

INVISIBLE INFLUENCE

Dark patterns and digital deception
in Aotearoa New Zealand



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About Consumer NZ

Established in 1959, Consumer NZ is an independent, non-profit organisation dedicated to championing and empowering consumers in Aotearoa. Consumer has a reputation for being fair and impartial and providing comprehensive consumer information and advice.

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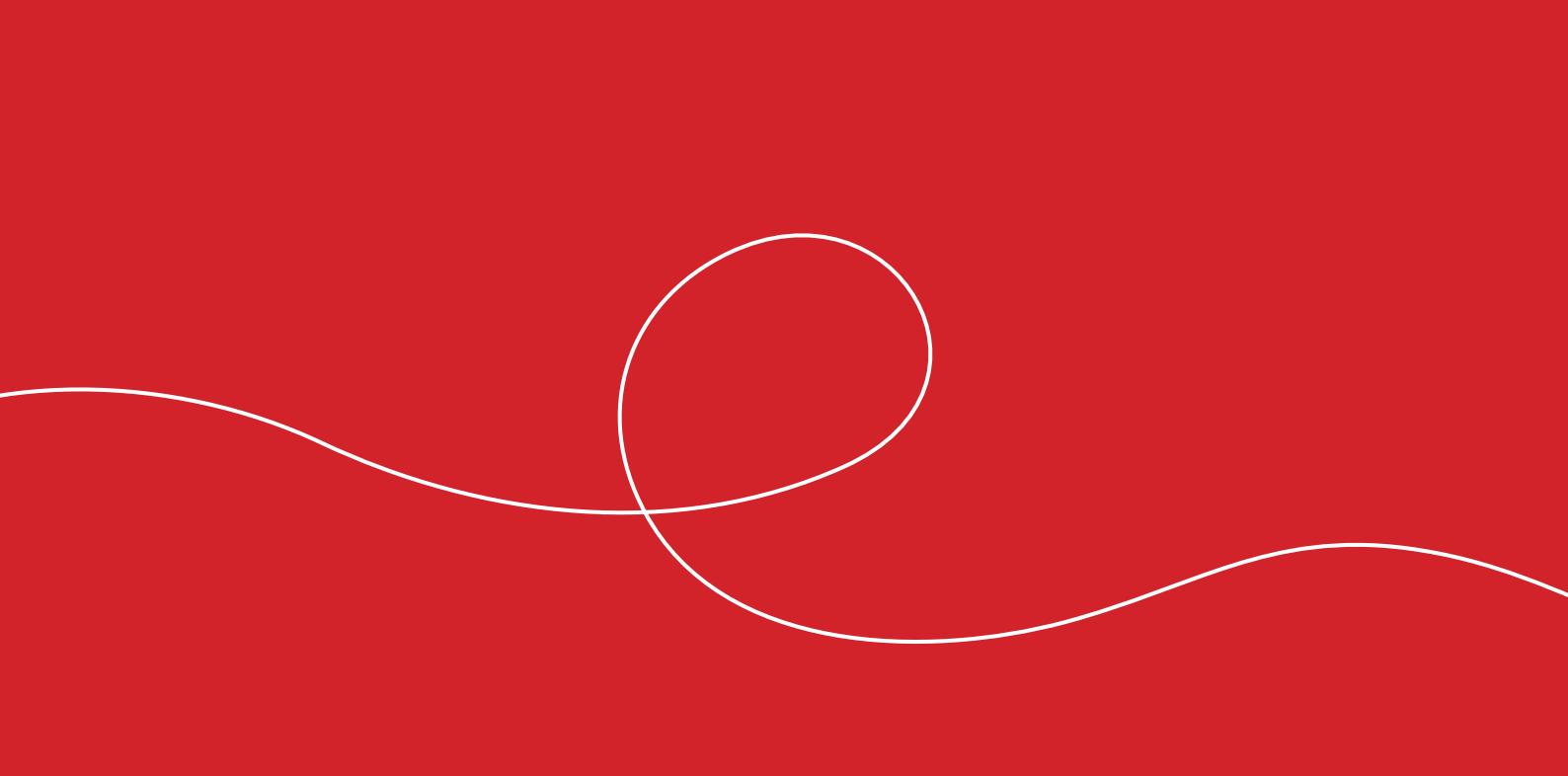
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Executive summary

Consumer NZ has investigated how online digital design practices, often referred to as 'dark patterns', are harming consumers.

Our research shows dark patterns have infiltrated New Zealanders' lives to become a ubiquitous part of the online experience, and little action is being taken to stop them.

We have identified 10 major dark patterns in play in Aotearoa New Zealand, used extensively across some of the country's most popular websites. These include adding fees after a purchase decision has been made, making it hard to cancel a subscription or using scarcity cues to force quick decisions.

Our research illustrates how dark patterns pressure consumers in Aotearoa to spend more money, waste their time and erode their confidence while making crucial financial decisions.

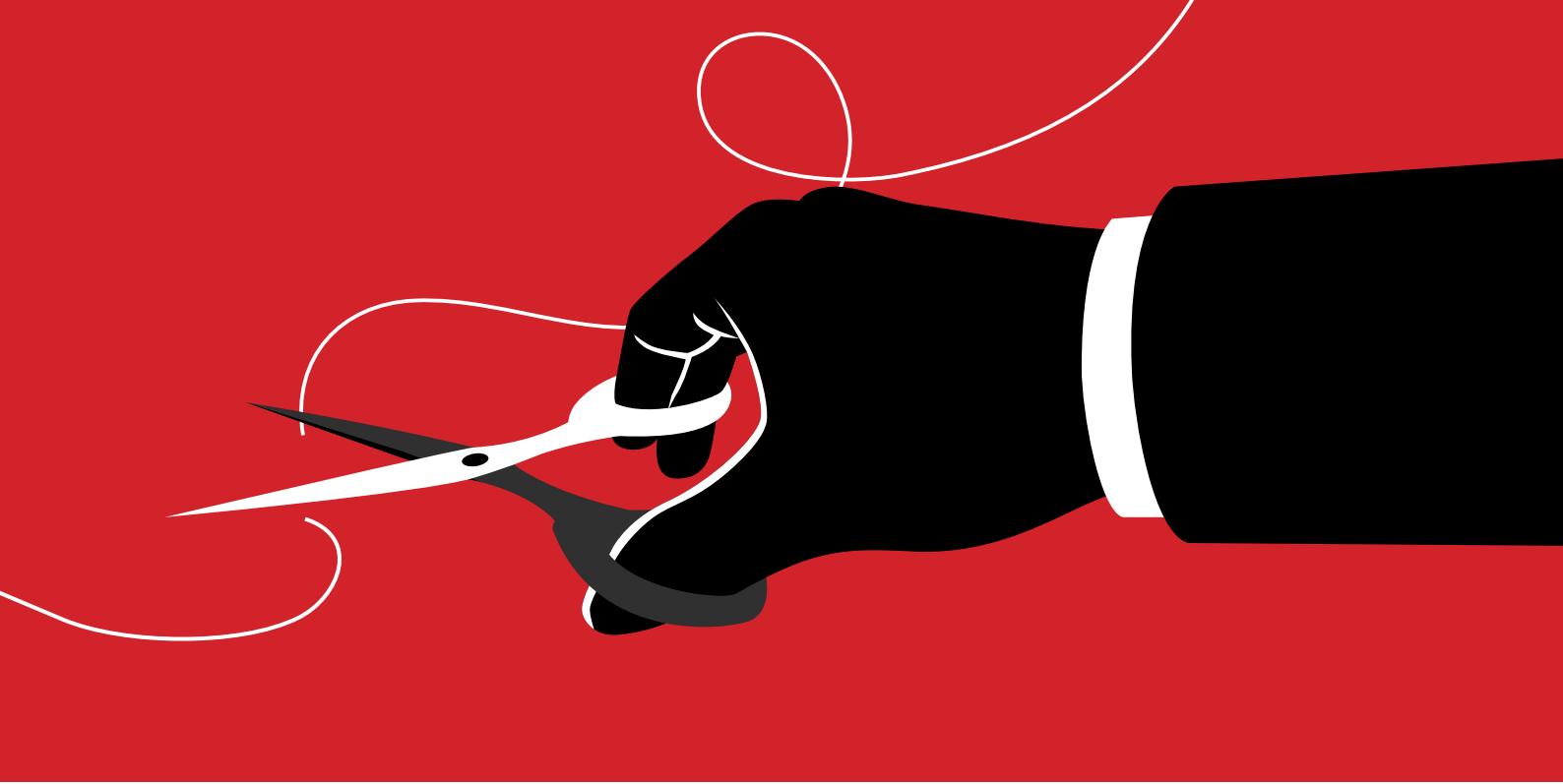
We conducted a nationally representative survey where 83% of participants acknowledged they believed websites were sometimes attempting to influence their decisions. Just 6% of survey respondents believed the use of dark patterns is intended to help consumers.

