ALLIANCE DEFENDING
FREEDOM
FOR FAITH. FOR JUSTICE.

May 21, 2025

Andrew N. Ferguson
Chair, Federal Trade Commission
via regulations.gov

RE: Request for Public Comment Regarding Technology Platform Censorship
Docket ID: FTC-2025-0023

Dear Chair Ferguson,

Please accept this response by Alliance Defending Freedom (ADF) to the Federal Trade Commission (FTC) request for information regarding whether internet platforms degrade or deny users' access based on the users' speech or affiliations, including speech or affiliations that exist outside of the platform.[1] ADF has studied relevant corporate policies that promote censorship and has represented and worked with numerous individuals and groups unfairly deplatformed or censored by internet platforms. In short, tech platforms' use of vague and subjective terms of service not only has the potential to harm consumers, but has actually injured consumers because of speech that is both constitutionally protected and consistent with the platforms' terms of service.

I. Introduction

ADF is the largest public-interest law firm dedicated to protecting the God-given rights of free speech and religious liberty in courtrooms, legislatures, and the public square. ADF has achieved 15 wins at the Supreme Court in the last 15 years and has played instrumental roles in passing 107 laws in just the past 4 years in state legislatures protecting these and other fundamental freedoms. As part of this effort, ADF has turned its attention to the actions and policies of corporations that occupy essential positions in both the market and public discourse. These companies have shown themselves, at least at times, to be hostile to free speech.

Undoubtedly, corporate actors have targeted free speech. In response to pressure from governments and private constituencies, these actors have suppressed speech reflecting the views of millions of Americans, often under vague and subjective "acceptable use policies" that prohibit alleged "hate" speech or

[1] Federal Trade Commission, *Request for Public Comments Regarding Technology Platform Censorship* (Feb. 19, 2025), https://www.ftc.gov/policy/public-comments/request-public-comments-regarding-technology-platform-censorship.

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"misinformation." This can cause severe harm to users of these platforms who often cannot predict what content will be deemed unacceptable, to the platforms themselves because they are unnecessarily injecting themselves into divisive political issues, and to society more broadly. Corporate censorship imperils free speech as much as, if not more than, direct government censorship.

Social media companies are the modern public square where most Americans hear and debate the news.[2] This is especially true for younger Americans, who are far more likely to get their news from social media than from traditional sources, like print.[3] When users are excluded from social media, their access to a large and increasing share of information and potential audience is significantly curtailed.

Social media also differs from more traditional information-sharing formats because it does not require speakers to be employed by a particular outlet or have their content go through an editorial process. Social media permits almost instantaneous multi-party engagement between speaker and audience and among the audience. Anyone with access to the platform can speak on the issues of the day; this dynamic has democratized the provision and critique of information.

However, this also means that when a user is excluded from a platform—especially a large general-interest platform—not only is the intended speaker harmed, but so are all the users who wish to learn from, engage with, or debate that speaker.

ADF's Viewpoint Diversity Index catalogs the policies that many companies, including large tech platforms, use to govern their provision of services. We have found that they are often vague and give the platform almost unlimited discretion to deny services to a customer. Such policies are susceptible to arbitrariness and abuse and have been proven to chill speech in other contexts. Section two of this letter describes our findings in greater detail.

ADF has also represented clients and worked with groups deplatformed and discriminated against by large tech platforms. For example, we represented LifeNews, a pro-life news site, and its CEO Steven Ertelt. Mr. Ertelt and LifeNews had two of their Meta accounts permanently suspended because Meta claimed Mr. Ertelt violated its policy on "child sexual exploitation." His alleged "child sexual exploitation"? Posting a video of a baby's hand grabbing a doctor's finger while the baby was being delivered via c-section, accompanied by a pro-life message.

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[2] Pew Research Center, *News Platform Fact Sheet* (Sept. 17, 2024), https://www.pewresearch.org/journalism/fact-sheet/news-platform-fact-sheet/.

[3] *Id.*

In this case, Meta's application of its policies was erroneous and nonsensical at best and, at worst, intentionally censorious. Mr. Ertelt's post had no nudity, sexual content, or sexualized discussion. Further, Meta's appeal process was opaque and woefully inadequate, if not an outright sham. It was only after ADF sent a letter to Meta on behalf of Mr. Ertelt and LifeNews, demanding reinstatement of their accounts, that the decision was reversed.[4]

Section three of this letter details the experience of Mr. Ertelt and LifeNews and the consequences that Meta's improper deplatforming had on them and their audience. It also presents numerous other examples of censorship by technology platforms. Meta similarly deplatformed pro-adoption and pro-life mother Abby Covington. While Google allows ads for chemical abortion drugs, it won't run life-saving abortion pill reversal (APR) ads because it deems them "unreliable." That censorship hinders Heartbeat International, the world's largest network of pro-life pregnancy centers, and Stories Marketing, an advertising agency for pro-life pregnancy centers, in their efforts to help women in need. And Yelp both hides favorable reviews for pro-life pregnancy centers and slaps those centers with a discriminatory label.

These examples illustrate how little predictability platforms' policies provide users, how arbitrary the enforcement of those policies can be, and how illusory any appeal mechanisms are in practice. They also show the harm that platforms inflict on their users.

Section four discusses how the experiences of Mr. Ertelt and LifeNews, and similarly situated consumers, may map onto the FTC's existing authority. To the extent internet platforms' activities constitute unfair or deceptive acts or practices or otherwise violate the law, appropriate enforcement is warranted to protect customers and speech more broadly.

Finally, section five concludes with a reminder that the American people are entitled to protection from unfair and deceptive practices, and the convenience or profitability of large tech platforms must not take precedence over that.

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[4] Letter from Phillip A. Sechler & Timothy D. Chandler to Jennifer Newstead, Chief Legal Officer Meta Platforms, Inc. (Jan. 9, 2025), https://adfmedialegalfiles.blob.core.windows.net/files/MetaProLifeDemandLetter.pdf (ADF Meta Demand Letter).

II. Technology platforms employ vague and subjective terms of service that grant them broad censorship authority.

Terms like "hate speech" and "misinformation" mandate censorship and encourage bias. They are also used by virtually every major social media platform and tech provider. While many factors contribute to the phenomenon of deplatforming, a key systemic driver is the vague and subjective terms of service that have been adopted by technology platforms.

ADF's Viewpoint Diversity Score Business Index ("Index") measures the biggest tech companies' respect for free speech and religious freedom across 43 benchmarks that span many aspects of the companies' operation, including terms of service. The 2024 Index found that every one of the 23 scored technology platforms, from Adobe to Zoom, maintains problematic terms of service that prohibit things like "hate speech," "bias," "intolerance," "misinformation," "disinformation," "inappropriate" or "incendiary" content, or "reputational risk," among other terms.[5]

While tech service providers may claim they employ these policies to target harmful content, these terms present a twofold danger: the subjective nature of the terms encourages discrimination against disfavored political and religious views, and their vagueness allows companies to avoid transparency and accountability when doing so. These terms are inherently at odds with free speech and religious liberty, as recent controversies and free-speech law have proven time and again.

A. Technology platforms should respect free speech and religious freedom.

Established First Amendment principles show the danger that vague and subjective tech policies pose to free speech and religious freedom for at least three reasons.

First, regulators and activists have a history of discriminating against disfavored views and industries through "hate speech" and "misinformation" policies—whether for invidious reasons or not. *Murthy v. Missouri*, 603 U.S. 43 (2024), shows how government coercion works. That case highlighted the extensive pressure that federal regulators placed on Facebook to censor so-called "misinformation" around COVID-19 and other political hot topics. The regulators came from a broad swath of federal agencies, including Health and Human

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[5] A complete list of problematic terms is available on Viewpoint Diversity Score's website at https://www.viewpointdiversityscore.org/resources/market-resource-risks-of-unclear-or-imprecise-terms-in-usage-policies. A list of problematic policies is in the attached Exhibit A.

Services, the FBI, and the State Department. While the Supreme Court ruled on jurisdictional grounds, there is little doubt that the regulators exerted immense pressure, both publicly and behind closed doors. The record reflected heated phone calls and the government providing Facebook a policy playbook to enforce censorship.[6] Other notable cases involve California's Office of Election Cybersecurity,[7] The Election Integrity Partnership and Stanford Internet Observatory (which have government advisors),[8] and the U.S. State Department under the Biden administration.[9]

Activists, too, have pressured technology platforms to censor alleged "hate" speech or "misinformation." One of the most notable examples is the Southern Poverty Law Center's "Change the Terms" campaign.[10] That campaign urged companies to adopt "acceptable use policies" that barred the use of essential digital services by "hate groups" or to promote "hate." Most technology platforms have adopted the recommended policies and many, including Meta (Facebook and

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[6] *Murthy*, 603 U.S. at 51–53; *id.* at 81–90 (Alito, J., dissenting).

[7] Kalvis Golde, *Once-suspended Twitter user argues California violated his First Amendment rights*, SCOTUSblog (Aug. 25, 2023), https://www.scotusblog.com/2023/08/once-suspended-twitter-user-argues-california-violated-his-first-amendment-rights/.

[8] Margot Cleveland, *Lawsuit Shows Government's Hands All Over The Election Integrity Partnership's Censorship Campaign*, The Federalist (May 3, 2023), https://thefederalist.com/2023/05/03/lawsuit-shows-governments-hands-all-over-the-election-integrity-partnerships-censorship-campaign/.

[9] Joy Pullman, *State Of Texas Joins The Federalist, Daily Wire In Suing The Federal Censorship-Industrial Complex*, The Federalist (Dec. 6, 2023), https://thefederalist.com/2023/12/06/state-of-texas-joins-the-federalist-daily-wire-in-suing-the-federal-censorship-industrial-complex/.

[10] Southern Poverty Law Center, SPLC announces policy recommendations for social media, internet companies to fight hate online (Oct. 24, 2018), https://www.splcenter.org/resources/stories/splc-announces-policy-recommendations-social-media-internet-companies-fight-hate-online/.

Instagram)[11] and Alphabet (Google and YouTube)[12], Salesforce,[13] Amazon,[14] Pantheon,[15] and Vimeo[16] have expressly stated that they rely on the SPLC to police content and organizations on their platforms.

But the SPLC has been criticized across the political spectrum as "a partisan progressive hit operation"[17] more interested in "bludgeon[ing] mainstream politically conservative opponents"[18] than upholding civil rights. It uses its "Hate Map" and "Hate Watch" epithets to target mainstream political and religious groups and individuals, including Moms for Liberty, the Family Research Center, Homeschool Legal Defense Association, Ruth Institute, Dr. Ben Carson, and Franklin Graham.[19]

Another notable censorship example, the Global Alliance for Responsible Media (GARM), came to light last year from U.S. House oversight. A product of the World Federation of Advertisers (WFA), GARM formed in 2019 and quickly amassed tremendous market power. WFA members represented about 90% of global

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[11] Peter Hasson, *EXCLUSIVE: Facebook, Amazon, Google And Twitter All Work With Left-Wing SPLC*, Daily Caller (June 6, 2018), https://dailycaller.com/2018/06/06/splc-partner-google-facebook-amazon/.

