

May 21, 2025

VIA ELECTRONIC SUBMISSION

www.regulations.gov

FTC-2025-0023-0001

U.S. Federal Trade Commission

Re: Request for Public Comment Regarding Technology Platform Censorship

Dear Sir or Madam:

On February 20, 2025, the Federal Trade Commission (“the Commission”) issued a public request for information (RFI) to probe whether and how technology platforms¹ deny or degrade service based on users’ political or religious views, affiliations, and activities.² As part of that larger inquiry, the Commission is evaluating whether tech platforms are engaged in “unfair or deceptive acts or practices” when they restrict service for opaque or viewpoint-based reasons.³

To that end, this comment identifies two pervasive and interrelated issues that the Commission should weigh heavily in its analysis: 1) Big Tech’s enforcement of vague and subjective content standards; And 2) opaque platform content moderation and curation that degrades service use and quality without transparency, notice, or due process for consumers.

Platform enforcement of vague and subjective terms of service. The specific reasons platforms suspend accounts or remove or demonetize content are often vague to the extent that any explanation is provided. Analysis from Alliance Defending Freedom’s 2024 Viewpoint Diversity Score Business Index found that every major digital service provider scored (all seven of the largest U.S. tech companies) “have subjective policies that imperil speech.”⁴ The report found that platform speech policies often included terms like “hate,” “misinformation,” and “intolerance” that are inherently vague or subjective.⁵ For example:

- Apple’s policy regulating app store developers: “Apps should not include content that is offensive, insensitive, upsetting, intended to disgust, in exceptionally poor taste, or just plain

¹ The Commission made clear that “Technology platforms may include, among others, companies that provide social media, video sharing, photo sharing, ride sharing, event planning, internal or external communications, or other internet services.” See footnote 1 of RFP.

² See RFI.

³ Ibid.

⁴ See page 14 of 2024 Business Index Findings and Recommendations.

⁵ See page 13 of 2024 Business Index.

creepy.... We will reject apps for any content or behavior that we believe is over the line. What line, you ask? Well, as a Supreme Court Justice once said, ‘I’ll know it when I see it.’ And we think that you will also know it when you cross it.”⁶

- Amazon’s policy governing its e-commerce platform: “We don’t sell...content that we determine is hate speech...or other material we deem inappropriate or offensive.”⁷
- Alphabet’s policy for video content on YouTube: “Hate speech is not allowed on YouTube. We don’t allow content that promotes violence or hatred against individuals or groups based on any of the following attributes, which indicate a protected group status under YouTube’s policy: [a]ge[, c]aste[, d]isability[, e]thnicity[, g]ender [i]dentity and [e]xpression[, n]ationality[, r]ace[, i]mmigration [s]tatus[, r]eligion[, s]ex/[g]ender[, s]exual [o]rientation[, v]ictims of a major violent event and their kin[, and v]eteran [s]tatus.”⁸ The company also explicitly prohibits ads “[m]aking claims that contradict authoritative, scientific consensus on climate change....”⁹
- Microsoft buried a “hate speech” prohibition deep in its master service agreement: “By agreeing to these Terms, you’re agreeing that, when using the Services, you will...[not] engage in activity that is harmful to you, the Services or others (e.g.,... communicating hate speech...).”¹⁰
- Meta’s policy for social media content: “[W]e don’t allow hate speech on Facebook.... We define hate speech as a direct attack against people — rather than concepts or institutions— on the basis of what we call protected characteristics: race, ethnicity, national origin, disability, religious affiliation, caste, sexual orientation, sex, gender identity and serious disease.”¹¹ The company also bans ads that “discourage people from vaccination or advocate against vaccines,” even though the current U.S. Secretary of Health and Human Services has

⁶ See [https://storage.googleapis.com/vds_storage/document/2024-evidence-items/apple/MA1\(1\)_App-Store-Review-Guidelines_Introduction.png](https://storage.googleapis.com/vds_storage/document/2024-evidence-items/apple/MA1(1)_App-Store-Review-Guidelines_Introduction.png); And [https://storage.googleapis.com/vds_storage/document/2024-evidence-items/apple/MA1\(2\)_App-Store-Review-Guidelines_1-1-Objectionable-Content.pdf](https://storage.googleapis.com/vds_storage/document/2024-evidence-items/apple/MA1(2)_App-Store-Review-Guidelines_1-1-Objectionable-Content.pdf).