One in three consumers said they'd spent more money than intended because of a dark pattern.

We've also found that businesses that use dark patterns could be eroding their customers' trust and confidence in their business.

Overseas, many countries have rules in place to curb the use of dark patterns and blunt their impact, but Aotearoa is being left behind – our laws aren't protecting us, leaving dark patterns unchecked and unregulated.

We recommend Aotearoa adopt a general ban on unfair trading, similar to existing and developing bans employed overseas. We also recommend an uplift to privacy protections through changes to the Privacy Act, strengthening enforcement powers of regulators, increasing penalties issued under the Fair Trading Act and developing guidelines for businesses to help them mitigate the use of dark patterns and to make the internet a safer space.



Our recommendations

Ban unfair trading

1. The minister of commerce and consumer affairs should include a general ban on unfair trading practices, similar to those that exist and are being developed overseas, with the existing Fair Trade Act amendments proposed.

Strengthen data privacy protections

2. The minister of justice should consider amendments to the Privacy Act to include a civil penalty regime that bolsters enforcement powers in the event of a serious or repeated breach.

Enable consumers to take action

3. Any ban on unfair trading practices should ensure individuals, not just regulators, have clear, accessible options for legal action.

Strengthen regulatory enforcement

4. The minister of commerce and consumer affairs should continue with plans to increase relevant penalties under the Fair Trading Act to align with international regulations.

Inform and regulate

5. The Commerce Commission should publish clear guidance for businesses about dark patterns.
6. The private sector should collaborate with consumers and other stakeholders on developing a set of standards to guide businesses in their web design.

Encourage businesses to be proactive

7. Businesses should review their online design regularly.
8. Businesses should proactively remove dark patterns from their websites.

What are dark patterns?

Dark patterns are deceptive digital designs intended to influence consumer behaviour online. They can encourage consumers to make certain choices that aren't necessarily in their best interests.

From the addition of hidden fees to finding it hard to quit a subscription; from pre-ticked boxes to scarcity warnings like "Only one left at this price", dark patterns have been designed to distract us, disarm us or direct us to do things we may have not otherwise set out to do.

Businesses have several reasons for using dark patterns: to make more money, to get your data or to keep you engaged when you want to quit.

Your money, data, attention and time are lucrative for businesses. That's why there's a broad spectrum of dark patterns in use.

Dark patterns may seem like other kinds of promotional features we see online, and the line between the two can often be blurred or hard to define. What distinguishes dark patterns is the degree to which they impair our ability to make our own choices and influence the outcome of those choices.

Dark patterns make us do things we didn't intend to do or may not have done if we had access to all the information. They work by exploiting our tendencies to act or think in certain ways, often without our being aware that is what is happening, and their effects can be detrimental to our wellbeing.

Ten key dark patterns used in Aotearoa websites

Subscription traps: When it's easy to create an account, open a membership or start a subscription but much more difficult to cancel it.

Hidden fees: When shoppers end up paying more for a product or service than the initial advertised price suggested they would.

Disguised advertisements: When advertisements look like regular content on a website, causing users to navigate away from the website unintentionally.

False hierarchy: When a website attempts to force a particular choice, one that is often worse for the user, often through the use of colour, placement or size.

Data grab: When a website encourages or forces consumers to divulge more personal information than is necessary.

Nagging: When there is redirection from a task that persists beyond one interaction.

Scarcity cue: When a website creates pressure or a sense of urgency to complete certain actions.

Activity notifications: When information about the activity of other consumers (whether real or fake) is provided to encourage a particular choice or action.

Confirmshaming: When a website attempts to guilt-trip users into making a particular choice, often by using negative, emotive language.

Forced action: When a user must complete an action, like answering a survey question, before being able to complete an intended task.

Our research

Overseas studies have found dark patterns exist everywhere online, with negative impacts on consumers.

However, very limited research has been undertaken in Aotearoa, especially in regard to the financial and psychological toll that dark patterns have on our country's consumers.

Consumer NZ wanted to know how dark patterns impact New Zealanders, both behaviourally and emotionally. We also wanted to discover how prevalent dark patterns are, how New Zealanders perceive and experience them and what could and should be done in response.



Methodology

Our research focused on 10 common dark patterns and their impacts.

To find out how New Zealanders are being impacted, we conducted a sweep of local websites to assess the patterns in action.

Then we used two research methods to explore New Zealanders' perceptions of and experiences with dark patterns, informed by the results of our website sweep.

For the quantitative part of the research, we engaged 1,502 participants in a nationally representative survey to question their knowledge of dark patterns and how they felt their lives were being impacted by the techniques.

We then undertook a qualitative in-depth interview process with 10 participants, representing a range of demographic characteristics, recruited from Consumer NZ's mailing list.

The individuals, who have all been anonymised with pseudonyms in this report, were guided through four popular websites to see how they experienced some of the most manipulative dark patterns in real time.

Each participant was tasked with booking a hotel through Booking.com, purchasing concert tickets through Ticketmaster, cancelling a HelloFresh meal delivery subscription and, if there was time, booking flights with Jetstar.



Dark patterns in Aotearoa

"The really annoying one is if I'm on a website trying to browse, and it says, 'So and so in Wellington bought this', 'Someone in Auckland bought this'. Or they'll try and use the time to hurry you to make decisions. They'll tell you there's 'only three left' so that there's a sense of urgency."

– Phil, Wellington

Over time, the most common dark patterns have been allowed to spread unchecked across websites, making them a common occurrence in our online experiences.

Many consumers are aware of the use of these dark patterns, and they do not like them. Unfortunately, knowledge does not make us immune to the influence of dark patterns.