[12] Peter Hasson, *EXCLUSIVE: YouTube Secretly Using SPLC to Police Videos*, Daily Caller (Feb. 27, 2018), http://dailycaller.com/2018/02/27/google-youtube-southern-poverty-law-center-censorship/.

[13] Salesforce, *How Salesforce Policies Guide Ethical and Inclusive Use of Our Technology* (Aug. 4, 2022), https://www.salesforce.com/in/news/stories/salesforce-ethical-inclusive-technology-policies/.

[14] Cameron Hilditch, *Amazon's Foolish Collaboration with the Southern Poverty Law Center*, National Review (June 24, 2020), https://www.nationalreview.com/corner/amazons-foolish-collaboration-with-the-southern-poverty-law-center/.

[15] Pantheon, *Open Letter on Elevating Our Standards* (Oct. 9, 2023), https://pantheon.io/blog/open-letter-elevating-our-standards?_gl=1*5cnizf*_ga*NDQzOTE5MzY4LjE3NDc2ODYwOTA.*_ga_CPJLBDH983*czE3NDc2ODYwOTAkbzEkZzAkdDE3NDc2ODYwOTIkajAkbDAkaDA.

[16] Vimeo, *Vimeo Acceptable Use Community Guidelines* § 2 (July 8, 2024), https://vimeo.com/help/guidelines#restricted_users.

[17] Ben Schreckinger, *Has a Civil Rights Stalwart Lost Its Way?*, Politico, (July/Aug. 2017), https://www.politico.com/magazine/story/2017/06/28/morris-dees-splc-trump-southern-poverty-law-center-215312/.

[18] *Id.*

[19] Southern Poverty Law Center, Hate Map, https://www.splcenter.org/hate-map (last visited May 19, 2025).

advertising spending, nearly a trillion dollars annually.[20] GARM's express mission was to "do more to address harmful and misleading media environments," specifically "hate speech, bullying and disinformation," all under the guise of "brand safety."[21] GARM leader Rob Rakowitz explained that the "whole issue bubbling beneath the surface" of the advertising industry and digital platforms is the "extreme global interpretation of the US Constitution."[22]

GARM graded platforms better the more they censored "hate speech" and "misinformation" as well as "insensitive" or "irresponsible" treatment of "debated sensitive social issues."[23] For its part, GARM promoted hyper-partisan and censorial groups like the Global Disinformation Index and NewsGuard, which smear many conservative, mainstream outlets like The Federalist and Daily Wire as "disinformation."[24] GARM threatened Spotify because Joe Rogan promoted views it disagreed with on COVID-19. And it infamously boycotted X because Elon Musk loosened some of the platform's censorship restrictions.[25]

GARM disbanded shortly after public pressure and a lawsuit from X in 2024,[26] which ironically evinces how brand-damaging its censorship practices were. But corporate censorship remains prevalent. Many of the "Big Six" advertising

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[20] House Comm. on the Jud., 118th Cong., Interim Staff Report, *Garm's Harm: How the World's Biggest Brands Seek to Control Online Speech* (July 10, 2024), https://judiciary.house.gov/sites/evo-subsites/republicans-judiciary.house.gov/files/evo-media-document/2024-07-10%20GARMs%20Harm%20-%20How%20the%20Worlds%20Biggest%20Brands%20Seek%20to%20Control%20Online%20Speech.pdf.

[21] World Fed'n Advert., *Global Alliance for Responsible Media launches to address digital safety* (June 18, 2019), https://wfanet.org/knowledge/item/2019/06/18/Global-Alliance-for-Responsible-Media-launches-to-address-digital-safety.

[22] Interim Staff Report, *supra* note 20, at 7.

[23] Glob. All. For Resp. Media, *GARM Vol. 5 Aggregated Measurement Report* (Aug. 2023), *available at* https://www.scribd.com/document/730657229/GARM-Vol-5-Aggregated-Measurement-Report.

[24] Interim Staff Report, *supra* note 20, at 22.

[25] Allum Bokhari, *Censorship Industry: GARM members Receive Billions in Federal Contracts*, Found. for Freedom Online (Aug. 1, 2024), https://foundationforfreedomonline.com/censorship-industry-garm-members-receive-billions-in-federal-contracts/.

[26] Kate Conger & Tiffany Hsu, *Advertising Coalition Shuts Down After X, Owned by Elon Musk, Sues*, The New York Times (Aug. 8, 2024), https://www.nytimes.com/2024/08/08/technology/elon-musk-x-advertisers-boycott.html.

agencies that were a part of GARM, for example, maintain similar policies.[27] And reports have surfaced of other groups still seeking to "ensure brand safety" through these same bully tactics.[28]

Second, large social media platforms and tech service providers act as gatekeepers, respectively, over the modern public square and essential tech services that people need to stay competitive in today's marketplace. Even absent government coercion, these companies can and often do cut off services with no explanation or warning based on disfavored views. This poses an existential threat to free speech and religious freedom that is at least as dangerous as government censorship.

The national (and even global) market power of the dominant social media companies magnifies these concerns. Like the telegraph and telephone companies before it, social media has largely consolidated into a few companies. This is in fact an inherent feature of the industry; social media platforms "derive much of their value from network size."[29] The data bear this out. Facebook and YouTube alone receive over 60% of all social media site visits.[30] The top 10 companies, 3 of which are owned by Meta, receive over 80%.[31] Facebook, YouTube, Instagram, WhatsApp, and TikTok have over 1 billion active users each.[32] In revenue, Facebook dwarfs the rest of the market. Last year it took in $80.7 billion in revenue.[33] Second place,

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[27] Bokhari, *supra* note 25.

[28] Brad Adgate, Marketers are seeking new ways to ensure brand safety on digital media, Forbes (Oct. 21, 2024), https://www.forbes.com/sites/bradadgate/2024/10/21/marketers-are-seeking-new-ways-to-ensure-brand-safety-on-digital-media/.

[29] *Biden v. Knight First Am. Inst. at Columbia Univ.*, 141 S. Ct. 1220, 1224 (2021) (Thomas, J., concurring).

[30] Karl, Top 10 Social Networking Sites by Market Share Statistics [2025], DreamGrow (Jan. 23, 2025), https://www.dreamgrow.com/top-10-social-networking-sites-market-share-of-visits/#chart.

[31] *Id.*

[32] Robin Geuens, What are the top social media platforms in the world?, Soax (Mar. 11, 2025), https://soax.com/research/top-social-media-platforms.

[33] *Id.*

Instagram, took in $49.8 billion.[34] The same concerns follow from the consolidation of artificial intelligence and tech services more generally.[35]

Third, because of the lack of transparency, it is usually extremely difficult to determine whether a cancellation occurred because of government coercion, the company's own action, pressure from a third party, or some combination of the three. This opacity, combined with regulators' and activists' history of coercing technology platforms, blurs the lines between private and public action. Anytime a technology platform cancels a user or customer or blocks content for what appears to be viewpoint-based reasons, suspicion of government action and elevated scrutiny is warranted. The 2024 Index found that only 38% of scored DSPs provided even a minimal level of transparency around service, account, or content restrictions. The remaining 62% provided vague protections or no assurances at all about advance notice or the reason for or duration of the restriction.

B. Prohibiting "hate speech" and "misinformation" is inherently at odds with free speech.

The First Amendment bars the government from discriminating against speech based on its content. But when the government goes further and "targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. … Viewpoint discrimination is thus an egregious form of content discrimination."[36] Powerful social media and tech companies can pose the same threat to free speech when they adopt and attempt to enforce "hate speech" or "misinformation" policies.

What's hate speech is in the eye of the beholder. Banning speech just because someone "finds [it] offensive" is the "essence of viewpoint discrimination," which is "poison to a free society."[37] Courts have held that discrimination based on all kinds of similar terms, including "threats," "insults," "epithets," "ridicule," and "personal

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[34] *Id.*

[35] *See, e.g.*, Pete Furlong, The Consequences of Big Tech's Unchecked Consolidation of Power, Tech Policy Press (Aug. 6, 2024), https://www.techpolicy.press/the-consequences-of-big-techs-unchecked-consolidation-of-power/; Florian Ederer & Bruno Pellegrino, *The Great Startup Sellout and the Rise of the Oligopoly*, 113 AEA Papers & Proceedings 274–78 (May 2023), DOI: 10.1257/pandp.20231024.

[36] *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995).

[37] *Iancu v. Brunetti*, 588 U.S. 388, 393 (2019).

attacks,"[38] "stigmatize" or "victimize,"[39] "derogatory comments,"[40] words that "denigrate[ ]," "belittle[ ]," or "offend[ ]" the listener,[41] and "acts of intolerance that demonstrate malicious intentions toward others,"[42] violate the Constitution.

Some social media companies' policies apply these terms to prohibit things like "racial intolerance" or "bigotry" based on a person's protected characteristics. But these terms are no better. In *R.A.V. v. City of St. Paul*, 505 U.S. 377 (1992), the Supreme Court struck down a town ordinance prohibiting any speech that "arouse[d] anger, alarm or resentment in others on the basis of race, color, creed, religion or gender." The Court explained that instead of protecting against discrimination, the ordinance imposed "special prohibitions on those speakers who express views on disfavored subjects."[43]

Censoring "misinformation" is especially problematic. "Our constitutional tradition stands against the idea that we need Oceania's Ministry of Truth."[44] The "vitality of civil and political institutions in our society depends on free discussion" to ensure that the "government remains responsive to the will of the people" and open to "peaceful change."[45] Indeed, "[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."[46]

"Misinformation" is malleable and susceptible to subjective biases just like "hate." Further, what is "true" on matters of public importance is often subject to debate and can swiftly change. Just three years ago, for example, the government declared the idea that COVID-19 leaked from a lab in Wuhan to be dangerous misinformation and a conspiracy theory that needed to be suppressed.[47] That "consensus" didn't age well, as multiple government agencies, including the CIA

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[38] *Roberts v. Haragan*, 346 F. Supp. 2d 853, 872 (N.D. Tex. 2004).

[39] *Doe v. Univ. of Mich.*, 721 F. Supp. 852, 859 (E.D. Mich. 1989).

[40] *Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. #204*, 523 F.3d 668, 670 (7th Cir. 2008).

[41] *Saxe v. State Coll. Area Sch. Dist.*, 240 F.3d 200, 215 (3d Cir. 2001).

[42] *Bair v. Shippensburg Univ.*, 280 F. Supp. 2d 357, 369 (M.D. Pa. 2003).

[43] *Id.* at 377, 391.

[44] *United States v. Alvarez*, 567 U.S. 709, 723 (2012).

