

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-6051

<https://oversight.house.gov>

December 17, 2025

Mr. Chris Rogers
Chief Executive Officer
Instacart
50 Beale Street
San Francisco, CA 94105

Dear Mr. Rogers:

As Americans struggle to pay for groceries, utilities, housing, transportation, and health care, I write with great concern that corporations are raising grocery prices even higher through the use of algorithmic and surveillance pricing, in which companies can use AI-powered algorithms to charge each individual consumer the highest price they are likely to accept.¹ An investigation by Groundwork Collaborative, Consumer Reports, and More Perfect Union recently revealed that Instacart is using algorithmic pricing—also known as dynamic pricing—to charge different customers different prices for the same products. The investigation found that nearly 75% of grocery items were offered to customers at different prices, even when customers were using Instacart to purchase from the same grocery store at the same time. The average price difference for an item was 13% and climbed as high as 23%.² To bring transparency and accountability, I ask for detailed information on how Instacart sets its prices, what consumer data it considers when setting prices, and what pricing information Instacart shares with its grocery retail partners.

In the investigation, a total of 437 volunteers in four cities participated in tests in which they shopped for identical items on Instacart while researchers tracked the price variations from one shopper to another. The study found that Instacart presented nearly three-quarters of the products investigated at multiple price points and offered up to five different prices for the same item, in the same location, at the same time. For instance, Instacart priced the same brand's dozen eggs at \$3.99, \$4.28, \$4.59, \$4.69, and \$4.79 at a single grocery store.³

¹ *New Poll Paints a Grim Picture of a Nation Under Financial Strain*, Politico (Dec. 10, 2025) (online at www.politico.com/news/2025/12/10/poll-affordability-cost-of-living-00678076); *Instacart's AI-Enabled Pricing Experiments May Be Inflating Your Grocery Bill*, CR and Groundwork Collaborative Investigation Finds, Consumer Reports (Dec. 9, 2025) (online at www.consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-a1142182490).

² Groundwork Collaborative *Same Cart, Different Price: Instacart's Price Experiments Cost Families at Checkout* (Dec. 9, 2025) (online at <https://groundworkcollaborative.org/work/instacart>).

³ *Id.*

Instacart has characterized these price differences as “negligible,” but Instacart cannot speak for the American families who are asked to pay these cost differences from their own pockets with no transparency or explanation. Variations between individual items accumulate and create substantial cost disparities between customers. In another test, 39 identical purchases of 20 common grocery items on Instacart were found to range from \$114.34 to \$123.93—a difference of 8.3%. The investigators estimated that, over the course of a year, these differences in pricing could translate to approximately \$1,200 in additional grocery expenses for a family of four.⁴

Despite President Trump’s claim that the many Americans concerned about rising costs and affordability in the United States are a “hoax,” his economic policies have driven a rise in the cost of living.⁵ Grocery costs have increased by an average of 3.1% since September 2024.⁶ This is putting intense pressure on families around the country. In a *Politico* poll conducted last month, half of respondents indicated that they find it “difficult” or “very difficult” to afford groceries.⁷ It is unconscionable that corporations are adding to Americans’ financial strain with algorithmic—and potentially surveillance—pricing.

More than 25 million people in the United States and Canada use Instacart to place more than 1.5 billion grocery orders each year.⁸ There are many reasons why shoppers may rely on Instacart deliveries, including lack of reliable transportation, lack of proximity to a grocery store, and health concerns.⁹ These customers are likely unaware of Instacart’s use of algorithmic pricing, as they see only the individualized prices offered to them at a given time.¹⁰

Instacart has denied using customers’ personal or demographic data in its algorithmic pricing experiments and, instead, claims it randomly assigns prices to customers based on product category and location. Instacart emphasized that “[r]etail partners set and control their prices on Instacart” and appears to have attempted to claim that ten of its retail partners apply

⁴ *Id.*

⁵ *Trump Calls Affordability Crisis a ‘Hoax.’ The Data Tells a Different Story*, NPR (Dec. 11, 2025) (online at www.npr.org/2025/12/11/nx-s1-5639957/trump-affordability-hoax-economy-midterms).

⁶ Bureau of Labor Statistics, *Consumer Price Index Summary* (Oct. 24, 2025) (USDL-25-1502) (online at www.bls.gov/news.release/cpi.nr0.htm).

⁷ *New Poll Paints a Grim Picture of a Nation Under Financial Strain*, Politico (Dec. 10, 2025) (online at www.politico.com/news/2025/12/10/poll-affordability-cost-of-living-00678076).

⁸ Instacart, *Press Release: New Economic Impact Report Quantifies Instacart’s Role as Grocery Industry Growth Engine and Job Creator* (Nov. 13, 2025) (online at www.instacart.com/company/pressreleases/new-economic-impact-report-quantifies-instacarts-role-as-grocery-industry-growth-engine-and-job-creator).