Awareness of dark patterns

Overall, awareness of deceptive design practices is extremely high among New Zealanders. In our survey, 83% of consumers told us they were aware that websites use design features to try and influence their behaviour, yet only 47% felt they, personally, were being influenced. However, given that some dark patterns are so effective and seem an ordinary part of online life and therefore barely notable, people may be unaware how some patterns are working on them.

Awareness of businesses' attempts to influence behaviour is strong across ages, incomes, ethnicities, gender and levels of education. Digital confidence is the exception, with those who are less confident at engaging with digital technology also less likely to be aware of businesses' attempts to influence their decision-making. Among the most digitally confident respondents, 90% said they were aware of attempts to influence through online design, but this figure fell to 60% among the least digitally confident.

In our research interviews, most participants were well versed in the dark patterns used in digital design. When we asked if they had experienced businesses' attempts to influence their choices, they were knowledgeable about the breadth and reach of dark patterns, identifying deceptive design tactics, such as activity notifications, and scarcity cues, such as countdown timers.

Our research shows dark pattern design practices are highly prevalent in Aotearoa.

The most prevalent dark patterns our survey participants identified were as follows.

- **Scarcity cues** (such as low stock notifications) were the most frequently observed dark pattern, with 93% of participants saying they see these cues at least sometimes.

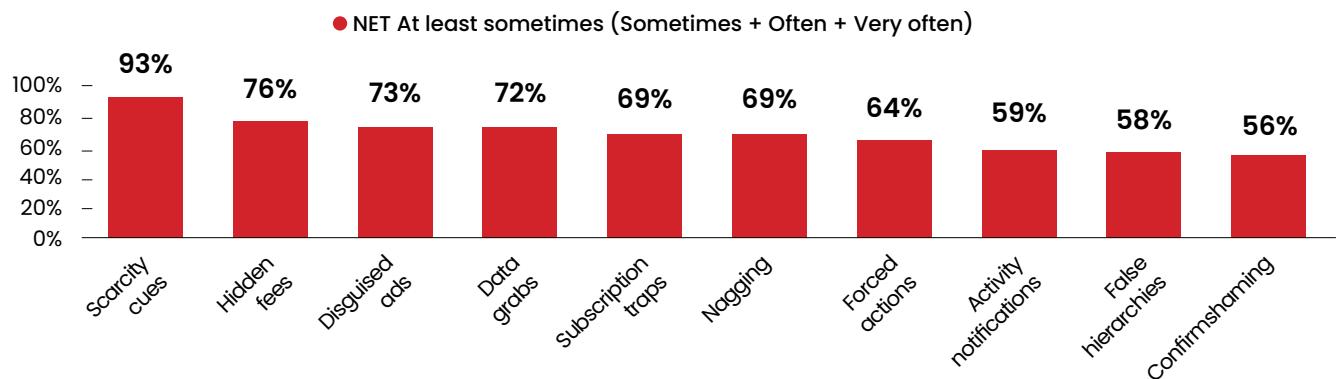
- **Hidden costs** (such as service charges being added to an online basket) were the next at 76%.

- **Disguised advertisements** fell into third place at 73%.

Overall, each dark pattern identified had been seen by at least by 56% or more of survey participants. See figure 1 for more details.

Scarcity cues, hidden costs and disguised advertisements are the most frequently observed dark patterns.

Figure 1: The observed prevalence of the 10 dark patterns researched



Source: Consumer NZ dark patterns survey 2025

Perceptions of dark patterns

Consumers are exposed to attempts to influence their behaviour on a regular basis. So, what do they think of these persuasion techniques? Our survey respondents overwhelmingly viewed dark patterns as a strategy to advance a business' interests rather than to help the customer or make their lives easier.

When we asked participants what they thought businesses were trying to achieve by using these design patterns, more than three-quarters (77%) said it was to increase revenue.

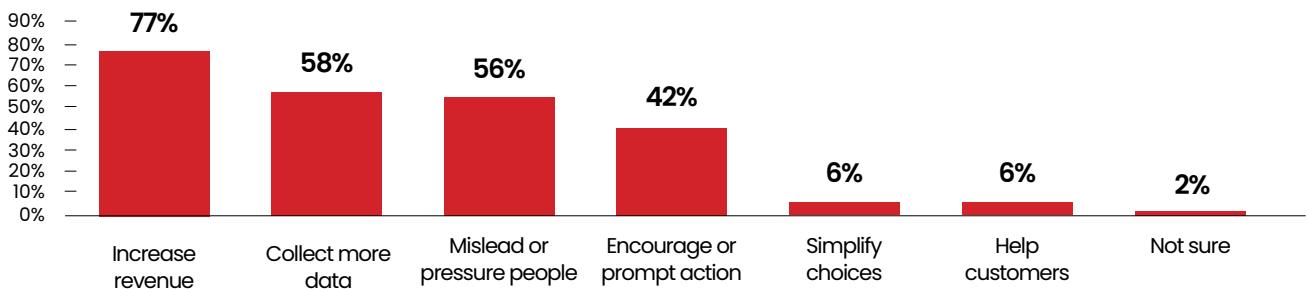
More than half thought they were used to collect more data (58%) and mislead or pressure people (56%), while 42% believed they were used to encourage or prompt action. See figure 2 for more details.

Unsurprisingly given this, the majority of participants viewed the use of dark patterns negatively.

When we asked participants how the dark patterns identified in our survey made them feel, 90% said they were annoyed, 82% felt deceived and 80% felt manipulated by at least one of the ten designs presented to them.

Just 6% of participants believed dark patterns are used to simplify choices, with a further 6% believing they are used to help customers.

Figure 2: What consumers believe dark patterns are used for



Source: Consumer NZ dark patterns survey 2025

Effectiveness of dark patterns

"Low availability ... I'm instantly aware of that. If I were booking tickets, I would be taking that very seriously because I want those tickets. I'd be messaging my group chat saying, 'Guys, there's low availability, we need to book now!'"

– **Fearne**, Auckland

Consumers have a relatively high level of confidence in their ability to spot deceptive dark patterns, with 69% of participants telling us they are moderately to extremely confident of their ability to spot attempts to influence their choices through design.

But even consumers who are confident they can spot the signs of a dark pattern know they're not immune to the pattern's effects.

Those less confident in their ability to spot dark patterns have higher levels of concern about their vulnerability to deceptive design, with 45% of low-confidence participants telling us they were worried about how online design could influence them compared with 36% among those who were confident spotting dark patterns.