[45] *Terminiello v. City of Chi.*, 337 U.S. 1, 4 (1949).

[46] *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943).

[47] Julian Barnes, *Lab Leak Most Likely Caused Pandemic, Energy Dept. Says*, The New York Times (Feb. 26, 2023), https://www.nytimes.com/2023/02/26/us/politics/china-lab-leak-coronavirus-pandemic.html.

and FBI, and the White House now recognize a lab leak likely started the pandemic.[48] This is an important and vivid reminder of why our Constitution wisely refuses to give government officials the power to end debate by silencing views they deem misguided.

Protecting speech that some may label offensive or misinformation is not just good jurisprudence, it is good and necessary for a healthy society. The First Amendment broadly protects the right to speak according to one's conscience. And in the public square, free speech protects open discussion in the marketplace of ideas. As Justice Holmes famously said, "the best test of truth is the power of the thought to get itself accepted in the competition of the market. … That at any rate is the theory of our Constitution."[49] We cannot advance truth without disagreeing, and we cannot disagree without risking offense. We thus have "a profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks."[50]

C. Technology platforms have a track record of censoring mainstream conservative and political viewpoints.

Technology platforms have also shown a propensity to enforce their policies against disfavored speech and speakers. Most notably, social media platforms have gone to great lengths to police so-called "misinformation" and "hate speech." But other providers, like Apple and Eventbrite, have shown that other tech companies are also willing and able to enforce these types of policies.

Social media companies are all too eager to censor political content and views they don't like. The recent Twitter files gave a rare glimpse into the machinations of this censorship and revealed its expansive scope.[51] Entire industries are developing to combat so-called "misinformation," primarily through social media platforms. The

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[48] *Id.*; The White House, *Lab Leak: The True Origins of COVID-19*, https://www.whitehouse.gov/lab-leak-true-origins-of-covid-19/ (last accessed May 19, 2025); Holly Honderich, *CIA says lab leak most likely source of Covid outbreak*, BBC (Jan. 25, 2025), https://www.bbc.com/news/articles/cd9qjjj4zy5o.

[49] *Abrams v. United States*, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting).

[50] *New York Times v. Sullivan*, 376 U.S. 254, 270 (1964).

[51] Benjamin Wallace-Wells, *What the Twitter Files Reveal About Free Speech and Social Media*, The New Yorker (Jan. 11, 2023), https://www.newyorker.com/news/the-political-scene/what-the-twitter-files-reveal-about-free-speech-and-social-media.

Global Disinformation Index[52] and the rise of university disinformation labs like the Stanford Internet Observatory[53] and the University of Texas' Global Disinformation Lab[54] are notable examples.

Social media companies also enforce prohibitions on "hate." For example,

- In March 2022, Twitter (now X) locked online satire outlet The Babylon Bee out of its account for violating its "hateful conduct" policy.[55] The Bee had posted an article naming Dr. Rachel Levine, a male who identifies as a female, as "Man of the Year." On principle, The Bee refused to remove the tweet and thus could not access its account. This censorship, among other incidents, led Elon Musk to purchase Twitter and reinstate The Bee's account.
- Similarly, in January 2021, Twitter locked Focus on the Family out of its news platform's (the Daily Citizen) Twitter account for stating that Dr. Levine is "a transgender woman, that is, a man who believes he is a woman."[56] Twitter told Focus that the post violated its "rules against hateful conduct" and that it "promoted violence, threatened, or harassed" Dr. Levine.[57]
- YouTube removed a Heritage Foundation video featuring Walt Heyer, a male Christian speaker who, at one point in his life, identified as a woman. Heyer stated that individuals are "not born transgender," and that gender dysphoria "is a childhood developmental disorder, that adults are perpetrating on our young people today, and our schools are complicit

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[52] Global Disinformation Index, https://www.disinformationindex.org/ (last visited May 19, 2025).

[53] After public controversy about the Internet Observatory's censorship activities, Stanford took the public information page down. *See About the Internet Observatory*, Stanford University https://cyber.fsi.stanford.edu/io/about (last visited May 19, 2025).

[54] GDIL, *About GDIL,* https://gdil.org/about/ (last visited May 19, 2025).

[55] Compl.¶¶ 91–97, *The Babylon Bee v. Bonta*, No. 2:24-cv-08377 (C.D. Cal. Sept. 20, 2024), https://adflegal.org/wp-content/uploads/2024/09/Babylon-Bee-v-Bonta-2024-09-30-Complaint.pdf.

[56] Gabe Kaminsky, *Twitter Locked Focus On The Family's Account Because The Christian Group Said Boys And Girls Are Different*, The Federalist (Feb. 22, 2021), https://thefederalist.com/2021/02/22/twitter-locked-focus-on-the-familys-account-because-the-christian-group-said-boys-and-girls-are-different/.

[57] *Id.*

in this."[58] YouTube removed the video, claiming that Heyer's remarks violated its "hate speech" policy. YouTube denied Heritage's appeal. Emilie Kao, former director of the DeVos Center for Religion and Society at the Heritage Foundation, noted that "YouTube … decided, under the guise of 'hate speech,' to censor the viewpoint that it doesn't like. This won't help children and families struggling with this disorder who want information from both sides of the debate."[59]

- Facebook banned Robert Gagnon, Professor of New Testament Theology at Houston Baptist University and renowned expert on biblical sexuality, for 24 hours after he criticized the Biden Administration's gender identity executive order for, among other things, violating female military personnel's dignity and privacy by forcing them to shower with males.[60] Facebook claimed that Gagnon's post violated its policy against "violence and incitement."[61]

Other technology platforms have also shown a willingness to politicize their services. Apple has consistently politicized access to its App Store. It has removed the Quran and Bible reading apps from its App Store in China.[62] It also threatened to remove Twitter from its App Store in an apparent political swipe at the platform after Elon Musk took ownership, loosened Twitter's content moderation policies, and reinstated a number of accounts that were banned for alleged hate speech and disinformation. Apple's threat drew the ire of Musk and numerous politicians.[63]

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[58] Emily Jashinsky, *Exclusive: Man Tried to Share His Regrets About Transgender Life. YouTube Censored It*, The Federalist (June 19, 2020), https://thefederalist.com/2020/06/19/exclusive-man-tried-to-share-his-regrets-about-transgender-life-youtube-censored-it/.

[59] *Id.*

[60] Rod Dreher, *The Tyranny of Tech & Trans*, The American Conservative (Jan. 27, 2021), https://www.theamericanconservative.com/tyranny-of-tech-and-trans/.

[61] *Id.*

[62] Isobel Asher Hamilton, *Apple took down a Quran app and a Bible app in China on the request of Chinese officials*, Business Insider (Oct. 15, 2021), https://www.businessinsider.com/apple-takes-down-quran-bible-jehovahs-witenss-apps-in-china-2021-10.

[63] Sara Dorn, *DeSantis Attacks Apple For Allegedly Threatening To Remove Musk-Run Twitter From App Store—Joining Other Republicans*, Forbes (Nov. 29, 2022) https://www.forbes.com/sites/saradorn/2022/11/29/desantis-attacks-apple-for-allegedly-threatening-to-remove-musk-run-twitter-from-app-store-joining-other-republicans/?sh=5545b1b750d1.

Eventbrite has perhaps one of the worst track records. It has deplatformed a long list of events for hosting speakers with political and religious views Eventbrite doesn't like. They include parental rights group Moms for Liberty,[64] an event titled "Let Women Speak" covering female safety in sports, prisons, and battered women's shelters,[65] multiple speaking events for Matt Walsh on his documentary *What is a Woman?* and similar topics,[66] multiple events from Young America's Foundation,[67] two events for "Protect our Kids" featuring Dr. James Lindsay,[68] Dr. Peter McCullough's COVID-19 Vaccine Conference,[69] two events for Purple for Parents,[70] and one event for ACT for America.[71]

Eventbrite also deplatformed an event featuring Chloe Cole, a female who formerly identified as male who now speaks about the dangers of gender transition,

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[64] Robert Burns, *Form Banning Books To Banned From Booking; Eventbrite Bans Moms For Liberty*, Space Coast Rocket (Dec. 10, 2023), https://thespacecoastrocket.com/form-banning-books-to-banned-from-booking-eventbrite-bans-moms-for-liberty/.

[65] Carrie Sheffield, *Eventbrite canceled our 'Let Women Speak' event — calling those advocating female safety 'hateful'*, New York Post (July 24, 2023), https://nypost.com/2023/07/24/eventbrite-canceled-our-let-women-speak-event-calling-those-advocating-female-safety-hateful/.

[66] *Eventbrite Cancels Tickets for Stanford Event Featuring Matt Walsh*, Young America's Foundation (July 19, 2023), https://yaf.org/news/eventbrite-cancels-tickets-for-stanford-event-featuring-matt-walsh/.

[67] Terrance Kible, *Eventbrite repeatedly cancels college conservatives*, The College Fix (March 9, 2023), https://www.thecollegefix.com/eventbrite-repeatedly-cancels-college-conservatives/.

[68] Lindsay Shepherd, *Eventbrite drops Protect Our Kids event for being "hateful" or "dangerous"*, True North (Sept. 10, 2023), https://tnc.news/2023/09/10/eventbrite-drops-protect-our-kids/.

[69] Flat White, *Eventbrite cancels Dr Peter McCullough: 'dangerous speech' or the rise of truth?*, Spectator Australia (Jan. 27, 2023), https://www.spectator.com.au/2023/01/eventbrite-cancels-dr-peter-mccullough-dangerous-speech-or-the-rise-of-truth/.

[70] Tyler O'Neil, *CANCELED FOR 'HATE': Tech Company Moves Against Parental Rights Group After SPLC Attack,* The Daily Signal (Aug. 3, 2023), https://www.dailysignal.com/2023/08/03/canceled-hate-tech-company-moves-against-parental-rights-group-after-splc-attack/.

[71] Tyler O'Neil, *Eventbrite Blacklists ACT for America for 'Promoting Hate'*, PJ Media (March 14, 2019), https://pjmedia.com/tyler-o-neil/2019/03/14/eventbrite-blacklists-act-for-america-for-promoting-hate-n64418.

particularly for children.[72] After Eventbrite delisted the event, 19 state attorneys general sent it a letter.[73] They warned about potential consumer protection violations for "mislead[ing] consumers as to the scope of messages that are permitted on" Eventbrite and expressed great concern that it "appears to be using its power and influence to silence those with whom it disagrees."[74]

Eventbrite next deplatformed an event titled "Protecting Women's Sports with Riley Gaines."[75] This merited a letter from members of the U.S. Senate Commerce and House Energy and Commerce Committees.[76] The letter pointed out that Eventbrite appears to have a double standard because it allows events featuring speakers that are "sympathetic to genocide" and are "espousing allegiance to entities designated by the U.S. Government as foreign terrorist organizations."[77]

III. ADF has represented clients and worked with groups censored by Meta, Google, and Yelp.

Technology platforms have enforced these vague policies and related ones to silence disfavored speech. ADF represented Mr. Ertelt, LifeNews, and Mrs. Covington to reverse Meta's deplatforming. ADF has also worked with Heartbeat International and Stories Marketing. These groups and the pro-life pregnancy centers that they work with have frequently suffered censorship by tech platforms, including Google and Yelp.

