

March 18, 2021

Ranking Member Cathy McMorris Rodgers
House Committee on Energy and Commerce
2322 Rayburn House Office Building
Washington, D.C. 20515

Dear Ranking Member McMorris Rodgers,

On behalf of the [Alliance for Safe Online Pharmacies \(ASOP Global\)](#), thank you for soliciting stakeholder input ahead of your committee's hearing scheduled for Thursday, March 25, 2021 with the CEOs of Facebook, Twitter, and Google on the misinformation plaguing online platforms. ASOP Global is a nonprofit organization dedicated to public health and requests that you consider raising the dangers of prescription medicines and drugs sold illegally via online platforms during this important hearing.

The Alliance for Safe Online Pharmacies was established in 2009 to combat illegal online pharmacies and counterfeit medicines and to make the internet safer for patients worldwide through research, education, advocacy, and collaboration. ASOP Global's U.S.-based members include 30+ nonprofit groups, prescription discount programs, academic institutions, patient organizations, telehealth companies, pharmaceutical manufacturers, health care providers, pharmacy organizations, shippers, payment processors, and internet security companies. To date, U.S. policy has failed to protect Americans from illegal internet drug sellers who profit at the expense of patients' safety. This is especially concerning given that the internet and social media platforms are now more than ever relevant to patient access to care and the dissemination of public health information.

Each platform testifying at the March 25 hearing claims to have policies in place to prohibit the sale of prescription or illegal drugs, but, in our experience, their enforcement has been inconsistent. Bad actors have taken advantage of platforms' inconsistent policy enforcement to prey on Americans who have become increasingly dependent on Facebook, Twitter, and Google to make online purchases and health care decisions. Due to interpretation of Section 230 of the Communications Decency Act, internet platforms have been shielded from accountability when they fail to enforce their own policies.

Unsuspecting Consumers Are Targeted Online

Americans are increasingly looking to the internet to purchase their drugs.¹ However, at any given time, 95% of the roughly 35,000 online pharmacies worldwide operate illegally, in violation of state and/or federal law and pharmacy practice standards.² Equally as concerning is the fact that consumers are unfortunately ill-informed as to how to authenticate their purchases and how search engine algorithms work. Findings from our ASOP Global Consumer Behavior survey from June 2020 illustrated that nearly three quarters of Americans (71%) have never experienced, read, or heard about the risks of receiving a substandard or counterfeit prescription medication from an online drug seller. Four in ten Americans believe incorrectly that all websites offering healthcare services and/or prescription medications via the internet have Food and Drug Administration (FDA) or state regulator sign off. Further, seven in ten respondents to the survey erroneously believe that if an online pharmacy website appears in the top pages of a search result it is likely to be legitimate.³ This is not necessarily true. For example, Google's top page search results on March 18, 2021 for "get Canadian medicines online" yields businesses operating out of compliance with U.S. law and pharmacy practice standards.

Though social media platforms prohibit the sale of drugs on their applications, Laura Berman, who recently lost her 16-year old son after being sold a prescription drug laced with fentanyl via a social media app, would say otherwise.⁴ WhatsApp, a Facebook-owned platform, prohibits the sale of "drugs, drug paraphernalia, and prescriptions,"⁵ and Snapchat claims to have a zero-tolerance policy for using the platform for illegal drug sales.⁶ However, many college students still report buying illegal drugs on these platforms and are encouraged by the convenience and success of their purchases to experiment using other social media platforms to do the same.⁷ Buyers commonly mistake high-quality advertising pictures of drugs on WhatsApp, Instagram, and Snapchat, for being safe, authentic medications.⁸

Certain algorithms and features of social media applications make the platforms helpful to sellers and enticing to buyers. Instagram algorithms are intended to enhance the user's searches so if an individual has looked for drugs on the app, the app will deliver more drug-related ads, pages, and hashtags into a user's feed even when they are not actively searching.⁹

¹ https://buysaferx.pharmacy/wp-content/uploads/2020/10/ASOP-Global-Survey-Key-Findings_October-2020-FINAL.pdf

² <https://nabp.pharmacy/wp-content/uploads/2018/09/Internet-Drug-Outlet-Report-September-2018.pdf>

³ https://buysaferx.pharmacy/wp-content/uploads/2020/10/ASOP-Global-Survey-Key-Findings_October-2020-FINAL.pdf

⁴ <https://www.today.com/parents/dr-laura-berman-tested-son-drugs-fentanyl-death-t209764>

⁵ <https://www.whatsapp.com/legal/commerce-policy/?lang=en>

⁶ <https://snap.com/en-US/community-guidelines>

⁷ <https://www.basisonline.org/2019/09/social-media-messaging-smartphones-illicit-drugs.html>

⁸ http://www.monitoringthefuture.org/pubs/monographs/mtf-vol2_2018.pdf

⁹ <https://www.bostonmagazine.com/health/2019/10/15/instagram-drug-market/>

Online sellers leverage the comment section of Instagram posts that mention opioid and other illegal drug sales to conduct business and solicit transactions.¹⁰ Certain features, like those found on Instagram and Snapchat, allow messages and images to disappear after twenty-four hours and have been found to be particularly effective for counterfeit sellers to peddle their products.¹¹ This only makes it easier for digital drug dealers to prey on teens as the evidence vanishes the minute it is seen.