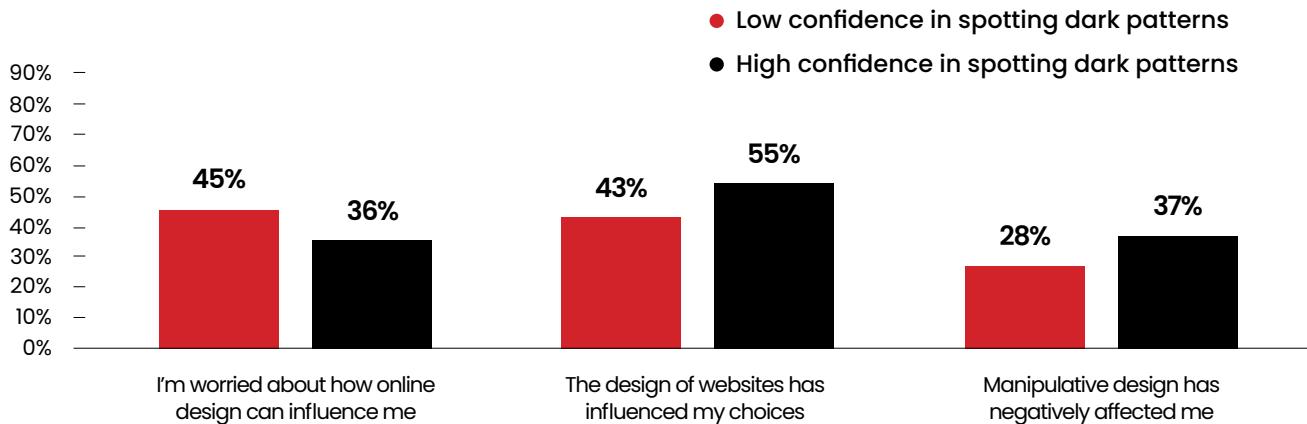
However, when we asked participants whether they'd been influenced by dark patterns, high-confidence participants were significantly more likely to report having been nudged by deceptive design.

Over half (55%) of high-confidence participants reported that the design of websites had influenced their choices, compared with 43% of low-confidence participants. That pattern held when it came to the question of experiencing negative effects, with 37% of high-confidence participants stating that manipulative design had negatively impacted them.

Just 28% of low-confidence users felt they had been affected negatively by manipulative design. See figure 3 for more details.

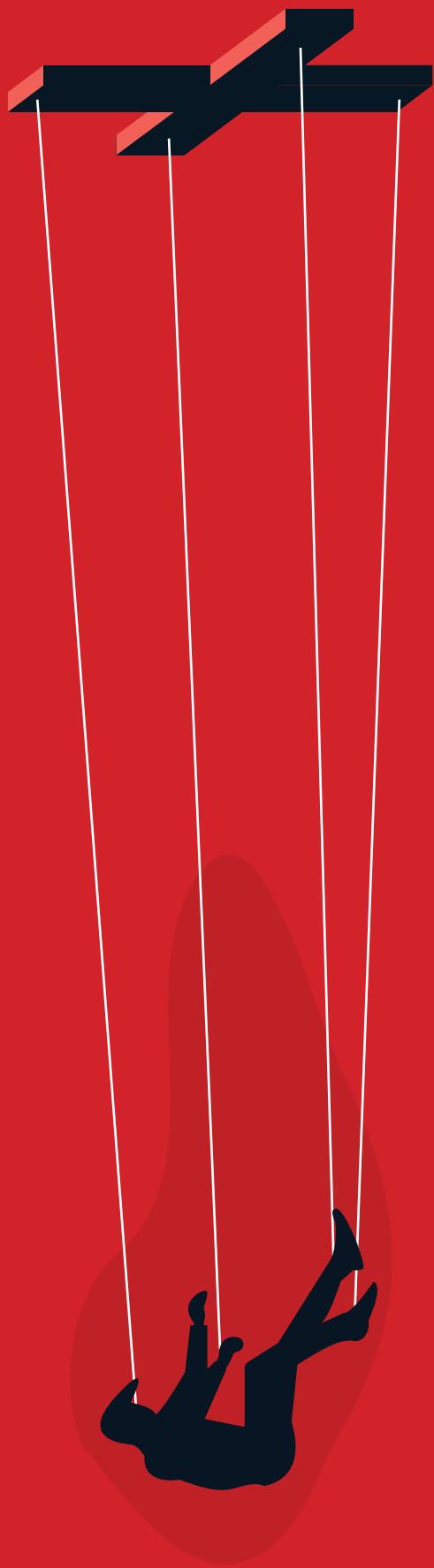
Respondents with high confidence spotting dark patterns are much more likely to say they've been influenced or negatively affected by dark patterns.

Figure 3: Influence of dark patterns



Source: Consumer NZ dark patterns survey 2025

CASE STUDY ONE



"You're going to re-traumatise me"

As part of our research, we asked 10 participants to go through the cancellation process for HelloFresh, a German-based meal kit delivery service that has been operating in Aotearoa since 2018. Cancelling a subscription is a five-step process that can take several minutes to navigate.

Our participants immediately recognised the pain they were about to be subjected to, having either first-hand experience or similar experiences through other websites. "You're going to re-traumatise me," said one when they were given their instructions.

HelloFresh engages several dark pattern practices: confirmshaming, forced actions and false hierarchies.

First, subscribers have to find the cancellation button, with the "pause my deliveries" option pre-selected over the cancellation option. Then they are warned of all the benefits they'll lose, including discounts and loyalty points. In the third step, subscribers are asked why they are leaving, and they are unable to continue the process until they've described exactly why they want to go.

For step four, a \$70 discount is offered for those who then choose to stay – but only if they persuade a friend to sign up. Having endured all that, step five offers one final opportunity to reverse the decision, including a button that says: "I didn't mean to cancel."

Our participants found this the most annoying of the tasks we asked them to carry out. "They don't want you cancelling. They want to put as many barriers [as possible] between you continuing to pay them money and you no longer paying them money," Amelia told us. James agreed: "They're doing everything they can possibly think of to divert your attention and stop you cancelling and think maybe you have cancelled." Meanwhile, Joan said it was such a woeful experience she no longer wanted anything to do with HelloFresh. "I wouldn't touch that business with a barge pole," she told us.

HelloFresh says it streamlined its cancellation process after Consumer's research was undertaken. "Earlier this month [October], we introduced a new and improved pause and cancellation process as part of our continued focus on simplifying the customer journey to enhance the overall experience when using the app or website," a spokesperson said. "We are committed to providing excellent food and service to our customers and strive for the highest standards of compliance and customer care."



How dark patterns influence us

"My default position on all websites ... is they're going to try and get more money out of you. As much money as possible."

– Sam, Auckland

Whether it's keeping us actively engaged on a website for longer, pushing us towards making a rushed decision, adding hidden fees just before we make a purchase or looping us around and around in subscription traps, dark patterns are designed to influence our purchasing behaviour.

In this section, we examine the impact of those influences through three key topics: the financial damage inflicted on consumers, the emotional harm caused to those who fall victim to a dark pattern and the time-wasting techniques that dark patterns utilise.

"They just want to squeeze the next few dollars out of everybody. 'Would you like fries with that? Well, actually, you are going to have fries with that. You don't have to like fries. You don't have to eat them. You could leave them on the counter, but you're going to pay for them.'"

– James, Auckland

Dark patterns take our money

Dark patterns are deceptive by design. We've found they often operate behind the scenes, influencing our behaviour, sometimes without us even realising it. But many people do realise.

In our survey, charging consumers hidden costs – that is, adding fees after you've put something in your basket – ranks as the third most-prevalent dark pattern participants noticed, yet 34% say they will sometimes go through with their purchases, despite recognising the influence of dark patterns.

But how much unintended spending is this causing? One in three people we surveyed revealed they had spent more money than they intended because of a dark pattern. Of those, 30% spent over \$50 more than they had intended. The average extra spend was \$42. See figure 4 for more details.

