



November 8, 2021

**The Honorable Thomas Umberg,  
Senate Judiciary Committee  
State Capitol Room 2187  
Sacramento, CA 95814**

Dear Chair Umberg,

Consumer Reports writes in support of AB 587, which would secure greater clarity, transparency, and accountability for California consumers online. For over 80 years, Consumer Reports has worked with consumers for truth, transparency, and fairness in the marketplace. We are strong proponents of public policy that strengthens consumers' trust and safety online. Especially in light of the COVID-19 pandemic, where consumers turned to online platforms to communicate for school, health, work, commerce, and community, the crucial need to address online disinformation, extremism, and harassment has never been more clear or more urgent.

Last spring, CR journalist Kaveh Waddell created seven ads that intentionally violated Facebook's policy prohibiting COVID-19 ads on its platform that encouraged people to drink bleach or ignore social distancing guidelines. When he submitted those ads to run on Facebook, all seven—which included claims that “coronavirus is a HOAX” or to “stay healthy with SMALL daily doses” of bleach—were approved. While CR pulled the ads before they were published by Facebook and viewed by the public, this demonstrates just one of many instances in which Facebook was unable to stop not just the spread of misinformation, but would have been paid for the proliferation of that dangerous misinformation, despite an ad approvals process. This type of paid misinformation can cause obvious harm to consumers and public health—and is just one of many such issues that extremist offshoots and misinformation campaigns have helped foment.<sup>1</sup>

AB 587 would require the largest social media companies to make clear not only their terms of service, but, on a quarterly basis, also: the trainings that inform how their employees and

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<sup>1</sup> Kaveh Waddell, “Facebook Approved Ads With Coronavirus Misinformation” Consumer Reports (April 7, 2020), <https://www.consumerreports.org/social-media/facebook-approved-ads-with-coronavirus-misinformation/>; *see also* Marianna Spring and Mike Wendling, “How Covid-19 myths are merging with the QAnon conspiracy theory” BBC (September 3, 2020), <https://www.bbc.com/news/blogs-trending-53997203>.

contractors enforce those terms, transparency around how far ultimately-removed policy violating content spread before platform policies were applied, and transparency around how content was identified for removal (AI systems, user reports, civil society partners, etc.) and how it was ultimately removed (whether by automation or human review). As former Justice Brandeis wrote, “sunlight is the best disinfectant”—and so these measures offer a step in the right direction toward higher standards of platform accountability.

We applaud your leadership in considering this legislation, and would urge your consideration of two further components to strengthen it further still:

- **Whistleblower Protections for Social Media Company Employees, Contractors, and Vendors:** Conversations that influence and ultimately drive both key enforcement trends and discrete enforcement moments cannot be covered through transparency reporting alone. We encourage the Senate to consider establishing whistleblower protections that would enable employees and contractors to report violations of consumers’ reasonable expectations of a platform’s enforcement of its terms of service.
- **Advertising-Specific Transparency:** In order to enable even stronger transparency and understanding around the spread of harmful content online, we strongly urge that the bill’s quarterly report require companies to (1) identify content flagged & actioned for which the platform received payment to display or prioritize and (2) disclose the total amount of payment received for such content—across all categories the bill provides in paragraph (3).

CR’s reporting last year further demonstrated the vagueness and inconsistency across social media platform policies on misinformation and the enforcement of those policies.<sup>2</sup> Consumers deserve clear understandings of the standards that shape the information ecosystem and their lives online, and how they can expect those standards to be enforced. Such transparency is critical in order to highlight how and when these platforms fail and fall short—and be able push toward a fairer, more just online ecosystem for all California consumers. For these reasons, we support AB 587.

Respectfully Submitted,

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cc: Members, California Senate Judiciary Committee

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<sup>2</sup> Kaveh Waddell, “On Social Media, Only Some Lies Are Against the Rules” Consumer Reports (August 13, 2020), <https://www.consumerreports.org/social-media/social-media-misinformation-policies/>.