With hundreds of profiles on the platform and minimal verification of identity, platforms have created a safe haven for illegal drug sales. Even when a bad actor is identified and shutdown, the same user can create a different profile and continue their business. Many of these actors use multiple platforms, including various Facebook-owned ones, allowing sellers to continue transactions even when one of their profiles gets shutdown.¹² This has made it increasingly difficult for law enforcement to investigate, identify, and catch criminals as they scramble to gather enough evidence to pinpoint dealers' locations.¹³

The ongoing COVID-19 pandemic has only worsened matters, with digital drug dealers preying upon a population desperate for safety and health security. Early in the pandemic, as people searched for answers to how to keep themselves and their families safe, Americans turned to Google for information and guidance. Unfortunately, searches were flooded with misinformation with little credibility or evidence.¹⁴ On Thursday, March 17 2021, Google claims to have blocked over 99 million COVID-19 related ads last year, including those claiming to offer COVID cures, authentic N95 masks, effective vaccines, and much more.¹⁵

While we applaud the efforts internet platforms have made to date to curb healthcare misinformation and illegal online drug sales, the solutions have so far been insufficient to prevent consumer harm.

Responsibility & Enforcement are Sporadic

The FDA issues warning letters when it identifies a violation by a company or manufacturer, such as incorrect claims being made about a product. These letters are essential for the agency to protect Americans from scams and counterfeit products. In 2018, in corporation with the FDA, Google agreed to deindex domain names that are listed in FDA warning letters. This is a meaningful step and one that ASOP Global applauds. However, a 2019 review conducted by

¹⁰ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6598421/>

¹¹ https://www.dhs.gov/sites/default/files/publications/20_0124_pley_counterfeit-pirated-goods-report_01.pdf

¹² https://www.rand.org/content/dam/rand/pubs/research_reports/RR2700/RR2704/RAND_RR2704.pdf

¹³ <https://pubmed.ncbi.nlm.nih.gov/28089207/>

¹⁴ https://www.digitalcitizensalliance.org/clientuploads/directory/Reports/A_Shot_from_the_Darkest_Corner_of_the_Internet_Report.pdf

¹⁵ https://services.google.com/fh/files/misc/ads_safety_report_2020.pdf

ASOP Global found that Google had taken action on only 63% of sites listed within FDA's warning letters, leaving hundreds of websites, already flagged by the FDA as being out of compliance, still accessible to American consumers via Google searches. FDA warning letters for selling dangerous products like tramadol, abortion drugs, cancer drugs, and other painkillers and are still fully available on Google to this day, and a fraction of them have been highlighted in the table below (first five rows).

Thank you again for the opportunity to provide you, your staff, and the members of your committee with this information. ASOP Global recognizes you will receive countless responses from interested stakeholders and will have many interests to consider as you prepare for this hearing. At the end of this letter, we have compiled a list of some examples of how online platforms have allowed illegal drug sellers to peddle illegal drugs to consumers. **We do request that you raise the issue of illegal drugs sold via online platforms during the hearing and that this letter and the accompanying examples be submitted to the hearing record on March 25.** Should you or your staff have any questions related to illegal drug sales online and how platforms facilitate these dangerous practices, please view ASOP Global as a resource. We look forward to working with you to advance public health and patient safety.

Respectfully,



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Examples of illegal online drugs

