



Office of Commissioner
Andrew N. Ferguson

UNITED STATES OF AMERICA
Federal Trade Commission
WASHINGTON, D.C. 20580

Concurring Statement of Commissioner Andrew N. Ferguson

In the Matter of RivX Automation
Matter No. 2423010
August 28, 2024

RivX Automation (“RivX”) allegedly marketed business opportunities in the trucking industry promising to secure a truck or refrigerated trailer for consumers in exchange for an investment of \$60,000 or more. As part of the business arrangement, it is alleged that RivX promised to handle all of the logistics of running a trucking operation for the consumer, “including obtaining necessary licenses, registrations, insurance, and inspections for the consumer’s truck; securing a certified driver so the truck can be put on the road; and scheduling and managing all loads and routes.”²

notwithstanding that I dissented from the Commission's recent policy statement purporting to limit franchisors' use of nondisparagement clauses in franchise agreements.¹¹

The reason is simple. Congress in the CFRA expressly and unequivocally prohibited the sort of nondisparagement clauses that RivX included in its form contracts.¹² This complaint is therefore a lawful exercise of one of the core powers Congress conferred on us. The policy statement, by contrast, exceeded our statutory authority. It imposed a rule on franchisors without going through the rulemaking process, and the substance of that putative rule was confusing and untethered to the law it purported to enforce.¹³

Because this complaint is a lawful exercise of the authority conferred on us by Congress, I concur in its filing.