⁷ https://storage.googleapis.com/vds_storage/document/2024-evidence-items/amazon/MA1_Content-Guidelines-for-Books_Offensive-Content.pdf.

⁸ https://storage.googleapis.com/vds_storage/document/2024-evidence-items/alphabet/MA1_Hate-Speech-Policy.pdf.

⁹ See https://storage.googleapis.com/vds_storage/document/2024-evidence-items/alphabet/MA3_Misrepresentation_Claims-related-to-politics-social-issues-or-matters-of-public-concern.png.

¹⁰ Since this clause is included in the code of conduct, Microsoft could seemingly cut off service to any business or non-profit that it decides is “communicat[ing] hate speech.” See https://storage.googleapis.com/vds_storage/document/2024-evidence-items/microsoft/MA1_Microsoft-Services-Agreement_3-Code-of-Conduct.pdf.

¹¹ See https://storage.googleapis.com/vds_storage/document/2024-evidence-items/meta/MA1_Hate-Speech_Policy-Rationale.png.

raised legitimate concerns with some modern vaccines and urged further inquiry to evaluate their efficacy and safety.¹²

Vague and subjective terms “risk prohibiting substantial amounts of speech beyond the harmful activity that the regulation aims to prohibit.”¹³ From a consumer protection standpoint, these types of policies deprive users and content providers of reasonable notice as to the conditions under which their content might be actioned—or their information environments manipulated. In some cases, the content does not explicitly violate a published standard at all. Combined with platform’s expansive arsenal of interventions to restrict accounts and artificially suppress or amplify content, these policies are the predicate for Big Tech’s information manipulation.

Opaque moderation and curation. Tech companies like social media and web search platforms employ a variety of interventions to moderate and curate content. Perhaps the most familiar of these methods is suspending user accounts as well as labeling, removing, or demonetizing content. Facebook and Twitter (now X) infamously suspended President Trump’s account and labeled a large number of posts from him and his supporters as “false” or “misleading” in the lead up to and during the immediate aftermath of the 2020 presidential election.

While these conventional approaches to moderation afford at least some visibility to the effected users, their application is often highly opaque if not blatantly inconsistent. For example:

- Amazon infamously removed former Heritage scholar Ryan Anderson’s book, “*When Harry Became Sally*,” from its virtual shelves in 2021.¹⁴ The company initially did so without providing any notice to Dr. Anderson or his publisher. When Amazon finally provided an explanation, it cited a policy that was not publicly available prior to the book’s removal.¹⁵ The book provides a thorough, scholarly critique of radical transgender ideology. But Amazon removed it on the false grounds that it framed “LGBTQ+ identity as a mental illness” while continuing to carry other titles such as Adolf Hitler’s *Mein Kampf*.

Amazon suppressed speech on other occasions too:

¹² See https://storage.googleapis.com/vds_storage/document/2024-evidence-items/meta/MA3_Introduction-to-the-Advertising-Standards_Vaccine-Discouragement.png; <https://www.reuters.com/business/healthcare-pharmaceuticals/us-health-chief-kennedy-face-lawmakers-questions-mass-firings-measles-2025-05-14/>.

¹³ <https://www.viewpointdiversityscore.org/resources/market-resource-risks-of-unclear-or-imprecise-terms-in-usage-policies>.

¹⁴ <https://www.dailysignal.com/2022/01/09/based-on-false-assumption-amazon-still-censoring-book-on-transgenderism/>.

¹⁵ The policy cited “was either not in place or not publicly stated when the book was removed from sale. The letter is signed by Brian Huseman, Amazon’s Vice President for Public Policy.” See <https://ncac.org/news/amazon-book-removal>.

