



AAHB 2024

Keep Monitoring: The Limits of Self-Regulation for Harmful Commercial Content on Social Media

Linnea Laestadius, PhD, MPP

Zilber College of Public Health

University of Wisconsin - Milwaukee

Agenda

The commercial determinants of health

Social media, harms, and profits

Poor compliance with self regulation

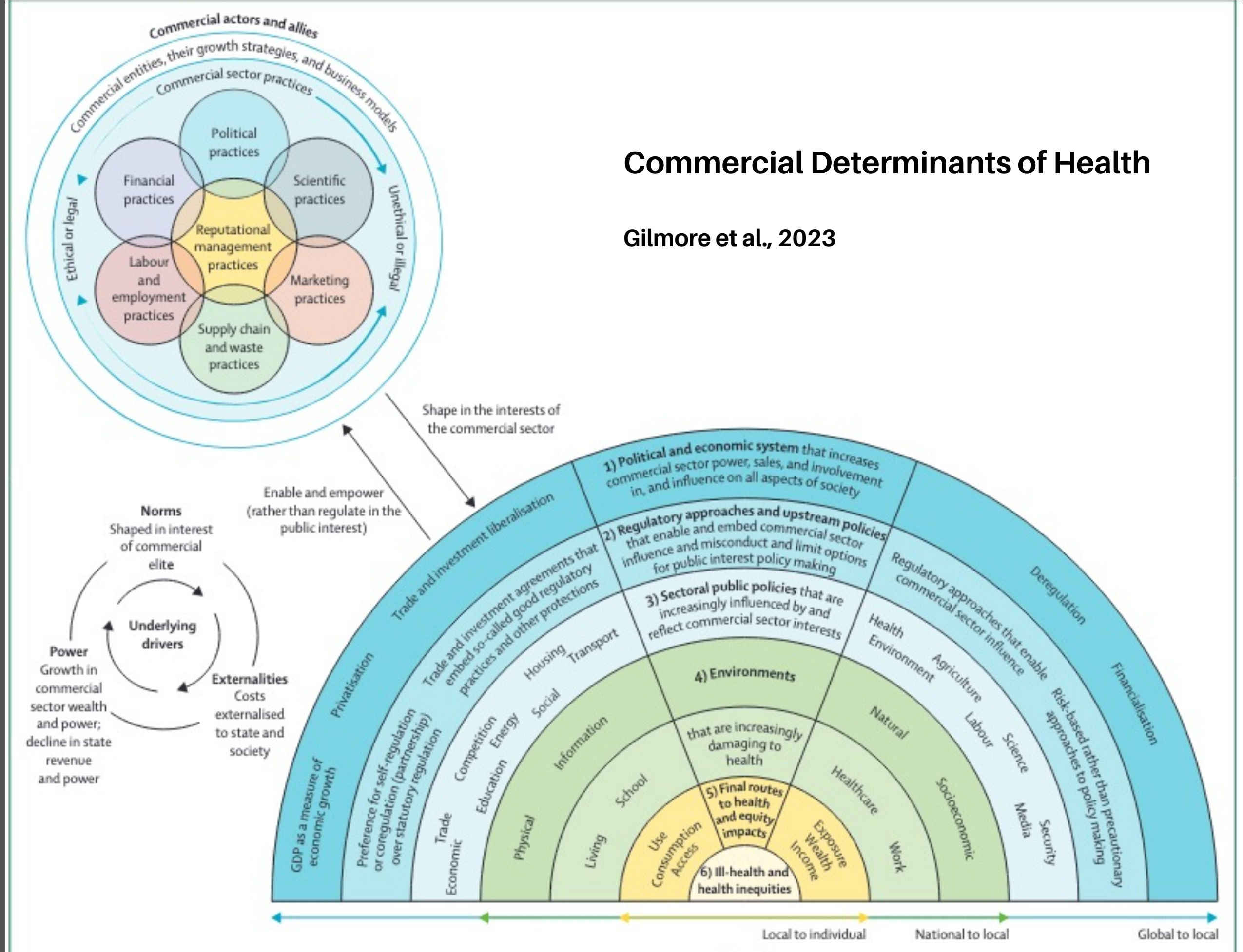
Recent policy ideas

Commercial Determinants of Health

The systems, practices, and pathways through which commercial actors drive health and equity (Gilmore et al., 2023)