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[72] *Attorney General Alan Wilson leads 18 states in asking Eventbrite to ensure unbiased event screening policies, respect freedom of speech*, South Carolina Attorney General Alan Wilson (Oct. 18, 2023), https://www.scag.gov/about-the-office/news/attorney-general-alan-wilson-leads-18-states-in-asking-eventbrite-to-ensure-unbiased-event-screening-policies-respect-freedom-of-speech/.

[73] *Id.*

[74] Letter from Alan Wilson, South Carolina Attorney General, et al. to Julia Taylor, Eventbrite General Counsel 3 (Oct. 18, 2023), https://www.scag.gov/media/w24hs5jr/19-state-ags-letter-to-eventbrite-censorship-signed-10-18-2023.pdf.

[75] Letter from Cathy McMorris Rodgers, House Committee on Energy and Commerce Chair, et al. to Julia Hartz, Eventbrite CEO (Dec. 7, 2023), https://www.commerce.senate.gov/services/files/445A7F14-4B59-4DC7-91FF-01C162354875.

[76] *Sen. Cruz, Chair Rodgers Want Eventbrite To Answer for De-platforming Riley Gaines And Promoting Pro-Hamas Groups*, US Senate Comm. on Com., Science, & Transp. Press Releases (Dec. 7, 2023), https://www.commerce.senate.gov/2023/12/sen-cruz-chair-rodgers-want-eventbrite-to-answer-for-de-platforming-riley-gaines-and-promoting-pro-hamas-groups.

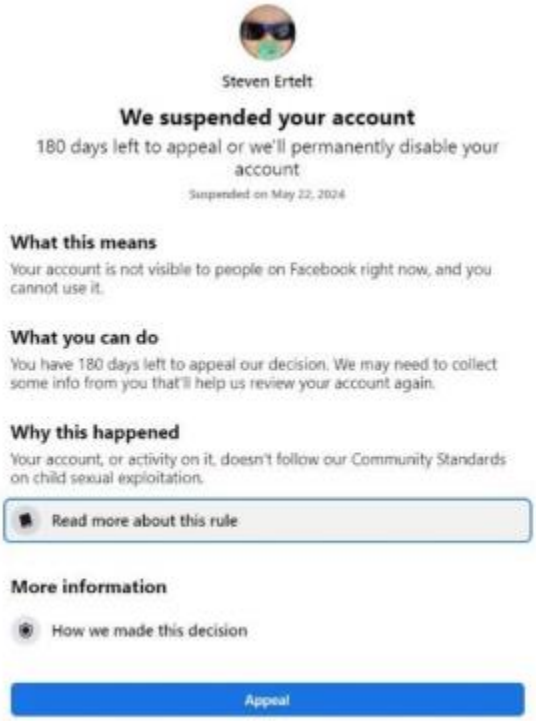
[77] Letter from Cathy McMorris Rodgers, *supra* note 75, at 1, 3.

A. Meta deplatformed Steve Ertelt and LifeNews for pro-life speech.

On May 22, 2024, Steve Ertelt, founder and CEO of LifeNews, posted a short pro-life video to his Facebook account so that his 5,000 Facebook friends could view it. It depicted a doctor performing a C-section. During the procedure, the yet-unborn child grabbed the finger of the doctor. Here's a still of the video and caption:

Later that day, Mr. Ertelt tried to access his Facebook account but was informed that his account was suspended. Facebook told him his account did not "follow our Community Standards on child sexual exploitation." He was understandably shocked. He has only ever sought to protect children. And he's never shared sexual content on Facebook.

Facebook offered Mr. Ertelt only an illusory appeal, as shown in the image below. He could only click "Appeal" and had no opportunity to provide the basis for appeal or explain that his original post had no exploitative material. Facebook also didn't give him any chance to remove the video.



Mr. Ertelt clicked "Appeal" but didn't receive any response from Facebook. About four months later, he attempted to access his account. But he received a notification that Facebook had permanently disabled his account. It informed him that his account "still doesn't follow our Community Standards on child sexual exploitation" and that he couldn't request another review of the decision.

LifeNews had used Mr. Ertelt's Facebook account to create its Instagram account where it had amassed over 20,000 followers. LifeNews reaches more than 750,000 people weekly through its website, email news reports, radio programs, and social media accounts. It focuses on abortion, assisted suicide and euthanasia, bioethics issues, campaigns and elections, and pro-life legal and legislative issues. LifeNews relies heavily on its Facebook and Instagram accounts to share news and effect cultural change. By disabling Mr. Ertelt's account, Facebook also permanently disabled LifeNews's Instagram account.

Meta caused serious harm to Mr. Ertelt and LifeNews. LifeNews had made a dedicated effort to engage with new demographics on Instagram and spread its message. Similarly, Mr. Ertelt had used his Facebook account to foster a positive reputation in the pro-life community and spread LifeNews's message. Yet Meta ended that all without even a warning or notice. And LifeNews suffered a decline in website traffic and resultant decrease in ad revenue and donations, which it attributes to loss of exposure on Instagram and Facebook.

Mr. Ertelt's post didn't violate Facebook's policy. Its Community Standards define "child sexual exploitation" as "[c]ontent, activity, or interactions that threaten, depict, praise, support, provide instructions for, make statements of intent, admit participation in, or share links of the sexual exploitation of children."[78] They clarify that this definition applies to content that depicts "[s]exual intercourse" or "[c]hildren with sexual elements," or "supports, promotes, advocates or encourages participation in pedophilia."[79] Mr. Ertelt's post of the unborn child's hand in no way implicated these standards. The post depicted a medical procedure, and only a child's hand was exposed. It showed no nudity or anything of a sexual nature.

Meta's suspension violated Facebook's Terms of Service. Facebook requires every user to agree to those Terms. Under § 4.2, Facebook may suspend a user's account when: (1) a user "clearly, seriously, or repeatedly" breaches Facebook's Terms of Service or Community Standards, (2) a user repeatedly infringes on others' intellectual property rights, (3) Facebook is required to do so for legal reasons, (4) a user's account is not confirmed after registration, (5) a user's account is inactive, or (6) a user's account is hacked.[80] None of those applied to Mr. Ertelt. Yet Facebook didn't allow Mr. Ertelt to explain how his post didn't violate the Community Standards. Nor did it allow him to explain how he has complied with the Terms of Service.

Mr. Ertelt and LifeNews had to retain ADF to have Meta comply with its own Terms and reinstate their accounts.[81]

B. Meta deplatformed Abby Covington for religious and pro-adoption speech.

Meta similarly deplatformed pro-life adoptive mother Abby Covington. Mrs. Covington is a mother of three with a heart for women facing unplanned pregnancies in challenging circumstances. As a Christian, she believes that life begins at conception and that all human life is precious. So Mrs. Covington and her husband, Austin, recently decided to adopt. They hired a lawyer, underwent the

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[78] Meta, Child Sexual Exploitation, Abuse, and Nudity, https://bit.ly/3P2LYN3 (last visited May 19, 2025).

[79] *Id.*

[80] Meta, Terms of Service, https://bit.ly/3ZFjMot (last visited May 19, 2025).

[81] Alliance Defending Freedom, *Meta victory: Social media giant restores pro-life accounts just days after contact with ADF attorneys* (Jan. 21, 2025), https://adfmedia.org/press-release/meta-victory-social-media-giant-restores-pro-life-accounts-just-days-after-contact/.

required background checks and verifications, and became home-study approved, meaning they could adopt in all 50 states.

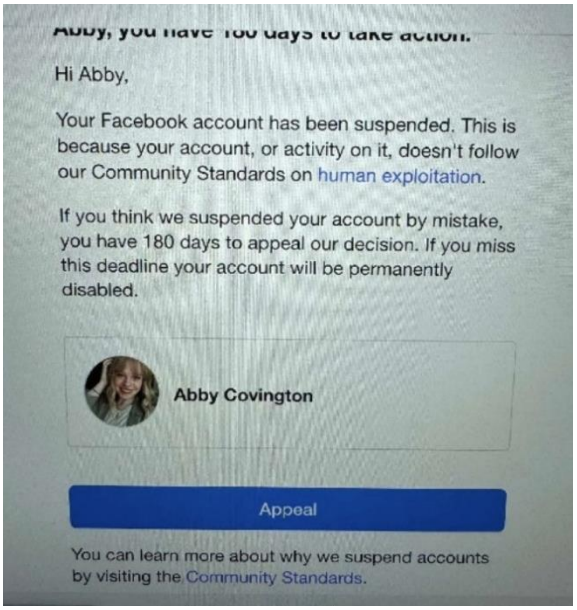
To share her family's story and connect with an expectant mother, Mrs. Covington also created one Instagram and one Facebook account for her family titled "Austin & Abby Adopt—Covington Family Adoption Journey." On these accounts, Mrs. Covington shared family stories and her family's heart for adoption, and she encouraged an expectant mother to reach out if she was seeking an adoptive family for her unborn child. On November 16, 2024, Abby made a post with the following text on her Facebook and Instagram adoption accounts:

> Hey there! 👋 We're Austin & Abby, hopeful adoptive parents in Indiana!
>
> Firstly, if you're an expectant mother, I want to say we are praying for you and baby. This decision isn't something to be taken lightly, and I pray you have peace and wisdom as you navigate this ❤️ Abby's mother was adopted, and we know without adoption, our family would not be here!
>
> A little about us:
>
> -We've been married for 7 years, and together for 12 (We were high school sweethearts)
> -We are blessed with 3 biological children, 2 girls and 1 boy
> -Jesus is our Savior. We are active members in our church & thankful for a supportive gospel-centered community!
> -We love to cook & try new foods
> -Traveling as a family is something we love to do!
> -We are Home Study approved and able to adopt in all 50 States ✅
>
> Our heart for adoption:
>
> We believe children are a gift from the Lord (Psalm 127:3). God has given us the desire to support an expecting mother who will choose life for her baby through the gift of adoption! We love our children, and our prayer is to expand our family while providing a safe & loving home ❤️
>
> 📖 You can view our digital profile book in our bio to learn more about our family 🫶
>
> 🌟 If you know of an expectant mother seeking to make an adoption plan, you can contact us at [deleted for privacy].