- During that same year, in September 2021, Amazon restricted ads for a book authored by senior Heritage scholar, Michael Gonzalez, which critiqued BLM and Marxist identity politics.¹⁶ Amazon blocked ads for the book because they supposedly contained “[c]ontent that [revolved] around controversial or highly debated social topics...”¹⁷
- In 2022, Amazon restricted advertising for two books authored by The Daily Wire’s Matt Walsh, “*What is a Woman*” and “*Johnny the Walrus*.”¹⁸ In the first case, Amazon cited a policy prohibiting ad content that encourages people to “reverse or question gender identity or sexual orientation.”¹⁹ Likewise, in the second case, the company labeled “*Johnny the Walrus*” political commentary, removed it from the children’s section of its online store, and censored ads promoting the material.²⁰
- Nonprofit, ProLife Across America, reports that Facebook continues to decline many of their online ads and Google demotes their website in search rankings.²¹ This is consistent with Big Tech’s pattern of anti-life censorship targeted at organizations such as Alliance Defending Freedom, Live Action, and SBA Pro-Life.²²
- In March 2024, sixteen state attorneys general demanded that YouTube remove or correct its “false and misleading” medical “misinformation” labels from a video explaining the dangers of chemical abortion.²³ YouTube’s label claimed that chemical abortions are “done by a licensed healthcare professional” even though they are not.²⁴ YouTube’s biased labeling is consistent with a broader pattern of discrimination by its parent company, Alphabet, against pro-life content:
 - Seventeen state attorneys general expressed similar concerns in a 2022 letter to Google’s leadership.²⁵ They criticized Google for discriminating against pro-life pregnancy centers and organizations by demoting their listings in search rankings, targeting their content with warning labels, and denying fair and equal access to digital ad services.²⁶

¹⁶ <https://www.heritage.org/press/heritage-responds-amazon-censoring-experts-book-black-lives-matter>.

¹⁷ Ibid.

¹⁸ <https://mrcfreespeechamerica.org/case/matt-walsh-3>; <https://mrcfreespeechamerica.org/case/matt-walsh-2>.

¹⁹ <https://mrcfreespeechamerica.org/case/matt-walsh-3>.

²⁰ <https://mrcfreespeechamerica.org/case/matt-walsh-2>.

²¹ <https://prolifeacrossamerica.org/our-ads-under-attack-we-need-your-help/>.

²² <https://sbaprolife.org/censorship>.

²³ <https://www.iowaattorneygeneral.gov/newsroom/attorney-general-bird-leads-16-state-coalition-demanding-youtube-remove-misleading-labels-on-abortion>;

https://www.iowaattorneygeneral.gov/media/cms/0304_Letter_to_Youtube_re_False_Dis_D7752A72DF06F.pdf.

²⁴ https://www.iowaattorneygeneral.gov/media/cms/0304_Letter_to_Youtube_re_False_Dis_D7752A72DF06F.pdf.

²⁵ <https://www.oag.state.va.us/files/StateAttorneysGeneralLettertoGoogleJuly21,2022.pdf>.

²⁶ Ibid, See also <https://sbaprolife.org/censorship>.

- In both cases, the attorneys general alleged that Google potentially violated state and federal consumer protection and antitrust laws. The 2024 YouTube letter argued that providing editorialized warning labels is not immunized under Section 230 of the Communications Decency Act, enabling states to protect pregnant women against false or deceptive labels.²⁷ Likewise, in their 2022 letter to Google, seventeen attorneys general wrote that they could not “imagine a potential antitrust violation more odious to American ideals than the deployment of monopoly power to suppress the expression of a particular idea...”²⁸
- The University of Dallas, a private Catholic college, told *College Fix* in April 2025, that “Google has persistently blocked ads for its graduate program, while... Facebook and Instagram – disabled ad account access for its digital marketing partner.”²⁹ Google repeatedly blocked the university’s ads using a vaguely worded policy on religious content. University officials remain unsure as to what element of their ads violate the policy and are at Google’s mercy as their institution appeals the decision. Meta was similarly vague. It quietly restricted the university’s communications consultant, Hugh Macken, from placing ads in August 2024 and has refused to reverse or even provide a clear explanation for the ban. Macken claims that “[t]he restriction is specifically targeted to... [him] personally and has” barred him from using his “agency’s Meta ad accounts and those of... [their] Catholic and prolife clients.”
- In July 2024, TikTok and Meta restricted ads from XX-XY Athletics, a sportswear company advocating for female-only sports categories. TikTok banned ads from the brand, labeling them as “offensive” and “hate speech.”³⁰ Meta disabled XX-XY’s ability to target ads to the followers of high-profile public figures, like Riley Gaines and Tulsi Gabbard, who support the company’s mission.³¹ Notably, Meta carried out this censorship without any notice or explanation. XX-XY Athletics only learned of the restriction when the names of certain affiliated influencers were not accessible in its follower targeting tool.³²