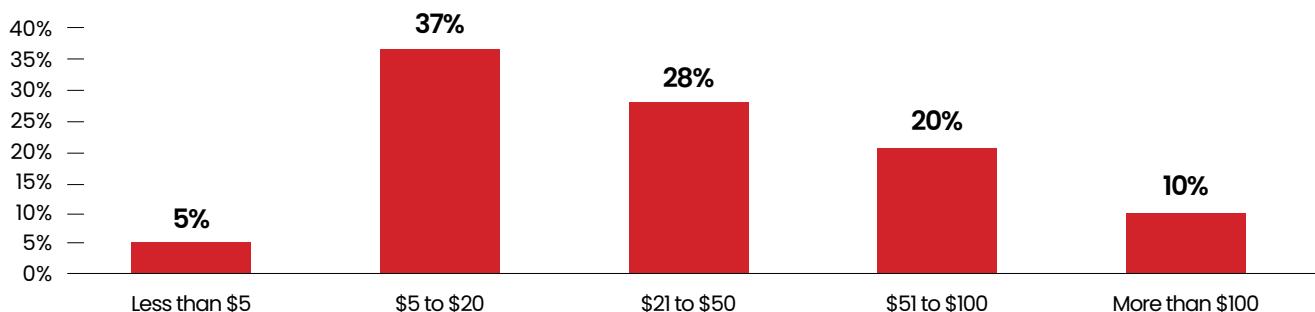
Diving into specific examples, 23% of participants said they had kept a subscription longer than they intended after experiencing a dark pattern, and 44% said they found it difficult to cancel or undo something because of a dark pattern. Meanwhile, 13% said they had purchased something they didn't want because of a dark pattern.

While, on average, 8% of online users frequently pay for services they can't cancel, among the extremely confident online users, this percentage rises to 12%. And 7% say they make the default purchase when they see a hierarchy in choices.

As at June 2025, Aotearoa has a population of 5.3 million people.¹ In 2024 alone, we spent a collective \$6 billion online, according to NZ Post data.² It's not hard to see just how much money could be at stake because of the influence of dark patterns.

Thinking of a time you spent more money online than you intended after seeing one of the design tactics in this survey, what is the most extra money you've spent as a result? (excluding not sure/can't recall)

Figure 4: How much extra money dark patterns make us spend



Source: Consumer NZ dark patterns survey 2025

Dark patterns cause emotional harm

We know dark patterns can influence our behaviour, attempting to make us spend more money with every purchase. But how does it feel to become a victim to a dark pattern? What are the consequences when we've experienced one? Is there a lingering emotion attached when potential subterfuge is at play?

During our one-on-one interviews, participants reflected on their frustrations at their experiences with many dark patterns. "I find them really annoying and intrusive," one told us. Another said they were so prevalent it meant "[I] don't believe a lot of what I see online". "The suspicion is they're screwing you – but you don't know [it]," another told us.

Once again, the HelloFresh cancellation process drew particular ire. "They don't want you to cancel, do they?" one survey participant told us while navigating the website. "They're deliberately making it hard. Why would you put it there? It's really hard, and annoying."

In our survey, we asked participants a series of questions designed to find out how dark patterns made them feel. This question provoked some of the strongest responses in the survey, with 90% finding at least one dark pattern annoying, 82% finding a dark pattern deceptive and 80% finding a dark pattern manipulative.

Another 39% of participants said they had felt confused, annoyed or overwhelmed by having experienced a dark pattern, and 30% said they had

"I'm engaged with you in order to make my life easier, and now I don't want you. Goodbye. And you're saying to me, 'No, you can't do that to me.' And that doesn't make me feel good."

– Joan, Wellington

felt pushed or pressured into buying or signing up to a service because of a dark pattern.

Two-thirds (64%) found redirection/nagging the most annoying tactic, while hidden costs came in second at 58% and subscription traps at 56%. That suggests consumers respond more negatively to dark patterns that hide cost or make pricing unclear.

1. Stats NZ. Population data. URL: www.stats.govt.nz/topics/population (accessed 17 October 2025).
2. NZ Post online spending data. URL: www.nzpostbusinessiq.co.nz/latest-ecommerce-insights/record-transaction-levels-drive-2024s-online-growth (accessed 17 October 2025).

CASE STUDY TWO

"I was so sad"

When we interviewed Jane, from Auckland, she told us how she'd ended up paying double what she wanted to spend on tickets to see Pink perform in 2024. "This is actually a really sad story in my heart because we signed up for the pre-sale [so] we got access a day earlier than the rest of New Zealand," she told us.

Jane found herself in a digital waiting room with 6,000 other people, waiting to be allowed onto Ticketmaster to purchase tickets. "By the time it was my turn, the tickets were \$399," she said. "I thought, 'Oh, I guess since COVID, everything's gone up.' I would have thought tickets were \$199. By the time it's our turn, it's like, 'We'll only hold these tickets for 7 minutes'."

Jane says these pressure tactics worked.

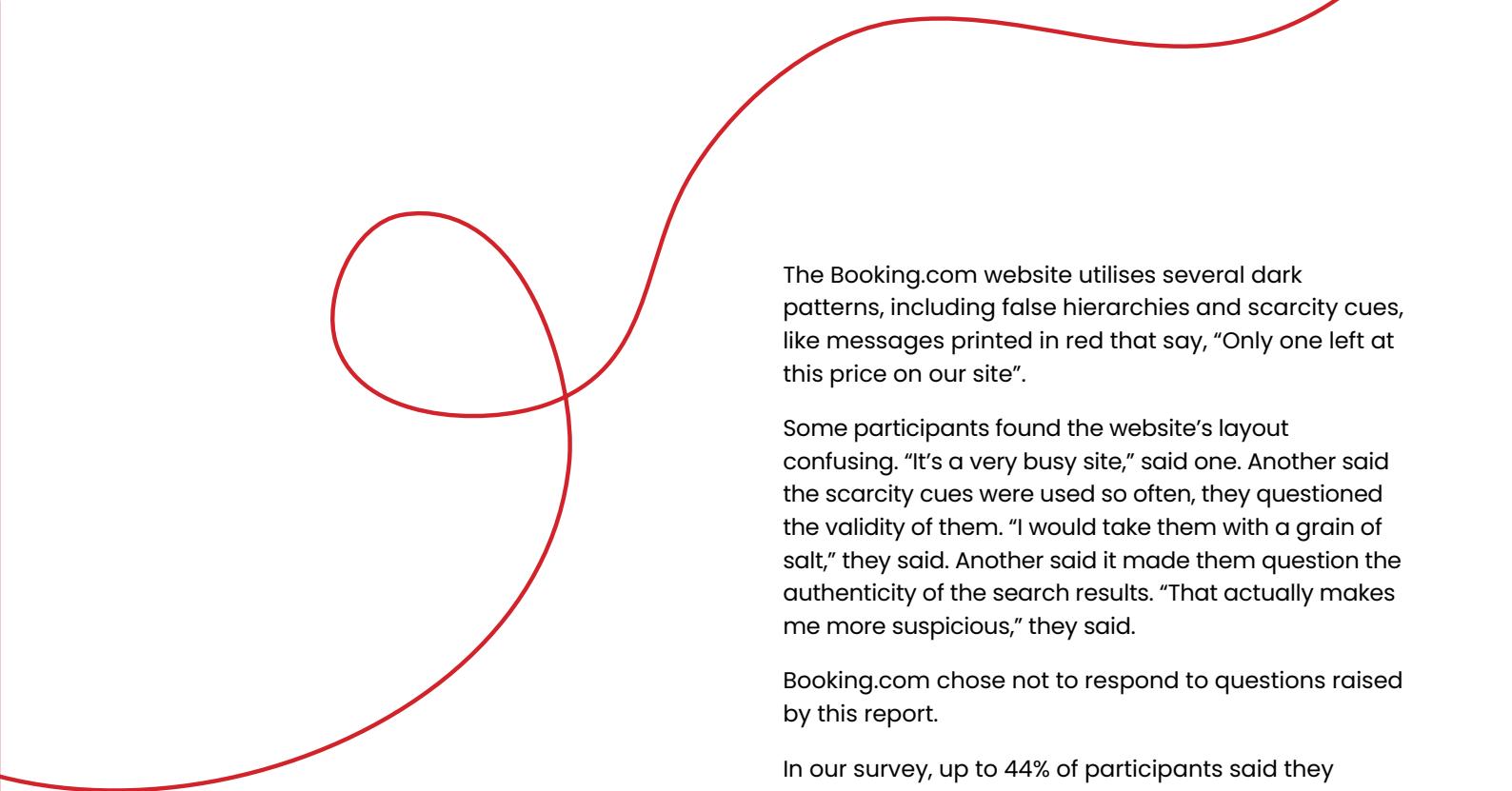
"I'm saying to my partner, 'OK, now all of a sudden, instead of \$400 for two of us, it's going to be \$800 for [what] I thought was general admission. So, there's that pressure, and I'm like, we're just going to do it; it's the first concert since COVID. Put it through. Happy birthday; Merry Christmas. You do all this stuff to justify spending double what we would have wanted to have spent. It was the pressure."