Platform	Illegal Drug Sale	Link
Google	Tramadol: FDA sent a warning letter stating the website operates in violation of the Food, Drug, and Cosmetic Act and was selling unapproved opioids online availablepharmacy.com is still available on Google as of 3/17/21	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/xlpharmacy-05292018
Google	Abortion pills: FDA sent the operators of this website a warning letter citing Food, Drug, and Cosmetic Act violations, including the sale of misbranded and unapproved drugs goabortion.com is still available on Google as of 3/17/21	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/rabion-1111111-03082019
Google	Breast cancer and antiviral drugs: FDA sent a warning letter stating the website operates in violation of the Food, Drug, and Cosmetic Act and was selling unapproved and misbranded drugs online canadianqualitydrugs.net is still available on Google as of 3/17/21	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/icerx-1111111-10092018
Google	Tramadol and unapproved HIV treatment drugs: FDA sent a warning letter stating the website operates in violation of the Food, Drug, and Cosmetic Act and was selling unapproved and misbranded drugs online buymeds247online.com is still available on Google as of 3/17/21	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/farma-glow-1111111-10092018
Google	Misbranded Oxycodone: FDA sent a warning letter stating the website operates in violation of the Food, Drug, and Cosmetic Act and was selling unapproved and misbranded drugs online aaapharm-palace365.ru is still available on Google as of 3/17/21 and is now selling Cialis.	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/discount-pharmacy-1111111-10092018
Facebook	"Drugs:" Chicago police on Tuesday announced their latest arrests for illegally selling guns and drugs through private Facebook groups Facebook claims to monitor these groups, but CPD detectives have labeled these private hidden sites as a version of the dark web that's more accessible for everyday users	https://www.chicagotribune.com/news/breaking/ct-guns-drugs-facebook-bust-20191203-vrhqb7q2hng3hasfbf7mfovcqi-story.html
Facebook	Tramadol and Carisoprodol: Snyder and the conspirators communicated concerning shipments of Tramadol and Carisoprodol tablets using social media, including Facebook	https://www.justice.gov/usao-mdpa/pr/snyder-county-man-charged-conspiracy-distribute-over-100000-prescription-pain-pills
Facebook	COVID vaccines and meds: The offers ranged from Facebook page operators willing to ship Sinovac Covid-19 vaccine—which is not authorized for use in the United States—from China, to apparent scammers on Telegram claiming to have access to Moderna, Pfizer, and AstraZeneca's vaccines	https://www.wired.com/story/covid-19-vaccine-scams-spread-facebook-telegram/
Facebook	COVID vaccine: Office for the Western District of Kentucky has filed a lawsuit in federal court in Louisville, Kentucky to shut down a webpage, six related web addresses and a related Facebook page that the suit says are attempting to lure consumers to "pre-register" for a non-existent COVID-19 vaccine in exchange for \$100 worth of Bitcoin	https://www.justice.gov/usao-wdkv/pr/us-attorney-s-office-shuts-down-multiple-websites-claiming-offer-preorders-covid-19
Facebook	COVID products: Herbal products, including "Carahealth Immune," which is also referred to as "Immune Tonic" on the website, for sale in	https://www.fda.gov/inspections-compliance-enforcement-and-criminal-investigations/warning-letters/immune-1111111-10092018

	the United States and that these products are intended to mitigate, prevent, treat, diagnose, or cure COVID-19	criminal-investigations/warning-letters/carahealth-605826-03262020
Facebook and Instagram	Counterfeit Pfizer medications: Illegal online sales have moved from websites to social media platforms. From 2015-2018, more than 10,000 Facebook accounts selling counterfeit Pfizer medications were identified, while during a six-month period in 2018, 1,000 Instagram accounts were also reported	https://bpp.msu.edu/magazine/industry-sector-update-what-health-professionals-need-to-know/
Instagram	Opioids: A new study used machine learning to flag Instagram posts mentioning opioid and other illegal drug sales — and roughly 10 percent, or more than 12,000 posts were from users advertising drugs, researchers found. Buyers and sellers also discussed transactions in the comments; researchers recommended that social media platforms crack down on illegal sales on their sites	https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6598421/
Instagram	Counterfeit steroids: Ensuing posts included hashtags such as #steroids, #gains, and #trenhard—a reference to trenbolone, the most powerful anabolic steroid on the market. So far, though, Silicon Valley’s response has been sluggish at best. The tech giants claim immunity under a law that likens social media companies to newsstands rather than to publishers responsible for the content on their platforms. In other words, they argue, social media companies don’t create the offensive material that ends up on their pages, so they can’t be held liable	https://www.bostonmagazine.com/health/2019/10/15/instagram-drug-market/
Facebook and Instagram / WhatsApp and WeChat	All drugs / other products: On Facebook and Instagram, it’s common for traffickers to post their WhatsApp or WeChat numbers alongside their goods, a signal to prospective buyers to connect in a more private forum. From orangutans and cheetah cubs to opioids and ancient Middle Eastern antiquities, if something can be sold illegally, researchers say, it’s likely being sold somewhere on Facebook or Instagram	https://www.bloomberg.com/news/articles/2019-07-11/wildlife-traffickers-use-facebook-instagram-to-find-black-market-buyers
Instagram, Snapchat, Facebook, Tik Tok	Benzos: Teen addiction to benzodiazepines, called "benzos" for short, is on the rise, and these drugs are easier for teens to access—and get addicted to—than most parents think. In fact, they can be as easy to order as direct-messaging a dealer on Instagram. Even if teens do not have direct access to a prescription, finding a supplier can be as simple as logging into their social networks like Snapchat, TikTok, Facebook, and Instagram Facebook, which owns Instagram, says they are working to ensure illicit drug sales do not happen on the platform. "As our Regulated Goods policy explains, we prohibit attempts by individuals, manufacturers, and retailers to purchase, sell, or trade non-medical drugs and pharmaceutical drugs," says a Facebook spokesperson. "We also have a strict Advertising Policy and a Commerce Policy that prohibits the sale of opioids, prescription drugs, or the operation of online pharmacies without prior permission. We have proactive detection technology in place to find and remove such content before anyone sees it, we are constantly working to improve this technology to find more content, quickly."	https://www.yahoo.com/lifestyle/benzos-rising-popularity-among-teens-174946047.html
Twitter, Facebook, Instagram, Snapchat, Fortnite, YouTube, Tumblr and Reddit	Fentanyl: The Fentanyl crisis and the explosion of social media in just five years has transformed drug-pushing online. In fact, those who track illicit internet drug-selling know that drug dealers from China and within the U.S. use social media as the new street corner, concomitantly expanding their geographic, age and social reach	https://www.dispatch.com/opinion/20191109/column-third-parties-should-monitor-online-drug-sales

