security of Americans at the Behest of Foreign Powers* (Aug. 21, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/08/ftc-chairman-ferguson-warns-companies-against-censoring-or-weakening-data-security-americans-behest>.