Not just products, practices

Not just personal behaviors, platforms as drivers



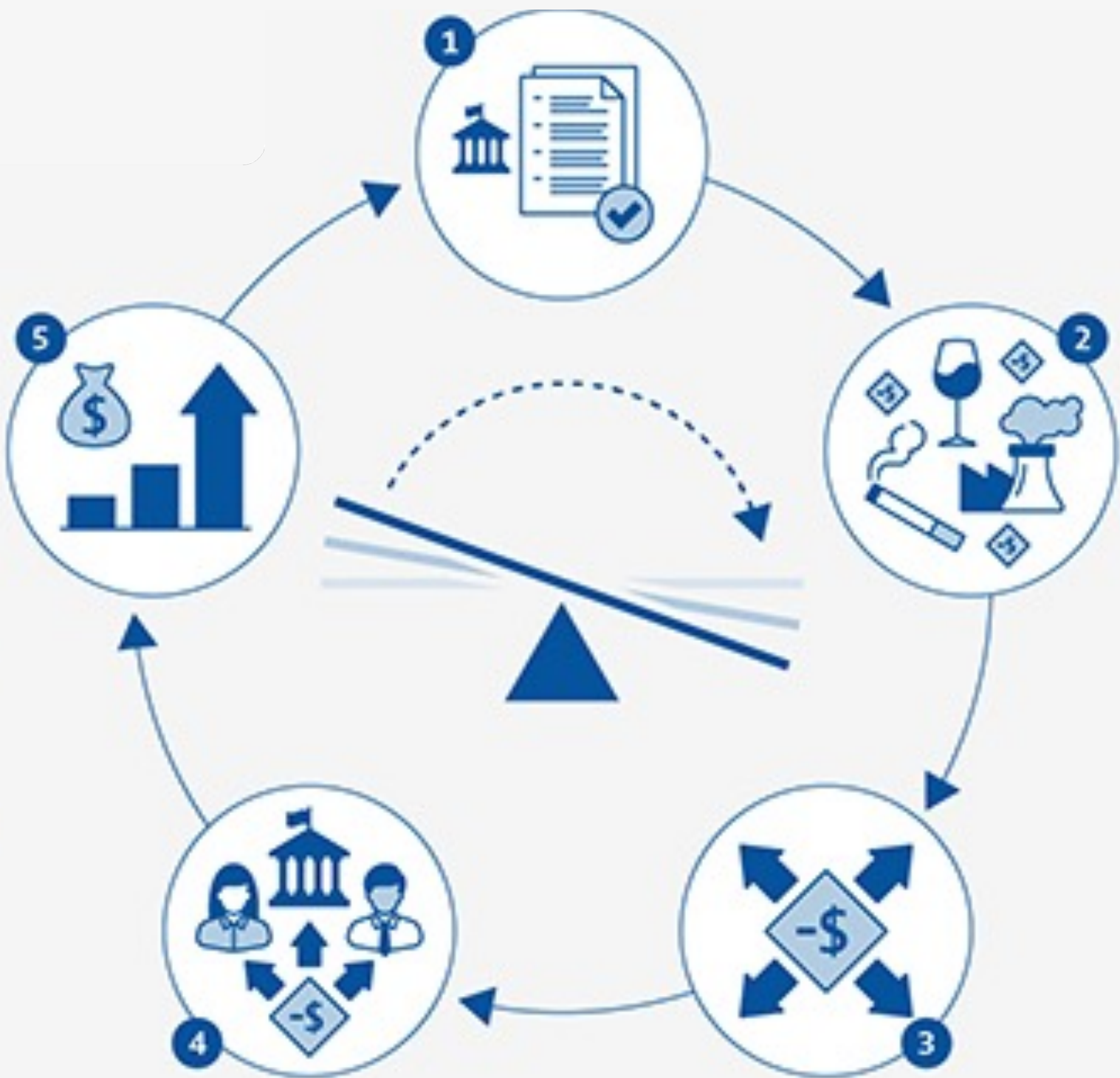
Commercial Determinants of Health

Gilmore et al., 2023

Figure 1: Model of the commercial determinants of health

Figure 1 illustrates our current pathological system that is damaging to health. The black arrows signal the complex interactive nature of the system: the straight arrows show how commercial actors shape political and economic systems and are, in turn, shaped by them; the circular arrows represent the escalating harms to health that can occur if norms, power, and externalities are left unchecked. Appendix (p 6) shows how this might look once rebalanced in the public interest.