> #adoption #adoptionjourney #christianfamily #homeschoolfamily #chooselife #openadoption #domesticadoption #domesticinfantadoption #hopefuladoptiveparents #hopingtoadopt #openadoption #homestudyapproved

Three days later, Mrs. Covington awoke to a barrage of hateful messages sent to her through Facebook Messenger and numerous hateful comments on her adoption post. One user commented, "I'm adopted and I'd s[$%]t in your mouth out of spite while you were asleep if I'd been raised that way." Another commented, "[w]ouldn't you be able to have kids if gawd wanted you to?" In the comments, users also tagged two Facebook groups named: "The cult with the sky daddy kink is at it again" and "I'll dedicate my next abortion to you." Through Facebook analytics, Mrs. Covington learned that her post had been seen by over 21,000 users and was shared in a private group—likely one of the groups tagged—that she could not access. To deter further harassment, Mrs. Covington deleted her post from Facebook that day.

Two days later, when Mrs. Covington attempted to log into Facebook, it notified her that her account had been suspended. Facebook claimed that her account did not "follow our Community Standards on human exploitation." That shocked Mrs. Covington. She had only shared wholesome and family-friendly content on her accounts, and she had never posted content that would implicate such a serious concern as human exploitation. As shown below, Facebook only allowed Mrs. Covington to click "Appeal" without any opportunity to explain her objection to Facebook's decision—the same treatment that LifeNews and Mr. Ertelt received.



Mrs. Covington clicked the appeal button. On November 23, she tried to log into Facebook again but was notified that Facebook had permanently disabled *all* of her Facebook and Instagram accounts. Facebook informed her that her adoption account "still doesn't follow our Community Standards on human exploitation" and that she could not request another review of the decision.

Mrs. Covington also had personal and business accounts with Meta. Those accounts were her sole means of connecting with customers and generating revenue. She used the same email address for each of those accounts, and Meta permanently disabled all of them. Not only did Meta cause her financial harm, it also injured her personally. She lost access to her family's photos and memories and her ability to communicate with her numerous Facebook friends and Instagram followers across the country. And she lost her primary tool to reach and assist an expectant mother through the gift of adoption.

Meta offered only radio silence in response. Mrs. Covington attempted to email Facebook support, but because her email was associated with a permanently disabled account, she was blocked from sending Facebook an email. She also repeatedly tried calling various Facebook helplines but never received a response.

Her post didn't violate Facebook's policy. Under its policy, Facebook seeks to "remove content that facilitates or coordinates the exploitation of humans, including human trafficking."[82] It defines "human trafficking" as "the business of depriving someone of liberty for profit. It is the exploitation of humans in order to force them to engage in commercial sex, labor, or other activities against their will. It relies on deception, force, and coercion, and degrades humans by depriving them of their freedom while economically or materially benefiting others."[83] Mrs. Covington's adoption post comes nowhere close to those definitions. Meta's behavior regarding other similar posts confirms this, as it allows entire Facebook groups dedicated to connecting potential adoptive parents with expectant mothers and surrogates.[84] Rather than "degrad[ing] humans" or "depriving them of their freedom," Mrs. Covington's post sought to empower a woman to choose life for her unborn child. Mrs. Covington has never posted any content that violates Meta's standards for "human exploitation."

While Mrs. Covington's post did not violate Facebook's policy, Facebook violated its own Terms. As with Mr. Ertelt's post, nothing in Mrs. Covington's post

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[82] Meta, Human Exploitation, https://bit.ly/41B053H (last visited May 19, 2025).

[83] *Id.*

[84] *E.g.*, Surrogates & Ips match group, Facebook, https://bit.ly/49KbxMx (last visited May 19, 2025).

triggered Facebook's grounds to disable an account. So by disabling her account, Facebook breached its Terms.

Also like Mr. Ertelt, Mrs. Covington had to retain ADF to have Meta comply with its own Terms and reinstate her accounts.[85]

C. Google allows ads for chemical abortion but prohibits those for abortion pill reversal.

On September 13, 2021, Google began to ban pro-life ads about abortion pill reversal (APR).[86] That day Google—without notice—stopped an APR ad campaign that had been running since that May, citing its "unreliable claims" policy.[87] Google's ban responded to an article in *The Daily Beast* that cited a report from the Center for Countering Digital Hate (a British participant in the censorship-industrial complex) that the pro-life ads had been viewed millions of times on Facebook and Google.[88] Google claimed that it doesn't allow ads "with unproven medical claims" and that "medical experts have raised serious concerns about abortion reversal pills."[89] In support, Google cited an "Advocacy" post from the pro-choice American College of Obstetricians and Gynecologists (ACOG).[90]

To this day, Google doesn't allow APR ads. Google has stopped Heartbeat and Stories from placing ads about this life-saving treatment. The screenshot below shows various campaigns Google has barred Heartbeat from running about APR because of "unreliable claims."

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[85] *Meta victory, supra* note 81.

[86] Letter form Steve Daines, U.S. Senator, et al., to Sundar Pichai (Sept. 16, 2021), content/uploads/imo/media/doc/9.16.2021%20Google%20Abortion%20Pill%20Reversal%20Ad%20Letter.pdf.

[87] *Id.*

[88] Cassy Cooke, *Google shuts down Live Action abortion pill reversal ads following coordinated pro-abortion attack*, Live Action (Sept. 14, 2021), https://www.liveaction.org/news/google-shuts-live-action-abortion-pill-reversal/.

[89] Mary Margaret Olohan, *Pro-life group says Google banned its ads in 'dramatic and unprecedented move'*, Daily Caller (Sept. 14, 2021), https://dailycaller.com/2021/09/14/pro-life-group-says-google-banned-its-ads-in-dramatic-and-unprecedented-move/.

[90] *Id.*; ACOG, Advocacy, Facts Are Important: Medical Abortion "Reversal" Is Not Supported by Science, https://www.acog.org/advocacy/facts-are-important/medication-abortion-reversal-is-not-supported-by-science (last visited May 19, 2025).

Ads | Campaign: Reversal Conversions - APR | Custom | Jan 21

Ad status: Enabled, Paused | + 1 more | Add filter | Search | Segment

Ad	Ad group	Status
It May Not Be Too Late. | Call Our 24/7 Helpline | Did You Change Your Mind? +6... www.abortionpillreversal.com Have you taken the first dose of the abortion pill? Do you regret it? We can help. Our 24/7... View assets details	Client Reversal APRN	Not eligible Disapproved (Unreliable claims +2 more), Campaign is paused
Are you looking for help | to reverse your abortion? | It might not be too late. www.abortionpillreversal.com Our helpline will connect you with one of our medical professionals. We will help you every step of the way.	Client Reversal APRN	Paused Disapproved (Unreliable claims +1 more), Campaign is paused
Call (877) 558-0333 Abortion Pill Reversal · Abortion Pill Reversal... www.abortionpillreversal.com Our 24/ Helpline Can Connect You To A Medical Professional. Have you taken the first dose of the abortion pill? Do you regret it? We can help!	Client Reversal APRN	Not eligible Disapproved (Unreliable claims +2 more), Campaign is paused
[Dynamically generated headline] [Dynamically generated display URL] Have you taken the first dose of the abortion pill? Do you regret it? We can help. Our 24/7 helpline can connect you to a medical professional to learn more.	Dynamic	Paused Disapproved (Unreliable claims +2 more), Campaign is paused

But Google is rife with examples of ads for drugs that *cause* abortion, like mifepristone and misoprostol. For example, a recent Google search for "abortion pills" returned the following two ads:

Google | abortion pills

your pregnancy tissue is expelled.

Sponsored

carafem
https://info.carafem.org/

Provides abortions

Abortion Pills - Mailed in 1-4 Business Days

It's simple! Receive **abortion pills** after an online consultation. No appointment required. **Abortion pills** delivered in 1-4 business days.

Appointments & Cost · Eligibility Calculator · Abortion Pills Online · Abortion Pill

Sponsored

Hey Jane®
https://www.heyjane.com/

Provides abortions

Ships Discreetly to Your Door - Safe Abortion Pills, Online

Abortion pills for less than the clinic price, delivered to you. Private, safe, fast. Looking for **abortion pills** online? Get FDA-approved **meds**...

How It Works · In-Home Abortion Options · What is the Abortion Pill · Financial Aid Available

People also search for

Abortion pills **side effects**	Abortion **pill process**
Abortion pills **at pharmacy**	**Mifepristone**
Abortion **pill name and price**	**Abuzz** abortion pills
Abortion pills **name and image**	Abortion pills **delivered**

Google's unreliable claims policy discriminates based on viewpoint. Google does "not allow content that … promotes harmful health claims, or relates to a current, major health crisis and contradicts authoritative scientific consensus."[91] Its policy prioritizes the views of certain groups that claim an "authoritative scientific consensus" over those who—with substantial evidence—disagree.

Abortion pill reversal saves lives. It's the opposite of "harmful." The first drug in the chemical abortion regime, mifepristone, works by blocking the effects of progesterone, a natural hormone that sustains the baby in the womb.[92] Abortion pill reversal simply uses a dose of progesterone to displace the mifepristone that has blocked the woman's progesterone receptors.[93] Progesterone "has been used safely in pregnancy for over 50 years."[94] A 2018 study has shown that progesterone successfully reversed the effect of mifepristone in 48–68% of cases.[95]

Instead of allowing a robust scientific discussion, Google prioritized ACOG's views over those of Heartbeat and countless others. ACOG is not pro-life. It works to "[s]upport, defend, and expand access to … abortion."[96] Its "Advocacy" piece that Google cited to ban APR ads doesn't even mention the 2018 article.[97] Instead, it cites two inconclusive or irrelevant studies and one "case series" that reported four out of six women *saved* their babies by taking progesterone after mifepristone.[98] So even by ACOG's own estimation, APR isn't "harmful" at all. To the contrary, allowing groups to hawk abortion pills "promotes harmful health claims." The goal of chemical abortion is to kill an unborn child. The FDA's own data reveals the reported deaths of 36 women associated with mifepristone.[99] Recent research shows

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[91] Google, Unreliable and harmful claims, https://support.google.com/publisherpolicies/answer/11188580?hl=en (last visited May 19, 2025).

[92] George Delgado, et al., *A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone*, 33 Issues in Law & Med. 21, 22 (2018).

[93] *Id.* at 22–23.

[94] *Id.* at 26.

[95] *Id.*

[96] ACOG, 2025 Commitment to Policy Action, https://www.acog.org/advocacy/policy-priorities/commitment-to-policy-action (last visited May 19, 2025).

[97] *See* Facts Are Important, *supra* note 90.

[98] *Id.*

[99] FDA, Questions and Answers on Mifepristone for Medical Termination of Pregnancy Through Ten Weeks Gestation (Feb. 11, 2025), https://www.fda.gov/drugs/postmarket-drug-safety-information-patients-and-providers/questions-and-answers-mifepristone-medical-termination-pregnancy-through-ten-weeks-

that many more women suffer serious injury from chemical abortion. Nearly 11% of women experience sepsis, infection, hemorrhaging, or another serious adverse event within 45 days of taking mifepristone.[100]

Heartbeat and Stories appealed the censorship. But Google denied all appeals without explanation.