Jane told us this blighted what should have been a fun experience. "I try to be savvy about this stuff. I was so sad."

Ticketmaster says its pricing and purchasing processes are "clearly presented and fully compliant with New Zealand consumer law". It denies they were designed to pressure or mislead fans and instead helped manage demand fairly. "We know how much these moments mean to fans, and our goal is to make buying tickets as fair and transparent as possible," a spokesperson says.

In the case of Pink, the spokesperson says tens of thousands of fans were attempting to purchase tickets at the same time as Jane. "Once tickets are added to a fan's cart, they're held exclusively for that fan for 8 minutes – this time limit prevents tickets from being locked indefinitely and ensures everyone in the queue has a fair chance to purchase."





"If I'm choosing to subscribe to something, the exit should be just as easy as signing up for it ... If it's so hard to leave, I end up actually feeling more used."

– **Fearne**, Auckland

Dark patterns waste our time

Different dark patterns have different intentions. While countdown timers, hidden fees and scarcity cues are designed to speed up the decision-making process and compromise rational thinking, others are intended to slow down consumers and make it more complicated for them to make decisions or complete their desired task.

The outcome depends on what the dark pattern is designed to do. The most frequently reported impacts of dark patterns by survey respondents involved wasted time or effort, such as having to complete more steps or take more time to complete a task than they'd expected. Time-wasting was cited as the most common impact of a dark pattern, and this is most often seen in the dark pattern known as a subscription trap.

During our one-on-one interviews, we tasked participants using Booking.com to reserve accommodation in Queenstown for several nights.

The Booking.com website utilises several dark patterns, including false hierarchies and scarcity cues, like messages printed in red that say, "Only one left at this price on our site".

Some participants found the website's layout confusing. "It's a very busy site," said one. Another said the scarcity cues were used so often, they questioned the validity of them. "I would take them with a grain of salt," they said. Another said it made them question the authenticity of the search results. "That actually makes me more suspicious," they said.

Booking.com chose not to respond to questions raised by this report.

In our survey, up to 44% of participants said they found it hard to cancel or undo something because of a dark pattern.

Also, 41% of participants said they had spent more time on a website than they intended, having experienced a dark pattern, and 47% had to complete more steps or clicks than expected, having experienced a dark pattern.

Dark patterns impact our privacy

Dark patterns also affect our privacy and the choices we make about our data. More than half (52%) of respondents indicated they had experienced privacy and data impacts driven by dark patterns. Over one-third (35%) at least sometimes give their details when they see a data grab pattern, with one in five doing the same for a forced action pattern. Despite both patterns often appearing as an exchange for a discount code or trial, respondents didn't think they were helpful.

Just 5% thought a data grab was helpful, with a similar 4% thinking a forced action was helpful. In general, dark patterns are effective at getting us to part with our information, with our research showing:

- **2 in 5** people agreed to something, like cookies or marketing emails, without realising because of a dark pattern.
- **30%** felt pushed or pressured into buying or signing up.
- **1 in 4** signed up or created an account by accident.
- **1 in 4** shared more personal information than they were comfortable with.

CASE STUDY THREE

"You've sucked me in and bamboozled me"

When we asked participants to book flights to Sydney through Jetstar's website, James, from Auckland, was presented with a page with four potential flight options: "Starter", "Starter Plus", "Flex" and "Flex Plus". Each option contained an extraordinary amount of information for the reader to assess, including seat options, baggage limits, food and drink inclusions/exclusions and cancellation add-ons. James blamed this on the "modern era of low-cost flying". "They pare everything back and make up the money with options," he told us. "It's desperately confusing."

The page included several dark patterns in action, including false hierarchies and pressure tactics, like a handwritten message pointing at the most expensive flight option. "Save on included extras!" it exclaimed.

James believed this information wasn't helpful and instead was designed to push him towards buying tickets that initially looked cheap but might end up costing more than those at Jetstar's competitors. "My ideal flight might well be with Air New Zealand for \$350, but if I see these guys quoting \$259, I'm going to look [into it] further," he said. "Now I'm immersed in their website; I've lost half an hour of my life; and, at the end of the day, it's back up to the Air New Zealand \$350 I go." This wasn't the only time James had experienced these tactics while shopping online. "You've sucked me in with a low attractive offer and then bamboozled me with facts and figures."

In a statement, a Jetstar spokesperson said it was being fully transparent in how it presented its products and services to customers. "Unlike full-service carriers, where everything is bundled in the cost whether customers want it or not, we let customers choose their extras," the spokesperson said. "We're transparent about the options, ensuring we provide relevant facts and information about all our products. Customers can see all the choices and costs upfront, then make their own informed decisions."



The broader impacts of dark patterns

“You had my trust, and now you’ve broken it by trying not to do what I want but [rather] force me to do what you want.”

- Phil, Wellington

The direct harms to consumers that result from dark patterns are significant, but the experience of engaging with dark patterns also drives secondary changes in our behaviours, such as diminishing trust in businesses that employ dark patterns and losing confidence in our ability to navigate the internet.

Dark patterns damage trust

Dark patterns are viewed negatively by survey participants, and this has a negative impact on how they view the businesses that utilise them.

Almost one-third of survey participants reported having been negatively affected by the use of manipulative design, while 71% believed that manipulative design can have a negative effect on others.

Once consumers are negatively affected, they become less trusting of the information provided by the businesses using these strategies and the businesses themselves.

