

Insights

THE CMA'S NEW CONSUMER PROTECTION ENFORCEMENT POWERS DEPLOYED: WHAT DOES THIS MEAN FOR BUSINESSES?

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As the temperature in the UK drops, the CMA's enforcement of the UK's new consumer rules is heating up. On 17 and 18 November, the CMA announced its first wave of enforcement action under the new consumer protection regime which came into force in April 2025 through the Digital Markets, Competition and Consumers Act 2024 (DMCCA) ([New UK consumer protection regime to go live 6 April 2025 | BCLP - Bryan Cave Leighton Paisner](#)).

Since April 2025, the CMA has been conducting a major cross-economy review of more than 400 businesses in 19 different sectors to assess compliance with the rules on price transparency. Using the results of this review, alongside additional monitoring, the CMA identified potential compliance concerns in 14 sectors, including drip pricing and the use of misleading countdown timers, which are banned under the new regime.

The CMA is adopting a two-tier approach to address the concerns it has identified: launching targeted enforcement action against a small number of businesses and sending advisory letters to 100 businesses while also publishing the final version of its price transparency guidance ([CMA209](#)) for businesses to help them comply with the law.

ENFORCEMENT ACTION

The CMA has opened investigations into eight businesses that it has reason to suspect have infringed consumer law in relation to their use of fees, use of misleading time-limited offers and/or the practice of automatically opting consumers in for optional charges.

- Two secondary ticketing websites are being investigated for the mandatory additional charges applied when consumers buy tickets and whether or not these fees are included upfront.
- Driving schools are being investigated over their presentation of mandatory fees on their websites and, in particular, whether these fees are included in the total price the consumer sees at the beginning of the purchase process.

- Homeware retailers are being investigated to determine whether their time-limited sales ended when they said they would and/or whether customers are being automatically opted in to purchasing additional services.
- A gym is under investigation over its presentation of a one-off joining fee for its annual membership, and whether the way it presents this fee breaks the law – specifically, introducing it part way through the sign-up process and not including it in advertised membership costs.

These investigations are an important moment for the CMA in highlighting that it will use its new powers to directly investigate potential breaches of consumer protection law and use its sanctioning powers where needed. Announcing these developments, Sarah Cardell, Chief Executive of the CMA said: *“Since the launch of the new regime, we’ve been working hard to help businesses understand the law. But alongside supporting businesses to comply, we’ve always been clear that we will take swift action where we suspect potentially serious breaches of the law”*.

ADVISORY LETTERS ADDRESSED TO BUSINESSES IN TARGET SECTORS

As it does in its enforcement of competition law, the CMA is also making use of its “softer” enforcement tools such as advisory letters which can be a cost-effective alternative to formal enforcement action. Based on the results of its compliance sweeps, the CMA sent advisory letters to 100 businesses, outlining concerns about their use of additional fees and online sales tactics.

The letters target the following sectors where the CMA has identified potential concerns, as well as being sectors that collectively serve tens of millions of UK consumers every year:

- holidays (including package travel)
- driving schools
- homeware retailers
- rail travel
- parking and airport parking
- bus and coach travel
- luggage storage providers
- cinemas
- live event tickets

- food and drink delivery companies
- letter and parcel delivery
- gyms and fitness
- fashion
- online vouchers

These letters put businesses on notice that they must now review their practices and ensure they are in line with the law, including the CMA's price transparency guidance and unfair commercial practices guidance. The CMA has said it will continue to engage with those businesses to ensure they take the steps needed to comply with the law or otherwise face the risk of future enforcement action.

Separately, on 19 November 2025, the Advertising Standards Authority (ASA) issued rulings in relation to the use of misleading "from" prices by a number of hotel and travel firms ([Rulings - ASA | CAP](#)). The ASA found that only a small number of rooms were actually available to book at the promoted price and concluded the adverts overstated the deals.

PUBLICATION OF FINAL PRICE TRANSPARENCY GUIDANCE

Following consultation with businesses on its draft price transparency guidance (published in July 2025 - see our blog [New CMA Draft Guidance on Price Transparency: What You Need to Know | BCLP - Bryan Cave Leighton Paisner](#)), the CMA has now published its final price transparency guidance (the Guidance).

The DMCCA updated the law to protect consumers from unfair trading, including strengthening the rules on price transparency in the context of invitations to purchase. When a business gives information to consumers about a product and its price, this will normally be an 'invitation to purchase'. Businesses are required, at the point they make an invitation to purchase, to ensure the consumer is given the key information needed to make an informed transactional decision. The Guidance aims to help businesses comply with these requirements.

The CMA has stated that when businesses do not display their prices accurately or leave out essential pricing information that people need to know, it can make products appear cheaper than they are. This can undermine consumer trust when the real cost is revealed later in the purchasing process, and prevent businesses from competing on a level playing field. Price transparency therefore not only benefits consumers but, by promoting competition, it also benefits fair-dealing businesses and the wider economy.

The Guidance reiterates that businesses are responsible for ensuring that the prices of the products presented in an invitation to purchase do not mislead consumers. In particular, the price

presented should be realistic, meaningful and attainable for the product being advertised. The total price should be presented in the invitation to purchase in a clear and timely way that the consumer is likely to see and must include any fees, taxes, charges or other payments that the consumer will necessarily incur if the consumer purchases the product. Mandatory charges must be included in all invitations to purchase, even early-stage advertising. If a consumer is later presented with new mandatory charges that were not disclosed at the outset, this is likely illegal.

The Guidance contains a number of changes as compared to the draft guidance:

- new practical examples added to illustrate how traders can comply with the guidance;
- further explanations of when prices may be considered misleading (e.g. misleading indicative 'from' pricing and examples of prohibited partitioning pricing);
- more detailed information provided on how traders can comply with the requirements to show specific charges (for instance for products or services priced on a monthly basis for a minimum or fixed term and in relation to delivery charges);
- new section which sets out how specific charges should be shown on e-commerce websites and apps (for instance where multiple products are purchased together at the same time, but from different sellers); and
- clarifying that the rules apply when an invitation to purchase is directed at UK consumers, even if the person making the offer is based outside the UK.

WHAT THIS MEANS FOR YOUR BUSINESS

Whether you have received an enforcement notice or advisory letter from the CMA, or are watching the current round of enforcement activity from the sidelines, it is clear the CMA is gearing up to tackle practices it believes are harmful to UK consumers. With new powers to issue turnover-based fines of up to 10% of global turnover and the power to impose additional remedies, it is crucial for businesses to review compliance practices now, in particular examining how a notional customer journey may be perceived by the regulator.

BCLP's consumer team advises on all aspects of consumer protection law, including responding to CMA enforcement activity. Please contact our consumer team (details below) or your usual BCLP contact if you would like to discuss any aspect of this article or your business' compliance with consumer protection law more generally.

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This is just the start of our work. Any businesses who break consumer law should be in no doubt we will stamp out illegal conduct and protect the interests of consumers and fair-dealing businesses - [Sarah Cardell, Chief Executive of the CMA](#)

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