D. Yelp discriminates against pro-life pregnancy centers.

Yelp's mission is "to connect consumers with great local businesses."[101] It offers a platform for customers to make public reviews about businesses that others can see. Yelp currently hosts over 308 million reviews.[102] Over 74 million people visit Yelp each month.[103] So a Yelp presence and favorable ratings can help raise a business's profile. One study has suggested that restaurants can increase their revenue by 5% from being listed on Yelp.[104]

But Yelp places its thumb on the scale to disadvantage groups it disfavors in two ways. First, in response to the *Dobbs* decision, Yelp slapped a discriminatory label on pro-life pregnancy centers but not abortion facilities. Second, it uses fully automated software that hides positive reviews for pro-life pregnancy centers. Fewer positive reviews means a pro-life pregnancy center is less likely to feature in Yelp's search results and less likely to serve as a resource to women in need.

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gestation#:~:text=As%20of%20December%2031%2C%202024,several%20fatal%20cases%20of%20severe.

[100] Hall, et al., *The Abortion Pill Harms Women: Insurance Data Reveals One in Ten Patients Experiences a Serious Adverse Event*, Ethics and Public Policy Center 1 (Apr. 28, 2025), https://eppc.org/wp-content/uploads/2025/04/25-04-The-Abortion-Pill-Harms-Women.pdf.

[101] U.S. Sec. and Exchange Comm'n, Form 10-K, Yelp Inc. 1, https://d18rn0p25nwr6d.cloudfront.net/CIK-0001345016/3f67ce9e-5764-4419-86c7-55139c59ee8d.pdf.

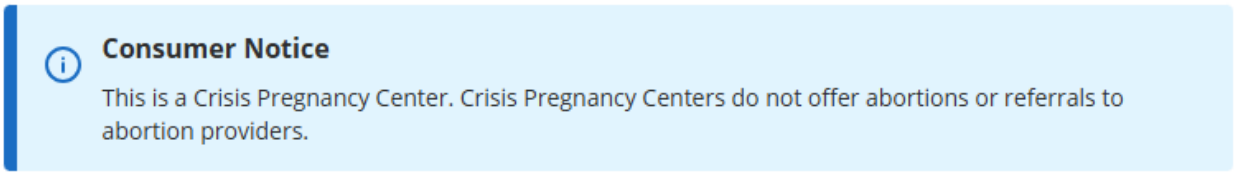
[102] *Id.* at 46.

[103] *Study Shows high-intent consumers are contracting businesses quickly on Yelp,* Yelp for business, https://business.yelp.com/resources/articles/study-shows-high-intent-consumers-are-contacting-businesses-quickly-on-yelp/?domain=local-business (last visited May 19, 2025).

[104] Yelp Editorial Team, *Academic study reveals listing a business on Yelp can increase revenue*, Yelp blog (Mar. 8, 2023), https://blog.yelp.com/news/academic-study-reveals-listing-a-business-on-yelp-can-increase-revenue/.

1. Yelp imposes a discriminatory label on pro-life pregnancy centers.

Yelp forces a label on pro-life pregnancy care centers that it doesn't apply to facilities that provide abortions. Yelp boasts that it "has a consistent track record of supporting access to reproductive healthcare."[105] After the *Dobbs* decision, it claimed that "the ability to access safe abortion care has become more limited for millions of women."[106] So it wanted to make sure its users had "access to reliable information about reproductive health services."[107] To that end, it labeled pro-life pregnancy centers as providing "limited medical services" and informed users that the centers "may not have licensed medical professionals onsite."[108] In February 2023, after a letter from state Attorneys General about the misleading label,[109] Yelp updated the label to the below:



Yelp doesn't put any label on abortion facilities like Planned Parenthood, even though a recent New York Times article documented a "conveyor belt" mentality that resulted in clients receiving the wrong medications, being sent to the wrong rooms, and being prepped for the wrong procedures as employees "scrambled to move people in and out" at Planned Parenthood.[110]

The label favors abortion providers over pro-life pregnancy centers. For example, the first non-sponsored result for a recent Yelp search of "abortion alternatives" near Washington, D.C. returned Planned Parenthood – Carol

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[105] Noorie Malik, *Providing consumers with reliable information about reproductive health services*, Yelp blog (Aug. 23, 2022), https://blog.yelp.com/news/providing-consumers-with-reliable-information-about-reproductive-health-services/.

[106] *Id.*

[107] *Id.*

[108] *Id.*

[109] Letter from Aaron Schur, Yelp General Counsel to Daniel Cameron (Feb. 8, 2023), https://www.ag.ky.gov/Press%20Release%20Attachments/2022-02-08%20Letter%20to%20States%27%20AGs%20re%20CPCs.pdf .

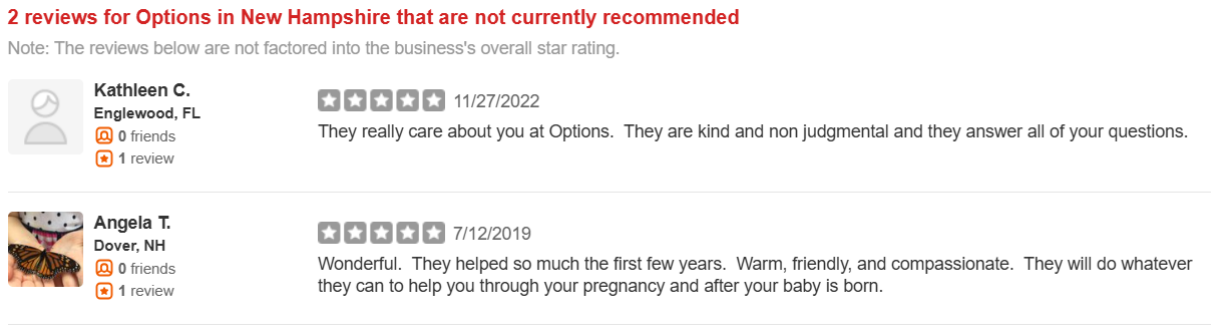
[110] Katie Benner, *Botched Care and Tired Staff: Planned Parenthood in Crisis*, The New York Times (Feb. 15, 2025), bit.ly/4iKa7oz.

Whitehill Moses Center.[111] The Yelp page for that facility has no label. The third result is "ThriVe Women's Healthcare of Central Virginia." Its page has the label, despite being returned from the exact same search as Planned Parenthood. But of course Planned Parenthood offers abortions, not just (or even at all) "abortion alternatives," while ThriVe truly offers only "abortion alternatives." Yelp's label thus imposes an arbitrary and discriminatory distinction. And it harms pro-life pregnancy centers by suggesting to Yelp users that those centers *should* offer abortions, even if the user in fact wanted "abortion alternatives."

2. Yelp hides positive reviews for pro-life pregnancy centers.

Options for Women in Rochester, New Hampshire provides evidence-based medical information and services to women and families facing unexpected or unsupported pregnancies.[112] It provides all its services, including pregnancy tests, ultrasounds, and STD testing, free of charge.[113] It operates under a licensed doctor who reviews and approves all ultrasounds.[114]

Options has over 98% positive feedback from its patients.[115] So it was surprised to learn that it had a much lower rating on Yelp—only 2.3 out of 5 stars from only 3 reviews.[116] It discovered that Yelp had hidden the below two five-star reviews as "not recommended."



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[111] Yelp results, 'abortion alternatives' near Washington, District of Columbia (Apr. 14, 2025), attached as Exhibit B.

[112] Options, About Us, https://www.optionsnh.org/about-us (last visited May 19, 2025).

[113] *Id.*

[114] *Id.*

[115] *Id.*

[116] Yelp, Options for Women, 3 reviews, https://www.yelp.com/biz/options-in-new-hampshire-rochester?osq=optiosn+for+women#reviews (last visited May 19, 2025).

Yelp ratings matter. Yelp's search function defaults to its "recommended" setting, which factors in a business's star rating and number of reviews when deciding whether to recommend that business to users.[117] Lower ratings and fewer reviews reduces the likelihood that Yelp will recommend a pro-life pregnancy center. That means interested and in-need expectant mothers may not become aware of relevant centers.

Yelp uses "entirely automated" software to identify reviews to "not recommend."[118] Those reviews do not count towards a business's overall rating.[119] To view them, users must click an additional, obscure button (as shown below for Options' page) under the recommended reviews.

2 other reviews that are not currently recommended

Yelp's automated software labels reviews as "not recommended" if it thinks the review came from someone related to the business, the business solicited the review, the review was unreliable because it came from a less active user, or if the review is not "useful."[120]

The software's decision not to recommend a review is final and not reviewable. Yelp disclaims any ability to "manually override" the software's decision, even in cases of clear error.[121] Options' appeals of the not-recommended reviews thus fell on deaf ears. But the reviews didn't violate any Yelp policy. And the facts given in the reviews show that they very likely came from real people who visited Options.

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[117] Yelp, Support Center, https://www.yelp-support.com/ (last visited May 19, 2025).

[118] Yelp trust & safety, Recommendation software, https://trust.yelp.com/recommendation-software/ (last visited May 19, 2025).

[119] *Id.*

[120] *Id.*

[121] *Id.*

The problem is not limited to Options. Yelp's fully automated software hides positive reviews that do not appear to violate any Yelp policy from numerous other pro-life pregnancy centers across the nation.[122]

IV. Potential implications for FTC action

Using LifeNews and Steven Ertelt as a representative example, this section discusses possible interactions between the FTC's authority to prohibit unfair and deceptive practices and deplatforming by large technology companies. As discussed above, internet platforms employ vague terms, enforce those terms arbitrarily, and sometimes offer an illusory appeals process or no appeal at all. While such a determination is inherently facts and circumstances specific, these factors could constitute unfair or deceptive practices in certain cases. As such, further inquiry into these practices is warranted. The same holds true for the other examples in this letter.

Under the Federal Trade Commission Act (the Act) the FTC is responsible for enforcing the prohibition on "unfair or deceptive acts or practices in or affecting commerce."[123] For an action to be "unfair" under the Act, it must cause or be 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."[124]

As described above, content moderation and acceptable use policies that prohibit "hate speech," "misinformation," and similar content or views create systemic risks of viewpoint discrimination in ways that chill speech. The vague and

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[122] *E.g.*, Yelp, 3 reviews for The Northwest Center that are not currently recommended, https://www.yelp.com/not_recommended_reviews/the-northwest-center-washington (last visited May 19, 2025); Yelp, 25 reviews for RealOptions Obria Medical Clinics of Oakland that are not currently recommended, https://www.yelp.com/not_recommended_reviews/realoptions-obria-medical-clinics-of-oakland-oakland-2 (last visited May 19, 2025); Yelp, 7 reviews for The Bridge To Life that are not currently recommended, https://www.yelp.com/not_recommended_reviews/the-bridge-to-life-college-point (last visited May 19, 2025); Yelp, 3 reviews for Women's Care Center Of LaGrange that are not currently recommended, https://www.yelp.com/not_recommended_reviews/womens-care-center-of-lagrange-la-grange (last visited May 19, 2025); Yelp, 13 reviews for 3W Medical For Women that are not currently recommended, https://www.yelp.com/not_recommended_reviews/3w-medical-for-women-seattle?not_recommended_start=0 (last visited May 19, 2025).