When we showed survey participants our 10 dark patterns, loss of trust was cited as a major impact.

Two-thirds of respondents said that they did not trust the information when encountering a dark pattern, with 62% saying that a dark pattern caused them to lose trust in the business using it.

Dark patterns drive behaviour changes

With repeated exposure to dark patterns, consumers have become savvy to some of the tactics in those patterns, finding techniques to navigate their way with more independence through online shopping processes.

One of the primary responses from survey participants was to avoid certain online activities, with 86% of participants performing “avoidant” behaviours to negate the impact of influential design.

Almost two-thirds of participants said they avoid websites they don’t trust. More than half said they hesitate to click on special offers or pop-ups, and 44% said they don’t sign up for free trials because of how websites are designed.

While we’d always recommend people act carefully online, there are negative consequences for both consumers and businesses resulting from consumers feeling the need to moderate their behaviour in this way.

A free trial was once a way to demonstrate the quality of a product in the hope of generating further sales, and a special offer could help save a consumer money. But consumers are now seeing these options as something to avoid because they are concerned they are being enticed into doing something that will be hard to get out of down the line.

Dark patterns force us to protect ourselves

Dark patterns have made the internet a harder place to confidently spend money, with decision-making increasingly requiring consumers to critically analyse the content and the potential motivations of businesses in the information they provide. Consumers are taking proactive measures to protect themselves from dark patterns.

Almost half (47%) of survey participants said that they do more comparisons before making purchases, 32% said they take more time to check settings, read fine-print or terms and conditions, while 19% said they review or change privacy settings.

While getting stuck in a subscription trap represents a waste of time in the moment, the harm doesn't end there, with wary consumers spending more time researching products and services, or looking for fishhooks, before making a purchase.

In addition to spending more time making these purchases, 18% of participants stated they had implemented services like ad blockers or VPNs³ to combat the ability of dark patterns to influence their behaviour.

This is a positive, proactive step, but these services can cost money, and worryingly, may also be using dark patterns of their own to maintain relationships with customers or upsell unnecessary services.

"I just find it very overwhelming. Like, there are too many options, and I do get decision fatigue from the whole thing."

- Fearne, Auckland

3. A virtual private network (VPN) is an online security technology that safeguards online privacy by providing a secure encrypted connection between internet sources. Using a VPN can allow users to change their IP address, preventing businesses from tracking their behaviour from one interaction to the next.

"I can see why companies do it. But ... I think if your company is worth it and you provide a good product or a good service, you don't need all those sneaky tactics."

- Isabelle, Wellington

Dark patterns can be bad for business

During our interviews, time and time again, we were told how much participants hate dark patterns. They told us that businesses that make them feel manipulated or tricked into a sale made them lose trust and eroded their confidence in those businesses.

One participant still felt burned by HelloFresh's cancellation process 2 years after experiencing it.

"If you've been bitten once or twice, you will tell others about your experience. I would tell people, 'you need to avoid HelloFresh because I've been trying to cancel it for 5 weeks.' I would actively tell people to stay away."

In our survey, businesses that use dark patterns were often seen as putting business benefits above customer experience. Just 10% of respondents felt these measures were designed to help consumers, with most respondents believing they were designed to increase revenue (77%), collect more personal data (58%) or to be deliberately misleading (56%). Only 4% of respondents felt the use of dark patterns was a fair business practice. Those respondents were more likely to be digitally confident.

These beliefs mean that the use of dark patterns damage trust in businesses, harming their reputation. In our survey, 64% of respondents reported avoiding websites they don't trust.

In the absence of government regulations, businesses should be wary of subjecting their customers to too many dark patterns too often. Dark patterns may drive one-off sales, but our research shows they are unlikely to foster long-term trust or loyalty.

As one participant told us after being subjected to hidden fees: "I feel really pissed off, quite frankly, because if it tells me a price, I expect to pay that price."

Responses to dark patterns around the world

“If there are no controls put in place, it’s the consumers who are going to suffer. People who are not well versed in terms of online shopping or anything, they’ll get hit hard.”

- John, Auckland

Aotearoa's consumer laws aren't strong enough to deal with dark patterns.

Right now, dark patterns and their harms go unchecked, leaving consumers to deal with the consequences.

Internationally, governments have more power to deal with the threats dark patterns pose.



Aotearoa

There are no laws or regulations that target dark patterns in Aotearoa. Instead, we depend on our general fair trading and privacy laws. The Fair Trading Act (FTA) combats misleading, deceptive and false conduct, as well as prohibiting some specific unfair practices. Dark patterns that don't meet these thresholds won't be covered.

Cases involving dark patterns under the FTA are rare.

One recent case is *Commerce Commission v Viagogo*, which focused on, among other conduct, a hidden costs pattern. Viagogo was found to have breached the FTA by misleading consumers about the price of its tickets when it only disclosed additional fees at a late stage of the purchase process. Viagogo has appealed the decision.

The lack of enforcement action is evidence of a gaping regulatory hole, where New Zealanders are vulnerable to dark patterns, such as false hierarchies, confirmshaming and data grabs.

One-quarter of us say we've given away more personal information than we're comfortable with because of a dark pattern. The Privacy Act is the key law when it comes to the use of these patterns. It sets out principles to guide how personal information can be collected, used and stored.

However, like the FTA, the Privacy Act isn't strong enough to protect us. For example, as long as a business complies with the privacy principles, it does not need to obtain your consent before collecting your information. Our privacy regime is also missing effective enforcement provisions. This means regulators are limited in the actions they can take against agencies that breach the Privacy Act.

European Union

The European Union has a suite of consumer protection legislation and regulation that is capable of dealing with dark patterns. The main law is the Unfair Commercial Practices Directive. It's broad and bans a range of unfair practices, including some dark patterns that are included on a 'blacklist'.

The Digital Services Act is another law protecting consumers. It aims to ensure the internet is a fair and safe place, including by banning businesses from designing their websites in a deceptive or manipulative way. In 2023, the European Commission launched an investigation into X, formerly known as Twitter, alleging it breached this ban. The investigation is ongoing.

The European Union's General Data Protection Regulation (GDPR) also aims to protect consumers from dark patterns' privacy harms. It makes sure consumers aren't tricked into giving consent to the collection of their personal data, prohibiting pre-ticked boxes and ambiguous wording.

United Kingdom

The United Kingdom's prohibition of unfair trading is found in its Digital Markets, Competition and Consumers Act. This act closely mirrors the European Union's directive and uses similar criteria to decide whether a practice is unfair.

Under an earlier version of the act, the United Kingdom's Competition and Markets Authority launched an investigation into Ticketmaster in 2024. Ticketmaster's use of dark patterns and dynamic pricing during the sale of Oasis tickets was the focus of the investigation, and Ticketmaster has agreed to be more transparent about pricing information as a result. Unfortunately, cases decided overseas have no bearing on how a business acts in Aotearoa, so while United Kingdom customers see full prices and fees upfront, customers in this country have to wait until the last moment to see the full cost of buying a ticket.

The United Kingdom has adopted the European Union's GDPR, so consumers there share the same protections.

United States

The United States has had regulatory measures in place to protect against dark patterns for some years now. The Federal Trade Commission Act prohibits "unfair or deceptive acts or practices in or affecting commerce." In 2023, the Federal Trade Commission took action under the act against Epic Games, the developer of the popular video game Fortnite. In a settlement, Epic Games agreed to pay NZ\$399 million for using dark patterns to trick players into making unintentional purchases.