⁹ Consumer Reports, *American Experiences Survey: A Nationally Representative Multi-Mode Survey* (Sept. 2025) (online at https://article.images.consumerreports.org/image/upload/v1760040676/prod/content/dam/surveys/Consumer_Report_s_AES_September_2025.pdf).

¹⁰ *Instacart’s AI-Enabled Pricing Experiments May Be Inflating Your Grocery Bill, CR and Groundwork Collaborative Investigation Finds*, Consumer Reports (Dec. 9, 2025) (online at www.consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-a1142182490).

markups online via Instacart in “limited, short-term, and randomized tests that help retail partners learn what matters most to consumers and how to keep essential items affordable.”¹¹ However, one retailer for which Instacart has displayed the same products at different prices—Target—reportedly stated that it “does not directly share any pricing information with Instacart or dictate what Instacart prices appear on their platforms.”¹² In response, Instacart clarified that it uses Target’s public pricing and charges an additional amount to offset Instacart’s own “operating and technology costs.”¹³ This raises serious questions about what role Instacart plays in setting prices for the products sold by retailers on its platform, and why certain customers are shown certain prices when prices are inconsistent.

Of particular concern is the possibility that Instacart is using surveillance pricing—or basing its grocery prices on personal demographic and behavioral data about consumers indicating the maximum amount that a consumer might be willing to pay for a particular product. According to Consumer Reports, Instacart has acquired personal data from large data brokers and has filed patent applications that mention the use of personal, behavioral, and demographic data.¹⁴ Kroger—one of Instacart’s retail partners in its algorithmic pricing experiments—reportedly already uses demographic and behavioral data to target its promotions.¹⁵ Notably, a Consumer Reports survey has found that 72% of respondents considered it unacceptable for Instacart to charge different users different prices for any reason.¹⁶

Given the lack of transparency around Instacart’s use of algorithmic pricing, the possibility that it is also engaging in surveillance pricing, and the potential for these tactics to problematically increase grocery costs for consumers at a time when most Americans are struggling to afford basic necessities, I request the following documents and information by January 2, 2026.

1. A detailed description of how Instacart sets prices for a product—including but not limited to how variations in price among customers are determined; a detailed description of any algorithm used to set prices; and why and how customers’

¹¹ Groundwork Collaborative, *Same Cart, Different Price: Instacart’s Price Experiments Cost Families at Checkout* (Dec. 9, 2025) (online at <https://groundworkcollaborative.org/work/instacart>).

¹² *Id.*

¹³ *Id.*

¹⁴ *Instacart’s AI-Enabled Pricing Experiments May Be Inflating Your Grocery Bill, CR and Groundwork Collaborative Investigation Finds*, Consumer Reports (Dec. 9, 2025) (online at www.consumerreports.org/money/questionable-business-practices/instacart-ai-pricing-experiment-inflating-grocery-bills-a1142182490).

¹⁵ *Consumer Reports Investigation Uncovers Kroger’s Widespread Data Collection of Loyalty Program Members to Create Secret Shopper Profiles*, Consumer Reports (May 21, 2025) (online at www.consumerreports.org/media-room/press-releases/2025/05/consumer-reports-investigation-uncovers-krogers-widespread-data-collection-of-loyalty-program-members-to-create-secret-shopper-profiles).

¹⁶ Consumer Reports, *American Experiences Survey: A Nationally Representative Multi-Mode Survey* (Sept. 2025) (online at https://article.images.consumerreports.org/image/upload/v1760040676/prod/content/dam/surveys/Consumer_Report_s_AES_September_2025.pdf).

personal, behavioral, and demographic data may be used in pricing determinations—as well as all related documents and communications;

2. All documents and communications related to Instacart’s pricing, including but not limited to how Instacart’s prices compare to in-store prices, the minimum and maximum percentages by which Instacart may increase a price above the in-store price, and how Instacart uses any algorithm or other data analysis program to make these determinations;
3. A list of all retailers and products for which Instacart uses an algorithm or other data analysis program to determine the price for an individual customer, as well as the number of customers exposed to algorithmic pricing;
4. All policies and procedures related to Instacart’s collection and use of individual or aggregated customer data, including but not limited to personal, behavioral, demographic, and location data;
5. All documents and communications between Instacart and retailers regarding:
 - a. Product pricing, including but not limited to the specific products subject to algorithmic pricing;
 - b. The collection and use of customer data; and
 - c. The allocation of profits from the sale of products subject to algorithmic pricing; and
6. For products that are priced higher on Instacart than in retail stores, a detailed description of how the subsequent revenue is distributed, including but not limited to what percentage is kept by Instacart and what percentage is kept by the retailer.

The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions about this request, please contact Committee Democratic staff at (202) 225-5051. Thank you for your prompt attention to this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Garcia', written over a horizontal line.

Robert Garcia
Ranking Member

cc: The Honorable James Comer, Chairman