[123] 15 U.S.C. § 45(a).

[124] 15 U.S. C. § 45(n).

subjective nature of these policies, both facially and in practice, raise serious concerns of being "unfair" to customers and users under the Act.

The example of LifeNews and Steven Ertelt is instructive. When Meta permanently suspended their accounts, LifeNews and Mr. Ertelt lost major channels for distributing their content and engaging with supporters, opponents, and those who might be persuaded by LifeNews' views on abortion. Given that this is LifeNews' *raison d'etre*, it and its CEO suffered significant harm caused by Meta.

Nor was the harm reasonably avoidable by LifeNews or Mr. Ertelt. No reasonable person could foresee that policies that intended to prevent child sexual exploitation would be used to prohibit a non-sexual, non-nude, non-exploitative post showing a video of a medical procedure with a comment about the humanity of the unborn. Nor can one argue that the harm was avoidable by following Meta's appeals process, which was Kafkaesque in its opacity and lack of meaningful opportunity to dispute or even understand the nature of Meta's complaint against the user.

Finally, it is hard to see a countervailing benefit to consumers or competition from Meta's decision to deplatform LifeNews and Mr. Ertelt's accounts. Facebook cannot claim to be protecting its customers from child sexual exploitation because the post at issue in no way met Facebook's own definitions under its policies.[125]

Even if some users found the image or caption offensive, they were not required to interact with it and could block it from their feeds. Instead, Meta's decision deprived its users of content they may have wished to engage with. Closing off a channel of communication for speech that is legal and highly relevant to millions of Americans can hardly be said to benefit consumers or competition in the social media market, where the value to consumers is *the ability to communicate and receive lawful information*.

Perhaps the most telling piece of evidence that the deplatforming of LifeNews and Mr. Ertelt did not benefit consumers or competition is that Meta *reinstated* LifeNews and Mr. Ertelt after receiving a demand letter from ADF highlighting how Meta's deplatforming was, at best, the result of a deeply flawed process and, at worst, intentionally censorious.[126] If the deplatforming was legally required or provided sufficient benefit to consumers or competition, Meta would presumably have stuck to its guns. Instead, it quickly reversed course.

Turning next to deception. For an action to be deceptive, it must constitute a material representation, omission, or practice that is likely to affect the conduct or

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[125] *See supra* Section III.A.

[126] ADF Meta Demand Letter, *supra* note 4.

decisions of a consumer with regard to the product and is likely to mislead reasonable customers under the relevant circumstances.[127] It is not required that the act, omission, or practice be intended to deceive for liability to arise so long as the act, omission, or policy would likely mislead reasonable consumers.[128]

The dissonance between Meta's stated policies, which it put forward to guide users regarding what content is and is not allowed on Meta's platforms, and Meta's implementation of those policies in the case of LifeNews and Mr. Ertelt is clearly significant. Meta articulated certain criteria that were prohibited under its child sexual exploitation policy. Mr. Ertelt's post could not reasonably be said to meet those criteria, yet his post was blocked, and his and LifeNews' Meta accounts were suspended by Meta based on that policy.

Mr. Ertelt complied with Meta's Terms of Service and policies. Still, he was held to a standard inconsistent with the plain language of Meta's policies that Meta enforced unreasonably and arbitrarily. This incongruity denied Mr. Ertelt the ability to exercise informed consumer sovereignty.[129] Had Mr. Ertelt known his post would have been prohibited, he might have declined to post it in the first place to preserve his and LifeNews's access to Meta's platforms because access to those accounts was valuable. Conversely, he might not have invested as heavily into building up his and LifeNews's Meta accounts and instead focused on other platforms that were more friendly to speech. In either case, had Meta enforced its policies as written, Mr. Ertelt would have been able to make an informed and possibly different choice.

Likewise, by representing that there was a meaningful appeals process, Meta may convince users that they will be able to explain the nature and intent of the content they post to a human being. This may encourage users to invest their efforts into building up a presence on a particular platform because they believe that if they do post something controversial, they will have a fair opportunity to be heard. Instead, as shown in the cases of Mr. Ertelt, LifeNews, Mrs. Covington, Google, and Yelp, the appeals process is more akin to a trial kangaroo court where the accused have no real opportunity to advocate for themselves and address the charges against them.

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[127] *See e.g.*, *FTC v. LeadClick Media, LLC*, 838 F.3d 158, 168 (2d Cir. 2016); *In the Matter of Int'l Harvester Co.*, 104 F.T.C. 949, 1056 (1984).

[128] *LeadClick Media, LLC,* 838 F.3d at 168.

[129] *In the Matter of Int'l Harvester Co.*, 104 F.T.C. at 1055–56 ("[T]he Commission's deception jurisdiction acts to safeguard the exercise of consumer sovereignty.")

Importantly, none of these arguments hinges on whether Meta can set the terms for what is permissible on its platforms. Nor do they mandate that Meta offer a meaningful appeals process. Instead, they hinge on the difference between the rules and procedures that Meta claimed governed its services and how those services were actually governed. The former is what Meta used to encourage users like LifeNews and Mr. Ertelt to invest scarce time and resources in Meta instead of other options, while the latter is how Meta actually treated its users. That difference could be a deceptive trade practice.

To its credit, Meta has recently announced a renewed commitment to free speech and has restored several accounts since then that suggest its announcement is more than mere window dressing. Ultimately, though, time will tell if the changes will be lasting or fleeting.[130] Even if Meta has turned over a new leaf, the broader problem of tech platforms using broad, vague, and arbitrary terms of service, with appeals processes to match, remains. As discussed above, data from the Viewpoint Diversity Index shows that such terms of service are the norm among tech firms.

Just look at Google. Google allows advertisements for drugs that cause abortions. But under the guise of policing "unreliable claims," it prohibits ads for drugs that reverse abortion. Google's prioritization of abortion is baseless. It cites no reliable data that APR doesn't work. And the data show that APR saves lives. Labeling something "unreliable" when nothing supports that conclusion could constitute an unfair or deceptive trade practice. Playing favorites with chemical abortion doesn't benefit consumers or promote competition. Google's action prevents women in need from receiving accurate information that could save their babies. Google's censorship harms consumers, including by preventing them from receiving helpful and accurate information. Likewise, prohibiting APR ads eliminates competition in the abortion pill marketplace.

Yelp's actions also indicate unfair or deceptive trade practices. Yelp populates results for a search of "abortion alternatives" with both abortion facilities and pro-life pregnancy centers. Within the search results, Yelp further favors abortion facilities by imposing a label only on pro-life pregnancy centers. The search results and label can be unfair or deceptive to consumers because in searching for "abortion alternatives," Yelp users aren't looking for abortion. But abortion facilities still populate the results. And even when consumers don't want abortion results, Yelp still imposes the label on pro-life pregnancy centers while not noting that the abortion facilities do not only offer "abortion alternatives" (if they offer them at all),

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[130] Joel Kaplan, Chief Global Affairs Officer, More Speech and Fewer Mistakes, Meta (Jan. 7, 2025), https://bit.ly/4gDZYce.

but also abortion—something the consumer didn't search for and presumably wants to avoid. That's not beneficial to consumers. And it undercuts competition by privileging abortion facilities.

V. Conclusion

While tech platforms may be tempted to claim that sweeping discretion, discriminatory treatment, and arbitrary enforcement are necessary to permit their services to exist, this argument is unavailing. The American people have chosen through the political and legal process to protect customers from unfair and deceptive trade practices. If an industry relies on such prohibited practices to survive, then the burden is on the industry to find a viable way to conform to the law or convince the American people that the law should be changed. We cannot allow the legal protections to which Americans are entitled to become a nullity for the convenience of industry.

Thank you for the opportunity to provide information to the Commission on the important issue of protecting consumers and users of some of the most important social institutions of the modern era. If we can be of any further help, please do not hesitate to contact us.

Respectfully Submitted,

Jeremy Tedesco
Philip A. Sechler
Brian Knight
Michael R. Ross
Mathew W. Hoffmann
mhoffmann@ADFlegal.org
ALLIANCE DEFENDING FREEDOM

EXHIBIT A

Adobe
"Adobe General Terms of Use", "6. User Conduct" ("You must use the Services and Software responsibly and not misuse the Services and Software. For example, you must not...share any Content or engage in behavior that is unlawful, harmful, threatening, obscene, violent, abusive, tortious, defamatory, libelous, vulgar, lewd, invasive of another's privacy, hateful, or otherwise objectionable."), (accessed 12/05/2024).
https://www.adobe.com/legal/terms.html

Akamai Technologies
"Acceptable Use Policy", "Inappropriate and Illegal Content" ("Customer shall not use the Akamai Network and Services to transmit, distribute or store material that is inappropriate, as reasonably determined by Akamai, or material that is...inconsistent with the generally accepted practices of the Internet community...."), (accessed 12/05/2024).
https://www.akamai.com/legal/acceptable-use-policy

Alphabet
"Hate speech policy" ("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..."), (accessed 12/05/2024).
https://support.google.com/youtube/answer/2801939?sjid=17165692583851082593-NA

Altice USA
"Optimum Acceptable Use Policy, Privacy Policy & Terms of Service" ("Optimum reserves the right...to suspend, deny, restrict or terminate use of the Service if such use...is objectionable....")
"USENET/Internet Chat" ("Users may not SPAM newsgroups or chat rooms...Users are not permitted to...[c]ross-post the same or substantially similar message excessively - in Optimum's sole opinion...."), (accessed 03/03/2025).
https://www.optimum.com/terms-of-service/privacy/acceptable-use-policy

Amazon.com
"Content Guidelines for Books", "Offensive Content" ("We don't sell...content that we determine is hate speech...or other material we deem inappropriate or offensive."), (accessed 12/05/2024).
https://www.amazon.com/gp/help/customer/display.html?nodeId=G201995150

Apple
"App Review Guidelines", "Introduction" ("We strongly support all points of view...We will reject apps for any content or behavior that we believe is over the line..."), (accessed 12/05/2024).
https://developer.apple.com/app-store/review/guidelines/

AT&T
"Terms of Service", "Threatening Material or Content" ("[F]or those IP Services that utilize AT&T provided web hosting, AT&T reserves the right to decline to provide such services if the content is determined by AT&T to be...hateful...or otherwise harmful to others."), (accessed 12/05/2024).
https://www.att.com/legal/terms.aup.html

