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CCPA's Crackdown On Dark Patterns: Mandates Self-Audit To Eliminate Dark Patterns In 3 Months

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Introduction

The Central Consumer Protection Authority (CCPA), in a move that reaffirms its commitment to protecting the interests of digital consumers, has issued a fresh advisory under the Consumer Protection Act, 2019. This advisory, published on 5 June 2025, mandates all e-commerce platforms to conduct self-audits for identifying and eliminating the use of dark patterns on their platforms. The directive seeks to foster a transparent, ethical, and consumer-centric digital ecosystem.

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Key Directives of the Advisory:

1. **Mandatory Self-Audit:** All e-commerce platforms are required to carry out a comprehensive self-audit of their user interfaces and marketing practices to identify any instances of dark patterns. The audit must be completed within a period of three months from the date of issuance of the advisory.
2. **Self-Declaration of Compliance:** Upon completion of the self-audit, platforms are expected to submit a declaration confirming that their platform does not indulge in any dark patterns. This self-declaration is aimed at promoting accountability and reinforcing consumer trust in online marketplaces.
3. **Prohibition of Dark Patterns:** The advisory reiterates that e-commerce platforms must not engage in deceptive or unfair trade practices that can mislead consumers. Practices that manipulate user choices or create confusion with the intent to influence decisions unethically will be treated as violations of consumer rights.

Regulatory Action Against Non-Compliance:

In a parallel development, the Department of Consumer Affairs has issued notices to 11 e-commerce platforms for violating the “Guidelines for Prevention and Regulation of Dark Patterns, 2023.” These platforms have allegedly been found indulging in deceptive design practices that contravene the principles laid out under the Consumer Protection Act. The notice seeks an explanation from the concerned platforms and serves as a clear message that non-compliance with consumer-centric digital practices will invite strict scrutiny and action.

This enforcement move emphasizes on the seriousness with which the Ministry views violations related to dark patterns and complements the CCPA advisory by establishing accountability through regulatory oversight.

Background and Rationale

Dark patterns refer to manipulative design elements or strategies used by digital platforms to trick users into actions they may not have intended to take, such as making unintended purchases, subscribing to services unknowingly, or sharing personal data without informed consent. Recognizing the growing prevalence of such tactics, the CCPA had previously notified the “Guidelines for Prevention and Regulation of Dark Patterns, 2023.” The latest advisory builds upon those guidelines by introducing a proactive compliance mechanism through self-audits.

By compelling e-commerce entities to take responsibility for their digital practices, the CCPA aims to ensure that consumers are not subjected to coercive or misleading digital experiences. The move is aligned with global best practices and reflects India's intent to establish a robust digital consumer protection framework.

Implications for E-Commerce Platforms

E-commerce platforms must now act with greater diligence in designing and managing their user interfaces. Design teams, legal and compliance departments, and marketing professionals will need to collaborate closely to ensure full adherence to the principles laid down by the CCPA. Regular internal assessments, consumer feedback mechanisms, and transparency measures will be crucial in demonstrating compliance.

Non-compliance with the advisory could expose platforms to regulatory scrutiny, potential penalties, and reputational harm. Therefore, prompt action and demonstrable commitment to consumer rights are not just legal imperatives but also strategic business necessities.

Conclusion

The CCPA's advisory marks a significant step in India's efforts to make the digital economy safer and more equitable for consumers. As the digital marketplace continues to evolve, it is imperative for e-commerce platforms to adopt ethical standards that prioritize consumer welfare over manipulative growth tactics. With this advisory, the emphasis has clearly shifted towards proactive compliance and responsible platform governance.

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