

C A M P A I G N F O R

ACCOUNTABILITY

March 24, 2020

The Honorable Makan Delrahim
Assistant Attorney General
Department of Justice
950 Constitution Ave., NW
Washington, DC 20530

By Email: Makan.Delrahim@usdoj.gov

Dear Assistant Attorney General Delrahim:

Earlier this month, the Department of Justice issued a press release warning the business community against violating antitrust laws, including price gouging, in the manufacturing, distribution, and sale of public health products during the COVID-19 pandemic.¹

Nevertheless, Tech Transparency Project (“TTP”) has found that Facebook and Google are allowing sellers and advertisers to market medical face masks, including much in-demand N95 respirators. TTP has identified more than 130 Facebook Pages offering the masks for sale. Notably, the platform takes a 5 percent fee for transactions processed through its shop, meaning the company is likely profiting from the sale of the masks.

Similarly, on Google, many third-party advertisers are displaying ads for the sale of masks alongside news stories related to the coronavirus. TTP found a number of ads for likely fraudulent N95 masks promoted by Google, which charges for its ads and makes money each time someone clicks on one these links.

TTP’s investigation of these pages can be found at this link:

<https://www.techtransparencyproject.org/articles/broken-promises-tech-giants-fail-to-eradicate-face-mask-sales>.

Although the tech platforms have pledged to help contain the virus and crack down on the consumer fraud and abuse that have become rampant during the pandemic, the evidence shows they are either unwilling or unable to do so.

¹ Press Release, Justice Department Cautions Business Community Against Violating Antitrust Laws in the Manufacturing, Distribution, and Sale of Public Health Products, *Department of Justice*, March 9, 2020, available at <https://www.justice.gov/opa/pr/justice-department-cautions-business-community-against-violating-antitrust-laws-manufacturing>.

The Honorable Makan Delrahim

March 24, 2020

Page 2

As a result, TTP requests that the Department of Justice immediately investigate this matter and take appropriate action not only against those advertising and selling the medical equipment but also against Facebook and Google, which are profiting from these practices.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan E Stevens", with a long horizontal flourish extending to the right.

Daniel Stevens
Executive Director