

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE

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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

March 13, 2020

The Honorable Joseph J. Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Dear Chairman Simons:

We write to urge you to take immediate action to prevent deceptive advertising and dangerous misinformation related to the 2019 novel coronavirus (COVID-19) outbreak, a global health emergency that has already reached over 100,000 cases and claimed the lives of more than 5,000 individuals worldwide.

As the outbreak worsens in the United States, the American public is increasingly susceptible to scammers who claim to sell a cure for COVID-19, advertise counterfeit face masks, or suggest unsubstantiated preventive health measures. Your agency has a responsibility to protect all consumers from fraud and deception in the marketplace, and that mandate has never been more urgent. Conspiracy theories, propaganda, and harmful online content sow panic and could actively disrupt our nation's ability to contain the spread of COVID-19.

Last week, an Amazon executive testified before our Committee that the company had already removed more than one million products making false claims related to COVID-19.¹ While this is a good start, millions more will likely continue to proliferate on Amazon's platform. Though Google and Facebook recently instituted company policies to prohibit advertising that capitalizes off COVID-19 misinformation, such advertisements have continued to appear as consumers increasingly search for public health advice online.² Further, these

¹ House Committee on Energy and Commerce, *Hearing on Buyer Beware: Fake and Unsafe Products*, 116th Cong. (Mar. 4, 2020).

² *Google Is Showing Ads for Anti-Coronavirus Products, Despite Policy Banning Them*, CNBC (Mar. 5, 2020) (www.cnbc.com/2020/03/04/google-showing-ads-for-anti-coronavirus-products.html).

companies have little ability to combat misinformation regularly disseminated over encrypted messenger services like WhatsApp, which boasts 2 billion users across 180 countries.³

E-commerce platforms have already proven themselves incapable of policing malicious activity before the COVID-19 outbreak, and we simply cannot rely on these companies to protect Americans during a public health emergency.⁴

Though we are pleased your agency has coordinated with the Food and Drug Administration (FDA) to send warning letters to certain companies and released guidance to warn consumers about fraudulent health products related to COVID-19, you must do more to protect public health.⁵ We urge you to take immediate action to go after companies seeking to defraud consumers and hold industry responsible when they fail to enforce their own existing policies. To better understand FTC's actions around this issue, we also request a staff briefing no later than March 20, 2020.

³ *As WhatsApp Tops 2 Billion Users, Its Boss Vows to Defend Encryption*, Wall Street Journal (Feb. 12, 2020) (www.wsj.com/articles/as-whatsapp-tops-2-billion-users-ceo-vows-to-defend-encryption-11581516000); *Fake Cures and Other Coronavirus Conspiracy Theories are Flooding WhatsApp, Leaving Governments and Users With a 'Sense of Panic,'* Washington Post (Mar. 2, 2020) (www.washingtonpost.com/technology/2020/03/02/whatsapp-coronavirus-misinformation/).

⁴ *Google Internal Emails Reveal How Execs Are Prepping Employees for Coronavirus Response*, CNBC (Mar. 6, 2020) (www.cnbc.com/2020/03/06/coronavirus-google-execs-react-to-outbreak-with-internal-emails.html).

⁵ Food and Drug Administration, *Coronavirus Update: FDA and FTC Warn Seven Companies Selling Fraudulent Products that Claim to Treat or Prevent COVID-19* (Mar. 9, 2020) (press release); Federal Trade Commission, *Coronavirus: Scammers Follow the Headlines* (Mar. 12, 2020) (www.consumer.ftc.gov/blog/2020/02/coronavirus-scammers-follow-headlines).

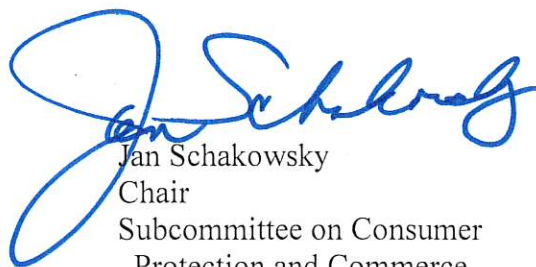
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We look forward to your response and to working with FTC to ensure that we are doing everything we can to protect U.S. consumers—especially older Americans and immunocompromised patients—who are increasingly fearful about how to protect themselves from COVID-19. If you have any questions about these requests, please contact Lisa Goldman of the Majority staff at (202) 225-2927.

Sincerely,



Frank Pallone, Jr.
Chairman



Jan Schakowsky
Chair
Subcommittee on Consumer
Protection and Commerce



Diana DeGette
Chair
Subcommittee on Oversight
and Investigations