Feedback Loop for Harms/Power



1. Platforms shape regulations and policies to their interests.
2. Favorable policies allow platforms to grow profits by engaging in harmful practices, including facilitating marketing from other harmful industries.
3. Favorable policies allow social and health costs to be externalized.
4. Costs fall to individuals and governments.
5. Profits continue to grow, allowing platforms to leverage resources for greater political influence.

Social Media and Harmful Practices/Content

Harmful commercially oriented content

e.g., targeted advertising and influencer marketing for harmful product such as tobacco, alcohol, fast food, sale of illicit products

Harmful non-commercial content

e.g., misinformation, hate speech, distorted body image content, bullying, abuse

Almost 50% of U.S. teens reported experiencing cyberbullying in 2022 (Pew Research Center, 2022)

Practices that encourage intensive social media usage

e.g., infinite scroll, non-chronological feed, engagement based content ranking

Problematic social media use is significantly associated with anxiety, depression, and stress among adolescents (Shannon et al. 2022).

Commercial Content

Social Media Serves as a **Site of Exposure**

Australian teens exposed to 7 unbranded and 5 branded food promo posts for every 10 minutes of social media use (van der Bend, 2022).

80% of U.S. HS students who use social media report seeing e-cigarette related posts or content (Gentzke 2022, et al.).

63% of UK adults aged 25+ reported seeing gambling ads on social media at least once per week. For younger adults, 72% saw ads (Rossi & Nairn, 2022).

Algorithmic reinforcement results in continued to exposure to harmful content (Saurwein & Spencer-Smith, 2021).

Commercial Content

Social media amplifies marketing (paid advertising, influencers, and word of mouth) and extends access to harmful products.

Commercial Content

Content Increases Unhealthy Behaviors

Higher exposure to tobacco posts associated with increased adolescent tobacco use (Vassey et al., 2022; Zheng et al. 2021).

Engaging with alcohol ads on social media (clicking, linking, sharing, etc.) is positively associated with alcohol use for youth (Noel et al. 2019).

Exposure to social media marketing for unhealthy foods is associated with increased consumption of those foods by children (Carthy et al. 2022; Sina et al., 2022).

Exposure to online gambling ads (including social media) is significantly associated with adolescent gambling (Noble et al. 2022).

Self-Regulation

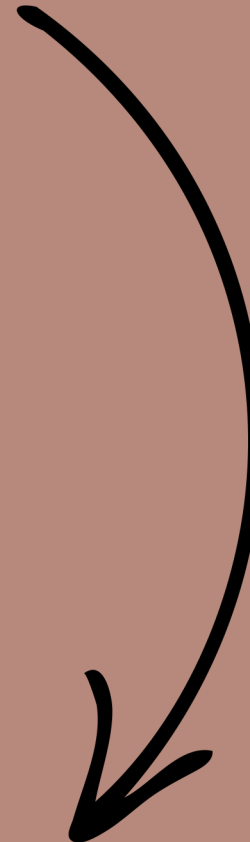
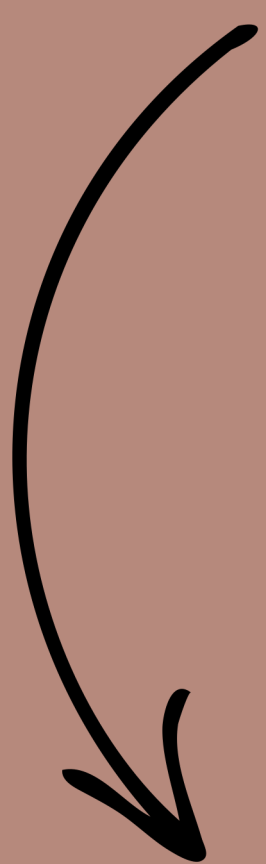
A Poor Track Record

1. Promotion of/Access to Harmful Products

2. Poor Enforcement of Influencer Disclosures

With no platform policy

Despite platform policies



Self-Regulation of Content

Table 1 Social media platform policies restricting the promotion and sale of tobacco products as of May 2021

