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**Testimony before the U.S. House Committee on Energy and Commerce
Subcommittee on Consumer Protection and Commerce**

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Hello, my name is Julie Menin and I am testifying before you today as the former Commissioner of New York City's Department of Consumer Affairs.

Thank you Chair Schakowsky, Ranking Member Bilirakis and distinguished members of the subcommittee for inviting me to speak as a witness today. I know this Committee is doing critical work protecting American consumers. In this difficult environment for today's consumers, it is imperative that lawmakers do everything they can to promote equity, transparency, and affordability for the American consumer. One law that will do exactly that is the Pink Tax Repeal Act, the bill I will be focusing my testimony on today.

I have done extensive work in the arena of consumer products. Before I began my career in public service, I worked as a regulatory attorney—first at Wiley, Rein & Fielding in Washington D.C., where I specialized in consumer protection issues. I then worked as Senior Regulatory Attorney at Colgate-Palmolive in New York City, handling regulatory matters for the agency encompassing the Department of Justice, Federal Trade Commission and consumer litigation. Through this experience, I saw firsthand that although there might be two products that were very similar, there was a bent to market them differently. In 2014, I was appointed Commissioner of Consumer Affairs for New York City. In 2015, as Commissioner, I used this prior experience to spearhead a large study investigating the gender pricing of goods in New York City.

The goal of the study was to determine the frequency and extent to which female consumers face higher prices than male consumers when buying similar products.

We understood that the study needed to be precise in the data it collected and needed to cast a wide net around the consumer lifecycle. We ultimately examined 794 staple consumer goods across five industries: children's toys and accessories, children's clothing, adult clothing, personal care products, and senior healthcare products. Each product category was selected to reflect a stage of the consumer lifecycle, thereby providing a glimpse into the experiences of consumers of all types and all ages. While the study focused on NYC markets, many of the stores and brands examined were, in fact, top national chain retailers. We also understood that to get the most accurate results, it was critical to minimize differences between the men's and

women's items we were comparing. The Agency only selected products that had similar male and female versions and were closest in branding, ingredients, appearance, textile, construction, and/or marketing.

When the researchers came back with the results, it was clear we were not looking at a case of occasional overpricing. Rather, we saw that 42% of the time, women are charged an average of 7% more than men for what is ostensibly the same product. Women's jeans were 10% more than virtually identical men's products of the same size; girls' helmets and pads cost 13% more than boys' helmets and pads; razors and razor cartridges cost 11% more for women. Over and over, we saw a significant mark-up for products aimed for women and girls. I remember one particular egregious case where a boys' scooter, colored red, cost \$25 from Target. The girls' scooter was double the price. The only difference was that it was pink.

What our findings suggested was that, over the course of their lives, women are paying thousands of dollars more to purchase similar products as men. These higher prices are mostly unavoidable for women and permeate many different types of products they buy. Individual consumers do not have control over the textiles or ingredients used in the products marketed to them and must make purchasing choices based only on what is available in the marketplace.

We conducted this study to raise public awareness about pricing disparities so consumers could make the most educated shopping choices. However, the burden should never be on the consumer to have to ferret out this kind of discriminatory practice. The burden should be on the manufacturer and the retailer to do the right thing. An educated consumer can diligently check and compare prices. They can publicly call out the brands who are unfairly marking up women's products. But that's time and energy that a woman is being forced to put in due solely to her gender.

All consumers deserve a marketplace in which they don't have to conduct an investigation to ensure that they're getting a fair price. For this reason, we need authorities to step in and enforce fair practices. Gender-based pricing is not indigenous to New York City. It is happening all across the country.

This issue is compounded by the fact that women still make only 83 cents for every dollar earned by men. They're earning less, but being charged more for everyday, basic products. In order to combat gender inequality in our country, it's essential to take stronger action against this widespread, unfair practice. The bill that this committee is considering would do just that and by passing this bill, this Committee would provide significant relief for consumers.