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Testimony before the

New York State Assembly

Standing Committee on Consumer Affairs and Protection
Chair: Assembly Member Nily Rozic

Testimony of Christopher D'Angelo
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CONCESSION PRICING FAIRNESS

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Good morning, Chair Rozic and Committee members. My name is Christopher D'Angelo and I am the Chief Deputy Attorney General for Economic Justice at the Office of the New York State Attorney General. Thank you for the opportunity to testify today on this important topic.

We are in an affordability crisis, and we know that consumers across the State are being gouged for everything from basic necessities to specialty items and experiences that provide diversion and entertainment. Attorney General James and our office is deeply concerned by reports of profiteering in stadiums, theaters, and other places where consumers do not have ready alternatives to in-house sellers.

Like you, we have read with concern about:

- FIFA's policy **banning water at the World Cup**, in a transparent attempt to force consumers to purchase extremely expensive stadium water, reversed only after fierce backlash,[1]
- The Saratoga Performing Arts Center, which **bans outside lawn chairs during outdoor LiveNation concerts**, instead requiring rental of said chairs via LiveNation for $15 each,[2] a policy that has been maintained despite a jury having found LiveNation to be an illegal monopoly in a lawsuit brought by Attorney General James and 33 other state AGs,[3] and,
- Price inflation at Major League Baseball stadiums, where an average fan who spent $5 on beer and a hot dog in 1985 ($15 in today's money) **now spends as much as $20 on a single beer**.[4]

When a consumer is at an entertainment venue such as an arena or a sports stadium, the venue decides who will sell food inside the venue, and also decides whether the venue will allow outside food to be brought in. Although there may be competition for the right to sell inside the venue, those decisions are made by the venues with their bottom line (not the consumer's best interests) as the key consideration. Once inside the venue, the consumer is captive---if the venue does not permit outside food, the consumer must purchase from the venue's concessionaires if they want something to eat or drink while at an event. The impact on families is particularly significant. We are long past the day where kid-sized meals at ball parks were charged at kid-sized prices.

Given the venue's control over the consumer's choices, is it any surprise that prices are suddenly double or triple what they would be when consumers have easy access to goods sold by competitors, or are able to bring in their own food and drink?

The existing enforcement tools are not targeted at these harms. The Donnelly Act, the state's antitrust statute, applies to anti-competitive conduct, but whether it can address concession pricing would turn on the specific evidence of anti-competitive conduct applicable to a particular venue. Likewise, whether our consumer protection laws of general application, like the FAIR Business Practices Act, would apply to this conduct would depend on the specific facts and circumstances of each case. But we think there are several common-sense policy prescriptions to address the most egregious price increases here.

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[1] ESPN News Services, *FIFA reverses World Cup water bottle ban after backlash* (June 5, 2026), https://www.espn.com/soccer/story/_/id/48978502/fifa-reverses-world-cup-water-bottle-ban-backlash

[2] Katherine Kiessling, *Live Nation bars outside lawn chairs at SPAC shows*, Times Union (Nov. 21, 2024), https://www.timesunion.com/news/article/spac-bars-outside-lawn-chairs-live-nation-concerts-19933868.php

[3] Press Release, *Attorney General James and Coalition of States Win Trial against Live Nation and Ticketmaster* (April 15, 2026), https://ag.ny.gov/press-release/2026/attorney-general-james-and-coalition-states-win-trial-against-live-nation-and.

[4] Emily DeVito, Alez Jacquez, and Elizabeth Pancotti, *Shake Down at the Snack Counter: The Case for Street Pricing*, Groundwork Collaborative (Mar. 27, 2025), https://groundworkcollaborative.org/work/street-pricing/

First, we encourage the legislature to require that stadiums and other entertainment venues allow consumers to bring their own food and non-alcoholic beverages. Where venues do not have chairs, they should allow people to bring their own chairs. Directly allowing competition from outside the venue to compete with in-venue options is a straightforward way to increase consumers' options (including low-priced outside-venue options) while respecting venues' ability to provide unique offerings. It is also an important public health measure, in this era of extreme temperatures and climate change, to ensure there are minimal impediments to spectators receiving proper hydration.

