

FDE #	FDE Name	Focal Document Element (FDE) Description	STRM Rationale	STRM Relationship	SCF Control	SCF #	Secure Controls Framework (SCF) Control Description (SCF)	Strength of Relationship	Notes	Legacy SCF #
41	Federal Trade Commission established; membership; vacancies; seal (Sec. 1)	See FDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
42	Employees; expenses (Sec. 2)	See FDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
43	Office and place of meeting (Sec. 3)	See FDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
44	Definitions	See FDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
45	Unfair methods of competition unlawful; prevention by Commission (Sec. 5)	N/A	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	N/A	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Subset Of	Security, Compliance & Resilience Program (SCRPP)	GOV-02	Mechanisms exist to facilitate the design, implementation, and monitoring of security, compliance and resilience governance controls.	10		GOV-01
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Defining Business Context & Mission	GOV-06	Mechanisms exist to document the organization's business model and mission.	8		GOV-08
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Steering Committee & Program Oversight	GOV-09	Mechanisms exist to align security, compliance and resilience capabilities with business requirements through a steering committee or advisory board, comprised of key cybersecurity, data protection and business executives, which meets formally and on a regular basis.	8		GOV-01.1
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Business As Usual (BAU) Security, Compliance & Resilience Practices	GOV-10	Mechanisms exist to incorporate security, compliance and resilience principles into Business As Usual (BAU) practices through executive leadership involvement.	8		GOV-14
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Operationalizing Security, Compliance & Resilience Capabilities	GOV-11	Mechanisms exist to compel data and/or process owners to operationalize security, compliance and resilience practices for Technology Assets, Applications, Services and/or Data (TAASD) under their control.	8		GOV-15
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Select Controls	GOV-11.1	Mechanisms exist to compel data and/or process owners to select required security, compliance and resilience controls for Technology Assets, Applications, Services and/or Data (TAASD) under their control.	5		GOV-15.1
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Implement Controls	GOV-11.2	Mechanisms exist to compel data and/or process owners to implement required security, compliance and resilience controls for Technology Assets, Applications, Services and/or Data (TAASD) under their control.	5		GOV-15.2
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Assess Controls	GOV-11.3	Mechanisms exist to compel data and/or process owners to assess if required security, compliance and resilience controls for Technology Assets, Applications, Services and/or Data (TAASD) under their control are: (1) Designed to meet control objectives; (2) Implemented correctly; and (3) Operating as intended.	5		GOV-15.3
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Authorize Technology Assets, Applications and/or Services (TAAS)	GOV-11.4	Mechanisms exist to compel data and/or process owners to obtain authorization for the production use of each Technology Asset, Application and/or Service (TAAS) under their control.	5		GOV-15.4
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Monitor Controls	GOV-11.5	Mechanisms exist to compel data and/or process owners to monitor Technology Assets, Applications, Services and/or Data (TAASD) under their control on an ongoing basis for applicable threats and risks, as well as to ensure security, compliance and resilience controls are operating as intended.	5		GOV-15.5
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Alignment With Enterprise Architecture	SEA-04	Mechanisms exist to develop an enterprise architecture, aligned with industry-recognized leading practices, with consideration for security, compliance and resilience principles that addresses risk to organizational operations, assets, individuals and other organizations.	8		SEA-02
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Secure Engineering Principles	SEA-05	Mechanisms exist to facilitate the implementation of industry-recognized security, compliance and resilience practices in the specification, design, development, implementation and modification of Technology Assets, Applications and/or Services (TAAS).	5		SEA-01
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Defense-in-Depth (DiD) Architecture	SEA-06	Mechanisms exist to implement security functions as a layered structure minimizing interactions between layers of the design and avoiding any dependence by lower layers on the functionality or correctness of higher layers.	8		SEA-03
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Technology Development & Acquisition	TDA-02	Mechanisms exist to facilitate the implementation of tailored development and acquisition strategies, contract tools and procurement methods to meet unique business needs.	8		TDA-01
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Secure Software Development Practices (SSDP)	TDA-05	Mechanisms exist to develop applications based on Secure Software Development Practices (SSDP).	5		TDA-06
45(a)(1)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	Unfair methods of competition in or affecting commerce, and unfair or deceptive acts or practices in or affecting commerce, are hereby declared unlawful.	Functional	Intersects With	Product Management	TDA-06	Mechanisms exist to design and implement product management processes to proactively govern the design, development and production of Technology Assets, Applications and/or Services (TAAS) across the System Development Life Cycle (SDLC) to: (1) Improve functionality; (2) Enhance security and resiliency capabilities; (3) Correct security deficiencies; and (4) Conform with applicable statutory, regulatory and/or contractual obligations.	8		TDA-01.1