Meta’s covert censorship of XX-XY Athletics underscores the deeper problem of Big Tech’s practice of shadowbanning. According to the Glossary of Platform Law and Policy Terms, shadowbanning means “lowering a user’s visibility, content or ability to interact without them knowing it.”³³ It also entails reducing “visibility in algorithmically determined platform

²⁷ https://www.iowaattorneygeneral.gov/media/cms/0304_Letter_to_Youtube_re_False_Dis_D7752A72DF06F.pdf.

²⁸ <https://www.oag.state.va.us/files/StateAttorneysGeneralLettertoGoogleJuly21,2022.pdf>.

²⁹ <https://www.thecollegefix.com/university-suspects-big-tech-google-and-meta-censoring-ads-just-because-its-catholic/>.

³⁰ <https://www.outkick.com/culture/tiktok-bans-xx-xy-jennifer-sey-womens-sports-transgender-athletes>;
<https://www.outkick.com/culture/tiktok-labels-xx-xy-athletics-pro-fairness-womens-sports-ad-hate-speech>.

³¹ <https://jennifersey.substack.com/p/add-meta-and-comcast-to-the-list>.

³² *Ibid.*

³³ <https://platformglossary.info/shadowban-shadow-ban/>.

features.”³⁴ Digital governance researcher, Tarleton Gillespie, notes that almost every major platform—including YouTube, Facebook, LinkedIn, TikTok, Instagram, and Reddit—“have shadowbanning practices in place.”³⁵

Shadowbanning enables platforms to utilize a wide array of techniques to covertly target accounts or content. For example, users might find that they are unable to engage with certain posts (e.g., share, like, comment, etc.), or unable to access certain features such as ad targeting or captioning. More complex methods include reducing the visibility of specific content or altering algorithmic recommender systems to prioritize content favored by the platform. Google has repeatedly downranked websites out of step with its progressive agenda—and has attempted to suppress web results for YouTube competitor, Rumble.³⁶

Whatever its form, shadowbanning allows platforms to sidestep accountability from users, policymakers, and the general public. Since the practice is largely imperceptible, users have no recourse through a formal appeal process or via public scrutiny. Indeed, platforms often deny that they are intentionally censoring users or their content. Shadowbanning enables dominant platforms to censor first and, if necessary, apologize later.

Conclusion

In consideration of Big Tech’s monopolistic control of certain markets, the Commission should weigh the hidden economic and social costs of platform information manipulation with respect to users, content providers, small businesses, civil society, and tech competitors. The Commission should consider utilizing its authority under Sections 5 and 18 of the FTC Act to issue guidance and rulemaking explicitly addressing Big Tech’s unfair and deceptive practices with respect to information moderation and curation. At minimum, the Commission should designate shadowbanning—and the lack of due process rights on most platforms—as unfair and deceptive trade practices (UDAPs).³⁷

Thank you for your consideration.

Sincerely,

Daniel Cochrane*

*These comments represent my views and not necessarily those of The Heritage Foundation.

³⁴ Ibid.

³⁵ https://law.yale.edu/sites/default/files/area/center/isp/documents/reduction_ispeessayseries_jul2022.pdf.

³⁶ <https://www.heritage.org/election-integrity/commentary/dont-let-big-tech-influence-the-elections-yet-again-year>; <https://searchengineland.com/1-percent-youtube-views-from-search-451818>.

³⁷ <https://sgp.fas.org/crs/misc/IF12244.pdf>.

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