I recognize that venues need the ability to impose reasonable restrictions on things brought from outside, in part to ensure they comply with their liquor license conditions. But many venues have already managed to strike a reasonable balance between those concerns and allowing consumers to bring their own materials.

To begin with, some venues like Broadway theaters allow small bags of any kind after engaging in non-intrusive and simple security scans at the front door. In some larger-scale event venues, like certain MLB and NFL stadiums, attendees can bring plastic or ziploc bags. Medically necessary items are allowed with inspection.[5]

If these venues can allow consumers to bring their own food and drink already while addressing legitimate safety and compliance concerns, there is no legitimate reason why all major venues and stadiums should not allow consumers to do the same. Venues should not be allowed to artificially restrict competition for food and drink for no reason other than pumping up their profit margins.

Second, the Legislature could build on the work of the Port Authority in 2022 that required airport concession prices, which had blown out to extreme levels like $26 beers, to instead be pegged to the "street price" of such concessions.[6] Here is how it works.[7]

First, if an airport seller has the same kind of store in the New York-New Jersey area outside the airport (think Starbucks), then the price they charge at the airport has to be same they charge outside.

Second, if the airport seller only operates in the airport, their prices are pegged to the "average price regularly charged in the Metro Area by similar retailers for the same or similar area." This

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[5] Emily Kho, *Can you bring a bag to a stadium? Policies for NFL, MLB, and more*, SEATGEEK HIGHLIGHTS (Jan. 26, 2026)m https://seatgeek.com/blog/can-you-bring-a-bag-to-a-stadium-policies-for-nfl-mlb-and-more

[6] Press Release, *Port Authority Announces Comprehensive New Measures to Bolster Compliance With 'Street Pricing' Policy at Airport Concessions* (May 12, 2022), https://www.panynj.gov/port-authority/en/press-room/press-release-archives/2022-press-releases/port-authority-announces-comprehensive-new-measures-to-bolster-compliance-with-street-pricing-policy-at-airport-concessions.html

[7] Port Auth. N.Y. & N.J., *Airport Concessionaire Street Pricing Manual* (Dec. 31, 2024), https://www.panynj.gov/content/dam/airports/pdfs/PANYNJ_StreetPricingManual_V4.0_2025.pdf

is similar to how price gouging during abnormal market disruptions is measured under New York State law.[8]

There are obviously edge cases in these rules and so the Port Authority also allows a 10% cushion for prices that may be slightly higher than the standards set out above. This is also very similar to New York law, as the Attorney General's regulations for price gouging also create a 10% margin.[9]

The Port Authority's rules here build on state law. The state should now return the favor and build on these Port Authority rules for a statewide law that says very simply that whatever you charge inside one of these captive consumer spaces needs to be what you charge outside.

In setting out these examples I've used the word "price" a lot. Obviously it would not be OK for vendors subject to the laws we propose to get around them by setting the price at one level and then adding hidden fees or surcharges at the register. We believe it is high time that New York adopt a comprehensive, loophole-free No Hidden Fees law for the entire state. We believe NYC DCWP's rules in this area are a great model to build on statewide.

In crafting any policy in this area, it is most helpful for us as enforcers, and for venues as regulated parties, to have clear, objective criteria against which to compare a business's compliance. It is also important that penalties be calibrated to ensure that enforcement is not treated as just a cost of doing business. If a venue banning outside water makes $50,000 from water sales per event, they are not going to be deterred by a $5,000 penalty. Clear rules, and clear consequences, are key to ensuring consumers are not gouged in these settings.

I thank the Committee and Chair Rozic for providing the opportunity to share input on this important topic. Our office will continue to aggressively protect New Yorkers, whether they are at a ball game or a concert.

[8] G.B.L. § 396-r(3)(b)(ii).

[9] 13 N.Y.C.R.R. 600.7.