Charter Communications
"Commercial Terms of Service", "vi. Content Liability and Use Restrictions" ("If Customer engages in...the following prohibited activity, Charter shall have the right to suspend or terminate the Hosting Services and/or this Agreement...[: i]nclusion of...any type of site that promotes or participates in willful harm to Internet sites, users or providers.")
"Commercial Terms of Service", "3.2.10.2 Involuntary Suspension" ("Service may be refused or discontinued...where there is probable cause to believe that there is...willful misuse of the Company's service; including but not limited to...subscriber use with intent to terrify, intimidate..., annoy, or offend another telephone user (including Company employees).")
"Commercial Terms of Service", "4.4 Call Blocking" ("Notwithstanding any other provision of this Guide, the Company may block calls which (i) are made to certain countries, cities, or central office ('NXX') exchanges, or (ii) use certain Authorization Codes, as the Company, in its sole discretion, deems reasonably necessary to prevent...fraudulent use of Services.")
"Commercial Terms of Service", "3. No Illegal or Fraudulent Use" ("Customer will not use or allow others to use the service in any manner that is in violation of any applicable federal, state, local or international laws or regulations or to promote, engage in, or enable...conduct that...infringes upon the rights of any person.")
"Commercial Terms of Service", "13. Revisions to Policy" ("Charter reserves the right at its sole discretion to immediately suspend, terminate, or restrict use of the service without notice if such use...is objectionable or...interferes with others' use of the service."), (accessed 03/03/2025).
https://www.spectrum.com/policies/comm-terms

Comcast Corporation
"Advertising Content Restrictions and Screening Guidelines 0724", "Injurious or Prejudicial to the Public or Comcast" ("...advertising may be rejected if...grossly offensive (e.g. on racial, religious or ethnic grounds)..."), (accessed 03/05/2025).
https://www.effectv.com/wp-content/uploads/2024/07/Advertising-Content-Restrictions-and-Screening-Guidelines0724.pdf

Dell Technologies
"Acceptable Use Policy", "Violations" ("User may not upload content...that Dell believes:...is...offensive, advocates violence, or [is] otherwise inappropriate...."),

(accessed 12/05/2024).
https://www.dell.com/en-us/lp/legal/acceptable-use-policy

DocuSign
"DocuSign Master Services Agreement", "2.2 Restrictions" ("Customer shall not...transmit...material that is harassing[or] threatening...."), (accessed 12/05/2024).
https://www.docusign.com/legal/terms-and-conditions/msa

Dropbox, Inc.
"Terms of Service", "2.6 Acceptable Use" ("...will not upload or submit content that...is...hateful, racially or ethnically offensive,...or otherwise objectionable..."), (accessed 03/05/2025).
https://www.docsend.com/terms-of-service/

GoDaddy
"Website Services Agreement", "9.7 Limits on Content" ("...remove or disable access to any content...if...considered...objectionable..."), (accessed 12/05/2024).
https://www.godaddy.com/legal/agreements/website-services-agreement

HP
"Acceptable Use Policy" ("...You are not authorized to use any Website in any [way that i]s...offensive, or otherwise inappropriate...."), (accessed 03/05/2025).
https://www.hp.com/us-en/acceptable-use-policy.html

Hewlett Packard Enterprise
"Acceptable Use Policy" ("...You are not authorized to use any Website in any...[way that i]s...offensive, or otherwise inappropriate...."), (accessed 03/05/2025).
https://www.hpe.com/us/en/legal/acceptable-use-policy.html

Lumen Technologies
"Acceptable Use Policy - Lumen", "Inappropriate Content" ("Users will not...store material that Lumen...determines is...threatening..., [or] hateful...."), (accessed 12/05/2024).
https://www.lumen.com/en-us/about/legal/acceptable-use-policy.html

Meta
"Hateful Conduct - Transparency Center", "Policy Rationale" ("...we don't allow hateful conduct on Facebook, Instagram, or Threads..."), (accessed 01/13/2025).
https://transparency.meta.com/policies/community-standards/hateful-conduct/

Microsoft
"Microsoft Services Agreement", "3. Code of Conduct" ("...you will not...engage in activity that is harmful... (e.g.,...communicating hate speech...)"), (accessed

12/06/2024).
https://www.microsoft.com/en-us/servicesagreement/

Oracle
"Oracle Web Sites Terms of Use" ("...you agree to follow and be bound by...terms and conditions concerning your access to and use of the Site..."), "Oracle Web Sites Terms of Use", "6. Your Content" ("You agree that you will neither use the Site in a manner, nor Share any Content, that...is false or misleading...[,] derogatory...[or] degrading...[,] or promotes bigotry, racism, hatred or harm against any group or individual[, or] is...not in good taste...."), (accessed 12/03/2024).
https://www.oracle.com/legal/terms/

Pinterest
"Community Guidelines", "Hateful activities" ("Pinterest isn't a place for hateful content or the people and groups that promote hateful activities...including denial of an individual's gender identity or sexual orientation..."), (accessed 12/03/2024).
https://policy.pinterest.com/en/community-guidelines

Rackspace
"Global Acceptable Use Policy", "2. Offensive Behavior" ("Customer shall not...store...content or links to content that...contains harassing content or hate speech..."), (accessed 12/05/2024).
https://www.rackspace.com/information/legal/global/aup

Salesforce
"Acceptable Use and External-Facing Services Policy", "5. Prohibited Material" ("...may not allow...hate-related material...material advocating or advancing violent causes...or otherwise objectionable material..."), (accessed 12/03/2024).
https://www.salesforce.com/content/dam/web/en_us/www/documents/legal/Agreements/policies/ExternalFacing_Services_Policy.pdf

Snap Inc.
"Music on Snapchat Guidelines", "Fundamental character of work" ("You may not use Sounds in a manner that is objectionable or offensive (in our sole discretion)..."), (accessed 12/03/2024).
https://www.snap.com/music-guidelines?lang=en-US

Snowflake Inc.
"Snowflake Acceptable Use Policy", "I. General Use Restrictions" ("Use the Snowflake Offerings in any way that is intended to harm others..."), (accessed 03/05/2025).
https://www.snowflake.com/en/legal/addenda/acceptable-use-policy/

Twilio
"Acceptable Use Policy", "No Inappropriate Content or Users" ("Do not use the

Services to...transmit...content...that is...hateful or encourages hatred...or could endanger public safety..."), (accessed 12/04/2024).
https://www.twilio.com/en-us/legal/aup

Verizon Communications
"Acceptable Use Policy, Terms, & Conditions", "2. Specific Examples of AUP Violations" ("...use of the Service...that is racist...or promotes...hatred or racism..."), (accessed 12/04/2024).
https://www.verizon.com/about/terms-conditions/acceptable-use-policy

Zoom Video Communications
"Zoom Acceptable Use Guidelines", "Hateful Conduct Policy" ("There is no place for hateful conduct on Zoom...you will be blocked from Zoom..."), (accessed 12/04/2024).
https://explore.zoom.us/en/community-standards/

EXHIBIT B

Health & Medical > Abortion Alternatives

abortion alternatives Near Washington, District of Columbia

Sort: **Recommend**

Category

- Obstetricians & Gynecologists
- Crisis Pregnancy Centers
- Doctors
- Midwives
- Health & Medical

Features

- Open At Mon 04:05 PM
- By Appointment Only
- Accepts Apple Pay
- Dogs Allowed
- Wheelchair Accessible
- Valet Parking

See all

Distance

- Bird's-eye View
- Driving (5 mi.)
- Biking (2 mi.)
- Walking (1 mi.)
- Within 4 blocks

All | Price | Open Now | Request a Quote | Open to All | Online Booking | Accepts Credit Cards

Sponsored Results

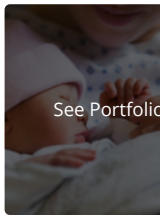
Steve Yu, MD

Closed until Wednesday

30 years in business • Available by appointment

New on Yelp

Compassionate Care, Expert Results – Choose Dr. Steve Yu for Your Women's Health Needs A
Steve Yu's practice, we prioritize your health, comfort,... more



Obstetricians & Gynecologists

All "abortion alternatives" results near me in Washington, District of Columbia - April 2025

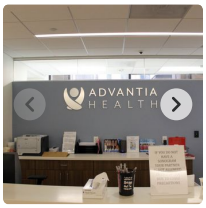
1. Planned Parenthood - Carol Whitehill Moses Center

3.2 (62 reviews)

H Street Corridor/Atlas District/Near Northeast • **Closes in 3 min**

"Parking can be a little tricky so would recommend **alternative** transport." more

Medical Centers | Reproductive Health Services | Obstetricians & Gynecologists



2. Reiter, Hill & Johnson - Washington

2.6 (457 reviews)

Downtown • **Closes in 3 min**

"2008 and have been very happy with her care as my gynecologist and then through my **pregnancies**." more

Obstetricians & Gynecologists

3. ThriVe Women's Healthcare of Central Virginia

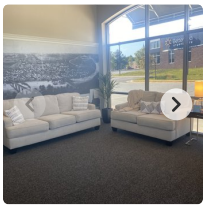
5.0 (1 review)

Closes in 33 min

On their website: **abortion**

"This center offered us help and support at a very difficult time and in a very caring manner. T
was no feeling of being judged or pressured. We..." more

Crisis Pregnancy Centers



4. Choices Women's Center

3.7 (3 reviews)

Closed until 10:00 AM tomorrow

"This center gives resources, confirms pregnancy, options for those facing an **unplanned pregnancy**." more

Crisis Pregnancy Centers

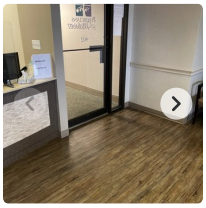
5. Arlington Women's Center

3.1 (87 reviews)

Closes in 37 min

"Add in the fact that I was in the third trimester of my second **pregnancy** when my family ma this..." more

Obstetricians & Gynecologists | Midwives



6. Physicians & Midwives

3.6 (326 reviews)

Closes in 49 min

"I was greeted with kindness and a gift bag with some free prenatal products and a **pregnan** passport..." more

Obstetricians & Gynecologists | Midwives | Nurse Practitioner

7. Ob-Gyn Associates of Advantia - Silver Spring

2.8 (80 reviews)

Closed until 8:30 AM tomorrow

"Prust watched over my first **pregnancy** with an abundance of caution and care." more

Obstetricians & Gynecologists

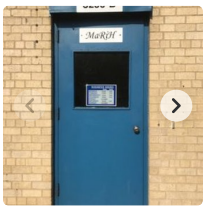
8. Virginia Women's Health Associates

2.8 (66 reviews)

Closes in 19 min

"when I had to bring my older child with me to a few appointments during **pregnancy** numb 2." more

Obstetricians & Gynecologists



9. MaRiH Center

2.6 (5 reviews)

Closed until 10:00 AM tomorrow

"I moved to Alexandria and was looking for an OBGYN to help with my first **pregnancy**." mor

Crisis Pregnancy Centers

10. Potomac Family Planning Center

3.1 (15 reviews)

Closes in 49 min

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