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45(a)(2)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	The Commission is hereby empowered and directed to prevent persons, partnerships, or corporations, except banks, savings and loan institutions described in section 57a(f)(3) of this title, Federal credit unions described in section 57a(f)(4) of this title, common carriers subject to the Acts to regulate commerce, air carriers and foreign air carriers subject to part A of subtitle VII of Title 49, and persons, partnerships, or corporations insofar as they are subject to the Packers and Stockyards Act, 1921, as amended [7 U.S.C.A. § 181 et seq.], except as provided in section 406(b) of said Act [7 U.S.C.A. § 227(b)], from using unfair methods of competition in or affecting commerce and unfair or deceptive acts or practices in or affecting commerce.	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(3)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	This subsection shall not apply to unfair methods of competition involving commerce with foreign nations (other than import commerce) unless-- If this subsection applies to such methods of competition only because of the operation of subparagraph (A)(i), this subsection shall apply to such conduct only for injury to export business in the United States.	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(3)(A)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	such methods of competition have a direct, substantial, and reasonably foreseeable effect--	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(3)(A)(i)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	on commerce which is not commerce with foreign nations, or on import commerce with foreign nations; or	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(3)(A)(i)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	on export commerce with foreign nations, of a person engaged in such commerce in the United States; and	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(3)(B)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	such effect gives rise to a claim under the provisions of this subsection, other than this paragraph.	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(4)(A)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	For purposes of subsection (a) of this section, the term "unfair or deceptive acts or practices" includes such acts or practices involving foreign commerce that--	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(4)(A)(i)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	cause or are likely to cause reasonably foreseeable injury within the United States; or	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(4)(A)(i)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	involve material conduct occurring within the United States.	Functional	No Relationship	N/A	N/A	N/A	0		
45(a)(4)(B)	Declaration of unlawfulness; power to prohibit unfair practices; inapplicability to foreign trade	All remedies available to the Commission with respect to unfair and deceptive acts or practices shall be available for acts and practices described in this paragraph, including restitution to domestic or foreign victims.	Functional	No Relationship	N/A	N/A	N/A	0		
45(b)	Proceeding by Commission; modifying and setting aside orders	See IDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
45(c)	Review of order; rehearing	See IDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
45(d)	Jurisdiction of court	Upon the filing of the record with it the jurisdiction of the court of appeals of the United States to affirm, enforce, modify, or set aside orders of the Commission shall be exclusive.	Functional	No Relationship	N/A	N/A	N/A	0		
45(e)	Exemption from liability	No order of the Commission or judgement of court to enforce the same shall in anywise relieve or absolve any person, partnership, or corporation from any liability under the Antitrust Acts.	Functional	No Relationship	N/A	N/A	N/A	0		
45(f)	Service of complaints, orders and other processes; return	Complaints, orders, and other processes of the Commission under this section may be served by anyone duly authorized by the Commission, either (a) by delivering a copy thereof to the person to be served, or to a member of the partnership to be served, or the president, secretary, or other executive officer or a director of the corporation to be served; or (b) by leaving a copy thereof at the residence or the principal office or place of business of such person, partnership, or corporation; or (c) by mailing a copy thereof by registered mail or by certified mail addressed to such person, partnership, or corporation at his or its residence or principal office or place of business. The verified return by the person so serving said complaint, order, or other process setting forth the manner of said service shall be proof of the same, and the return post office receipt for said complaint, order, or other process mailed by registered mail or by certified mail as aforesaid shall be proof of the service of the same.	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)	Finality of order	An order of the Commission to cease and desist shall become final--	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(1)	Finality of order	Upon the expiration of the time allowed for filing a petition for review, if no such petition has been duly filed within such time; but the Commission may thereafter modify or set aside its order to the extent provided in the last sentence of subsection (b).	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(2)	Finality of order	Except as to any order provision subject to paragraph (4), upon the sixtieth day after such order is served, if a petition for review has been duly filed; except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by--	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(2)(A)	Finality of order	the Commission;	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(2)(B)	Finality of order	an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the 30-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(2)(C)	Finality of order	the Supreme Court, if an applicable petition for certiorari is pending.	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(3)	Finality of order	For purposes of subsection (m)(1)(B) of this section and of section 572(a)(2) of this title, if a petition for review of the order of the Commission has been filed--	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(3)(A)	Finality of order	upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(3)(B)	Finality of order	upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(3)(C)	Finality of order	upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(4)	Finality of order	In the case of an order provision requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed--	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(4)(A)	Finality of order	upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;	Functional	No Relationship	N/A	N/A	N/A	0		

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45(g)(4)(B)	Finality of order	upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or	Functional	No Relationship	N/A	N/A	N/A	0		
45(g)(4)(C)	Finality of order	upon the expiration of 30 days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.	Functional	No Relationship	N/A	N/A	N/A	0		
45(h)	Modification or setting aside of order by Supreme Court	If the Supreme Court directs that the order of the Commission be modified or set aside, the order of the Commission rendered in accordance with the mandate of the Supreme Court shall become final upon the expiration of thirty days from the time it was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected to accord with the mandate, in which event the order of the Commission shall become final when so corrected.	Functional	No Relationship	N/A	N/A	N/A	0		