Restriction type	Tobacco restriction policies	Social media platforms										
		Discord*	Facebook	Instagram	Pinterest	Reddit	Snapchat	TikTok	Tumblr	Twitch	Twitter	YouTube†
Paid ads	Prohibits paid ads for tobacco products	–	X	X	X	X	X	X	X‡	–	X	X
	Prohibits paid ads for tobacco use venues§ (eg, hookah lounges)	–	X	X	X	–	–	X	–	–	X	X
	Prohibits paid ads for tobacco events§	–	–	–	–	X	–	–	–	–	X	–
Promotion¶	Restricts platform from recommending user generated tobacco content	–	–	X	–	–	X	–	–	–	–	–
	Prohibits sponsored content (ie, influencer)	–	X	X	–	–	–	X	–	–	–	–
Sales	Prohibits tobacco sales**	–	X¶	X¶	X††	X††	–	X	–	–	–	X
Underage Access	Age-gating that restricts youth access to tobacco sales and promotions	–	X¶	X¶	–	–	–	–	–	–	–	X‡‡

*Discord is currently not supported by paid advertisements and does not allow paid advertisements of any kind.

†In addition to the policies in the table, YouTube also limits the monetisation of videos that promote tobacco products through labelling these videos as 'limited or no ads'. Video creators are able to earn money by sharing the revenues of the ads by placing the ads on their video as part of the YouTube Partner Program. In this programme, advertisers can choose which videos to post their ads, and the videos will have less chance of being chosen if they are labelled as 'limited or no ads'.

‡Tumblr permits paid e-cigarette advertising when legal in the target market.

§Some prohibitions on tobacco product advertising also include promoting tobacco product use, which may be interpreted to include events and venues that promote tobacco use.

¶Facebook and Instagram permit content that attempts to buy, sell, trade or gift tobacco products when posted by a brick-and-mortar store or legitimate website or brand when age-gated to 18 years old or older.

**Some platforms have generic policies against the sale of regulated products but that do not explicitly mention tobacco. These provisions are not included here due to their ambiguity.

††Pinterest and Reddit restrict user-to-user sales of tobacco products, but do not explicitly address sales from licensed retailers.

‡‡YouTube's language is broader than Facebook and Instagram and indicates that content that promotes a product that contains nicotine may be age-gated or removed.