The United States doesn't have any overarching data privacy laws, though the Federal Trade Commission plays a key role in enforcing data privacy regulations as part of its broad mandate under the Federal Trade Commission Act. Instead, privacy laws are made at the state level. Consumers have different rights depending on what state they live in. One comprehensive law is the California Consumer Privacy Act, which regulates how a business collects, uses and stores personal information. The act specifically states that agreement to privacy terms obtained through the use of dark patterns will not constitute consent.

Australia

As in Aotearoa, enforcement against dark patterns in Australia currently relies on general fair-trading laws. The Australian Consumer Law (ACL) is the main legislative instrument that deals with misleading or deceptive conduct. The ACL doesn't capture most dark patterns.

However, the Australian government is developing legislation focused on prohibiting unfair trading. The proposed laws will likely be a general overarching prohibition complemented by a 'blacklist' to include specific bans on subscription traps and hidden costs, as well as practices that create a false sense of urgency or scarcity.

Australia's Privacy Act may protect against dark patterns where they infringe on certain privacy principles. The main principle in play is the requirement for businesses to manage information in an open and transparent way. However, there have been calls for reforms to better protect against dark patterns as Australian consumer advocates note that relying simply on notification and consent is insufficient to protect against the harms of dark patterns.

Where to from here?

“I think it is everyone’s right to be presented with the facts of something just transparently and then [that] allows you to make an informed decision as to whether or not it’s something you want to put your money into. All of that should be presented transparently, not at the last second.”

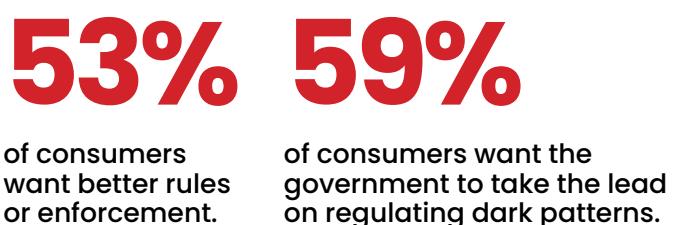
- Fearne, Auckland

Our country’s laws mean most dark patterns are unregulated, and consumers are feeling the effects. Our research shows New Zealanders want action on dark patterns. It is no longer acceptable to leave consumers to deal with the fall out, because as the rest of the world takes action on dark patterns, New Zealand risks being left behind.

Our survey revealed the majority of New Zealanders want better rules or enforcement around appropriate use of dark patterns (53%). Nearly half want industry standards (49%), and over one-third want easier ways to report dark pattern behaviour (37%).

The majority think the government should take the lead on this work (59%), while despite expressing distrust towards businesses that use dark patterns, two-fifths think it should be up to the businesses to course-correct themselves (41%).

We can expect dark patterns to become more common, varied and harmful as businesses increase their use of both our data and artificial intelligence (AI). As dark patterns and our behaviour evolve, it will be crucial to have a flexible yet effective regulatory regime that will continue to benefit consumers.



Our recommendations address the need to act. They prioritise the creation of a general ban on unfair trading (like the bans overseas), strengthening enforcement of our privacy laws and enabling consumers to take an active role in their digital lives, where they don’t have to adjust their behaviour to survive.

Business has a role to play, too. Our research shows when businesses use dark patterns, consumers lose trust. Dark designs don’t just erode trust, they can also harm the business’ reputation, and businesses that use these tactics are often seen as putting profits above people. Businesses can act now to take the lead on best practice digital design and reduce impacts on trust, reputation and loyalty.

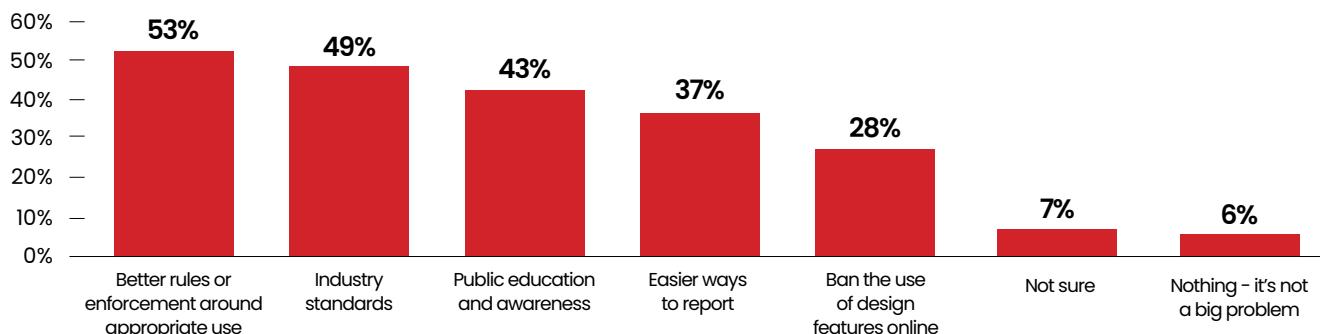
We can take advantage of the progress being made across the world by acting now.

“We wouldn’t allow you to put that into the physical realm. You wouldn’t allow any of those stores on Lambton Quay to put big boxes in front of the doors when you’ve walked in that you’ve got to climb over to exit the store. We would never tolerate that from anyone in a physical sense.”

- Amelia, Wellington

What would you most like to see happen to reduce these kinds of design features online?
Please select all that apply.

Figure 5: Consumers' preference for options to mitigate dark patterns



Source: Consumer NZ dark patterns survey 2025

Detailed methodology

Our research used both quantitative and qualitative methods to explore dark patterns.

Nationally representative survey

We conducted a nationally representative survey of 1,502 people aged 18 years and over. We used an external panel provider, Dynata, to source participants and completed the survey between 2 and 11 July 2025.

We adapted our questionnaire, with permission, from the 2022 Duped by Design study that was conducted by the Australian Consumer Policy Research Centre (CPRC). We made several changes to update the methodology and ensure relevance to the Aotearoa context. We thank CPRC for their guidance on this work.

The results were weighted to reflect the population of Aotearoa by age, gender and region, using Stats NZ Census 2023. The maximum margin of error for survey results is $+/-2.53\%$ at a 95% confidence level.

In-depth interviews

We recruited interview participants from a range of demographics from both Auckland and Wellington. Interviews took place from 31 July to 14 August 2025.

Interview participants were asked about their confidence using online spaces and their knowledge of online design features. Then, using the most impactful and prevalent dark patterns identified in our survey, we asked the interview participants to navigate four websites:

- **Booking.com**, a hotel booking platform that frequently used scarcity cues to influence decision-making
- **Ticketmaster**, a concert ticket platform that used a hidden cost pattern to conceal unavoidable fees
- **HelloFresh**, a meal subscription service that used a subscription trap to make it difficult for a person to cancel a subscription

and, if time allowed:

- **Jetstar**, an airline website that used false hierarchy patterns to influence ticket purchase decisions.

Direct quotes from these interviews have been anonymised in this report.

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Consumer NZ

PO Box 932
Wellington 6140
New Zealand

e: info@consumer.org.nz

w: consumer.org.nz