45(i)	Modification or setting aside of order by Court of Appeals	If the order of the Commission is modified or set aside by the court of appeals, and if (1) the time allowed for filing a petition for certiorari has expired and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered in accordance with the mandate of the court of appeals shall become final on the expiration of thirty days from the time such order of the Commission was rendered, unless within such thirty days either party has instituted proceedings to have such order corrected so that it will accord with the mandate, in which event the order of the Commission shall become final when so corrected.	Functional	No Relationship	N/A	N/A	N/A	0		
45(j)	Rehearing upon order or remand	If the Supreme Court orders a rehearing; or if the case is remanded by the court of appeals to the Commission for a rehearing, and if (1) the time allowed for filing a petition for certiorari has expired, and no such petition has been duly filed, or (2) the petition for certiorari has been denied, or (3) the decision of the court has been affirmed by the Supreme Court, then the order of the Commission rendered upon such rehearing shall become final in the same manner as though no prior order of the Commission had been rendered.	Functional	No Relationship	N/A	N/A	N/A	0		
45(k)	"Mandate" defined	See FDE for details.	Functional	No Relationship	N/A	N/A	N/A	0		
45(l)	Penalty for violation of order; injunctions and other appropriate equitable relief	Any person, partnership, or corporation who violates an order of the Commission after it has become final, and while such order is in effect, shall forfeit and pay to the United States a civil penalty of not more than \$10,000 for each violation, which shall accrue to the United States and may be recovered in a civil action brought by the Attorney General of the United States. Each separate violation of such an order shall be a separate offense, except that in a case of a violation through continuing failure to obey or neglect to obey a final order of the Commission, each day of continuance of such failure or neglect shall be deemed a separate offense. In such actions, the United States district courts are empowered to grant mandatory injunctions and such other and further equitable relief as they deem appropriate in the enforcement of such final orders of the Commission.	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	N/A	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(1)(A)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	The Commission may commence a civil action to recover a civil penalty in a district court of the United States against any person, partnership, or corporation which violates any rule under this chapter respecting unfair or deceptive acts or practices (other than an interpretive rule or a rule violation of which the Commission has provided is not an unfair or deceptive act or practice in violation of subsection (a)(1) of this section) with actual knowledge or knowledge fairly implied on the basis of objective circumstances that such act is unfair or deceptive and is prohibited by such rule. In such action, such person, partnership, or corporation shall be liable for a civil penalty of not more than \$10,000 for each violation.	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(1)(B)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	If the Commission determines in a proceeding under subsection (b) of this section that any act or practice is unfair or deceptive, and issues a final cease and desist order, other than a consent order, with respect to such act or practice, then the Commission may commence a civil action to obtain a civil penalty in a district court of the United States against any person, partnership, or corporation which engages in such act or practice. In such action, such person, partnership, or corporation shall be liable for a civil penalty of not more than \$10,000 for each violation.	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(1)(B)(1)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	after such cease and desist order becomes final (whether or not such person, partnership, or corporation was subject to such cease and desist order), and	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(1)(B)(2)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	with actual knowledge that such act or practice is unfair or deceptive and is unlawful under subsection (a)(1) of this section.	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(1)(C)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	In the case of a violation through continuing failure to comply with a rule or with subsection (a)(1) of this section, each day of continuance of such failure shall be treated as a separate violation, for purposes of subparagraphs (A) and (B). In determining the amount of such a civil penalty, the court shall take into account the degree of culpability, any history of prior such conduct, ability to pay, effect on ability to continue to do business, and such other matters as justice may require.	Functional	No Relationship	N/A	N/A	N/A	0		

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45(m)(2)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	If the cease and desist order establishing that the act or practice is unfair or deceptive was not issued against the defendant in a civil penalty action under paragraph (1)(B) the issues of fact in such action against such defendant shall be tried de novo. Upon request of any party to such an action against such defendant, the court shall also review the determination of law made by the Commission in the proceeding under subsection (b) of this section that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a) of this section.	Functional	No Relationship	N/A	N/A	N/A	0		
45(m)(3)	Civil actions for recovery of penalties for knowing violations of rules and cease and desist orders respecting unfair or deceptive acts or practices; jurisdiction; maximum amount of penalties; continuing violations; de novo determinations; compromise or settlement procedure	The Commission may compromise or settle any action for a civil penalty if such compromise or settlement is accompanied by a public statement of its reasons and is approved by the court.	Functional	No Relationship	N/A	N/A	N/A	0		
45(n)	Standard of proof; public policy consideration	The Commission shall have no authority under this section or section 57a of this title to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. In determining whether an act or practice is unfair, the Commission may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination. [FN1] So in original. Probably should be "clause".	Functional	No Relationship	N/A	N/A	N/A	0		