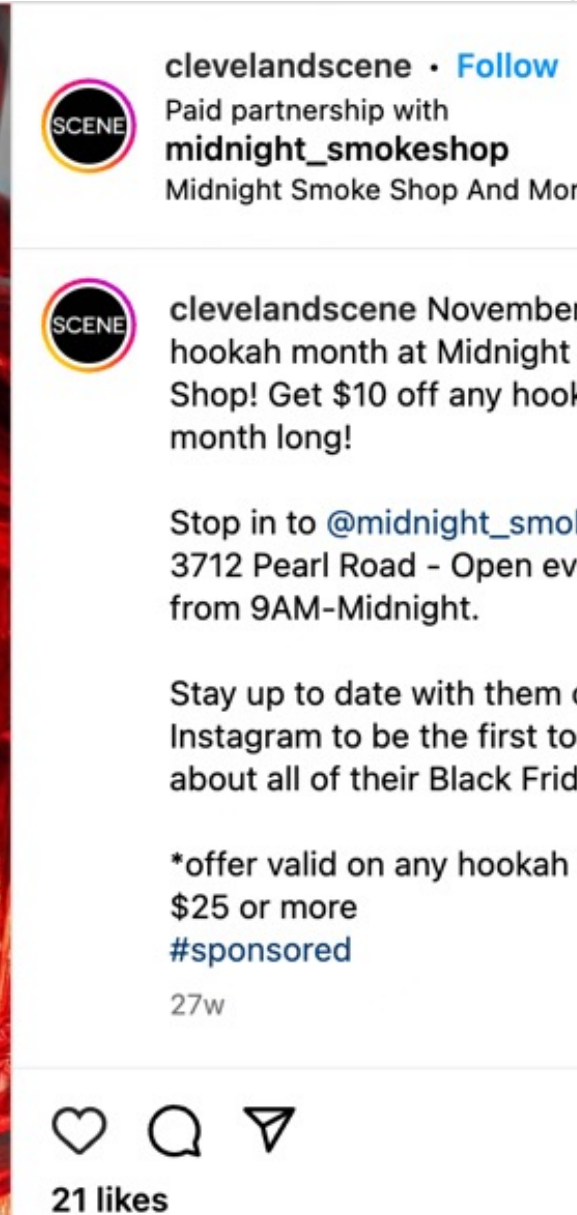
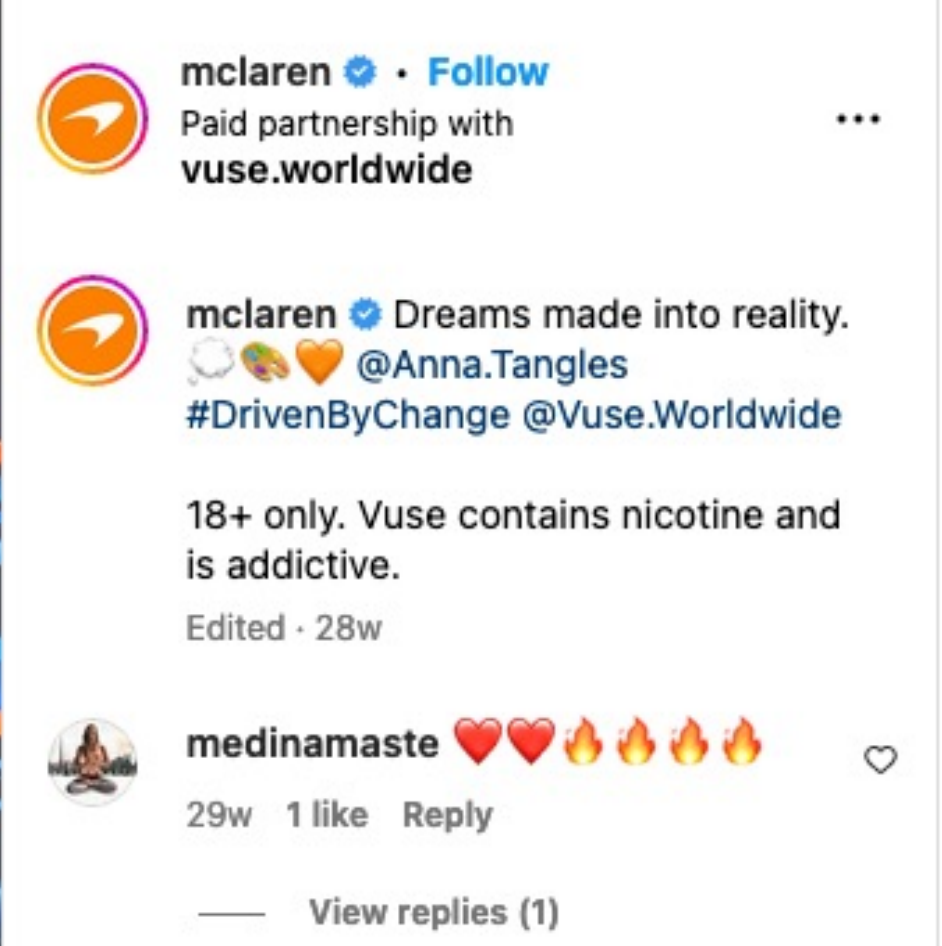
1. Promotion of/Access to Harmful Products

Prohibited content

Certain goods, services or brands may not be promoted with branded content. We prohibit promotion of the following:

1. Violations of our Community Standards or Community Guidelines
2. Illegal products or services
3. Tobacco products, vaporisers, electronic cigarettes or any other products that simulate smoking
4. Drugs and drug-related products, including illegal or recreational drugs

Non-medical drugs (drugs or substances that are not being used for an intended medical purposes or are used to achieve a high - this includes precursor chemicals or substances that are used for the production of these drugs.)



Promotion of tobacco products in violation of Meta policy

Ketamine Promotion on Instagram

In December 2022, a verified Instagram user made a paid partnership post with a Ketamine provider.

The post describes the user's treatment as a "magical entry into another dimension."