Instagram and YouTube	COVID cure: The DOJ charged Keith Lawrence Middlebrook, 53, with soliciting investments in a company called Quantum Prevention CV Inc. (QP20) through videos on YouTube and Instagram where he said he possessed a cure for COVID-19. Middlebrook claimed he planned to sell an injectable cure for the virus and a pill that would prevent infection, the department said." The videos had more than 1 MILLION views	https://www.justice.gov/usao-cdca/pr/southland-man-arrested-federal-charges-alleging-fraudulent-investment-scheme-featuring
Instagram and Twitter	COVID products: The team identified more than 6 million Tweets and 200,000 Instagram posts that promoted possible scams involving COVID-19 treatments and products. The scams they found using AI ranged from dung remedies to do-it-yourself diagnostics. The team identified a total of 1,271 Tweets and 596 Instagram posts that promoted scams and passed that data to the FDA (U.S. Food and Drugs Administration)	https://newslanded.com/2020/08/31/twitter-and-instagram-being-used-to-sell-fake-covid-19-drugs-and-diagnostics-kits-study-finds/
Snapchat	Xanax / Fentanyl / Marijuana / all drugs: "Like yesterday, this person added me and they were selling Xanax," said an eighth-grader. Drug dealers are called "plugs" on social media, sometimes using a plug emoji to describe them. Some plugs "quick add" people on Snapchat, which categorizes users by zip code. "It really can be scary, because anytime, like, you could buy it," said the eighth-grader Snapchat did not provide an official response to questions	https://kutv.com/news/addicted-utah/addicted-utah-drug-dealers-find-potential-young-customers-on-snapchat-social-media
Snapchat	Fentanyl: In April 2020, a San Jose man faced murder charges after selling counterfeit opioid pills containing Fentanyl to an 18-year-old woman and her boyfriend via Snapchat, which caused both individuals to overdose and resulted in the young woman's death	https://www.nbcbayarea.com/news/local/sj-man-faces-murder-charge-after-woman-ods-on-fake-opioids/2272778/
Snapchat	Fentanyl: Berman said a drug dealer had connected with him on Snapchat, and sold him a prescription drug laced with Fentanyl. Snapchat is one of the most popular apps for buying and selling drugs, because the messages automatically disappear	https://www.wdbj7.com/2021/02/24/early-years-snapchat-and-other-social-media-being-used-by-drug-dealers-to-target-kids/
Snapchat	Fentanyl: On February 7, Berman announced on Instagram that her "beautiful boy" had overdosed in his bedroom after purchasing fentanyl-laced Xanax from a drug dealer on Snapchat. Snapchat said it has a zero-tolerance policy for using the platform to buy or sell illegal drugs. "We are constantly improving our technological capabilities to detect drug-related activity so that we can intervene proactively," the company said in a statement. "We had no higher priority than keeping Snapchat a safe environment and we will continue to invest in protecting our community."	https://www.today.com/parents/dr-laura-berman-tested-son-drugs-fentanyl-death-t209764
Social Media (general)	Xanax, Valium, Hydrocodone, Oxycodone, Percocet, and Adderall: A fair number of the dealers that we catch in this county are young people. They advertise on social media. You have a 20-year-old-dealer and he is going to know 18-year-old students. The word gets out, these young people drive, they do deliveries	https://sanfrancisco.cbslocal.com/2019/10/24/fentanyl-deaths-counterfeit-pills-invading-bay-area-schools/
Online (general)	Phenibut: It "is relatively easy to access online, but it has some pretty serious outcomes," Graves said. "It also seems to be growing in popularity, maybe even more so with the pandemic and people seeking out substances online to help with their stress."	https://news.wsu.edu/2020/09/03/poison-centers-report-big-increase-calls-phenibut/