

Antitrust Law Daily Wrap Up, CONSUMER PROTECTION NEWS: Senators criticize Google for failure to enforce ad ban on anti-coronavirus products, (Mar. 18, 2020)

Antitrust Law Daily Wrap Up

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By Nicole D. Prysby, J.D.

Two U.S. Senators sent a letter to the FTC, urging the agency to take action against Google for Google's failure to take steps to enforce its ad ban on anti-coronavirus products.

U.S. Senators Mark Warner (D-Va.) and Richard Blumenthal (D-Conn.) announced on March 17 that they sent a [letter](#) to the FTC expressing concern that Google continues to run ads that capitalize on coronavirus (COVID-19) fears, such as ads for hand sanitizer and face masks, despite claiming to ban those ads. The senators pointed out that the ads pose harm to consumers, such as by contributing to the shortage of protective equipment needed for health care workers. They asked the FTC to intervene to protect the public and the supply chains for protective equipment.

In a letter to the FTC, Senators Warner and Blumenthal express concerns over Google ads for products that capitalize on COVID-19 fears, such as hand sanitizer and face masks. Google claims that as of March 10, it banned these ads. But the ads continue to appear: the Senators' letter states that while browsing Internet pages related to COVID-19, staff members were consistently served ads for products such as protective equipment and hand sanitizer. Based on information from Google's AdChoices program, the ads are being specifically targeted to users browsing articles on COVID-19. The Senators urge the FTC to intervene, pointing out that Google represents to consumers that its policies prohibit ads for these types of protective equipment, but the company is taking no steps to enforce that policy (such as flagging ads with relevant terms in the outbound URL). The letter states that upon contacting Google, the company claimed it would need a full click string to detect the violations, which, the Senators point out, is an odd request in light of the volume of ads violating the policy and the fact that the ad content includes explicit references to products. Virtually every outbound URL associated with the ads violated Google's stated policy by including terms such as "N95" or "mask" in the URL string.

Google has acknowledged that the offending ads pose harm to consumers, such as by contributing to shortages of products essential to health care workers. For example, earlier this month, the Department of Health and Human Services announced that in light of the COVID-19 outbreak, it would need roughly 300 million N95 respirator masks, which is 270 million more masks than it currently has stockpiled. Due to this shortage, the U.S. Surgeon General urged the public to stop buying protective masks in order to ensure that health care workers have access to the resources they need to stay safe.

A copy of the letter was also sent to the U.S. Department of Justice.

Companies: Google

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