OVERTURNED

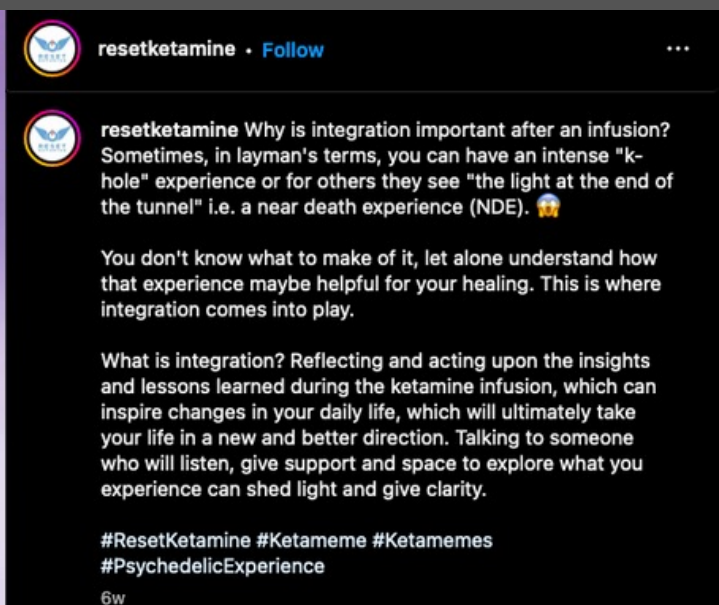
2023-010-IG-MR

Promoting Ketamine for non-FDA approved treatments

The Oversight Board has overturned Meta's decision to leave up a user's Instagram post discussing their experience using ketamine as a treatment for anxiety and depression.

THERAPIST/INTEGRATION COACH:
SO HOW WAS YOUR LAST
KETAMINE INFUSION?

YOU:



"In NABP's experience, Meta has failed to take action on the clear-cut illegal promotion of recreational drugs."

Meta overruled the board and decided the post should be left up.

Meta acknowledged that not all content with a “paid partnership” label was reviewed against its Branded Content policies.

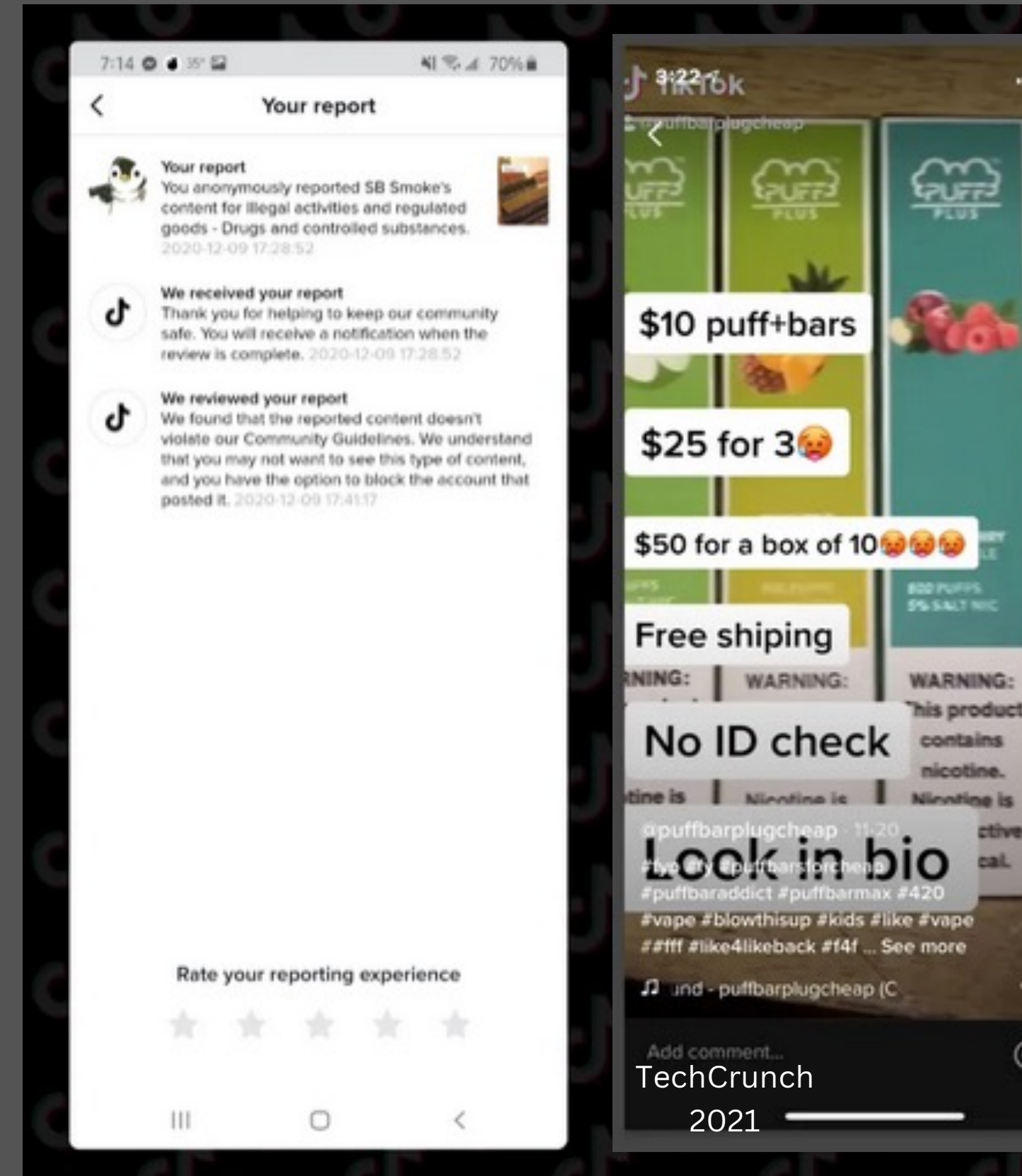
In 2023, Meta said it would send all paid partnerships for algorithmic review against their standards.

Tobacco Sales via TikTok

TikTok accounts promote illicit tobacco sales, including promise of 'discreet shipping'

Violates terms of service and federal law

When journalists tried to report the content, the platform said the content was found to be allowable



2. Influencer Disclosure Lapses

(Meta 2024)

Branded Content Policies



The branded content tool is only available to certain Pages in certain regions at this time.

We define branded content as a creator or publisher's content that features or is influenced by a business partner for an exchange of value, such as monetary payment or free gifts.

Branded content may only be posted with the use of the branded content tool, and creators must use the branded content tool to tag the featured third-party product, brand or business partner with their prior permission. Branded content may only be posted by Facebook Pages, groups and profiles, and Instagram accounts with access to the branded content tool.

Influencer Disclosure Lapses



Follow

anzeige| Baby #2?
Gezielt eine Schwangerschaft planen oder verhindern? Mein @daysy.zykluscomputer kann beides: denn er zeigt mit einer Genauigkeit von mehr als 99% meine fruchtbaren sowie unfruchtbaren Tage an indem er jeden Tag meine Basaltemperatur in der Zyklus Kalender-App erfasst! Ich entscheide, wie ich mit diesem Wissen umgehen möchte. Seit der Geburt verhüten wir natürlich und hormonfrei. Also verwenden wir

5,665 likes
SEPTEMBER 6, 2020

Add a comment... Post

Post translation: advertisement| Babe #2? Planning or preventing a pregnancy? My @daysy.cycle computer can do both: because it shows my fertile and infertile days with an accuracy of more than 99% by recording my basal body temperature every day in the cycle calendar app! I decide how I want to use this knowledge. We have been using natural, hormone-free contraception since birth. So we use a condom or diaphragm during my fertile period. More about that in my story! #daysy #cycle computer #hormone free #NFP #natural family planning #desire to have children #KiWu #contraception



Follow

paren todo lo que estén haciendo porque esta noticia les va a encantar. @daysylatin el monitor de fertilidad 100% LIBRE DE HORMONAS llegó a Perú. Con Daysy podemos saber los días fértiles y no fértiles de nuestro ciclo, para así identificar qué días podría o no quedar embarazada. Por si fuera poco, tienen un plan de financiamiento para que te lo lleves a cuotas de hasta 18 meses

13,887 likes
FEBRUARY 6

Post Translation: Stop everything you are doing because you are going to love this news. @daysylatin the 100% HORMONE FREE fertility monitor arrived in Peru. With Daysy we can know the fertile and non-fertile days of our cycle, in order to identify which days could or could not get pregnant. As if that were not enough, they have a financing plan for you to take it in installments of up to 18 months. Don't let it go!

Influencer Disclosure Lapses

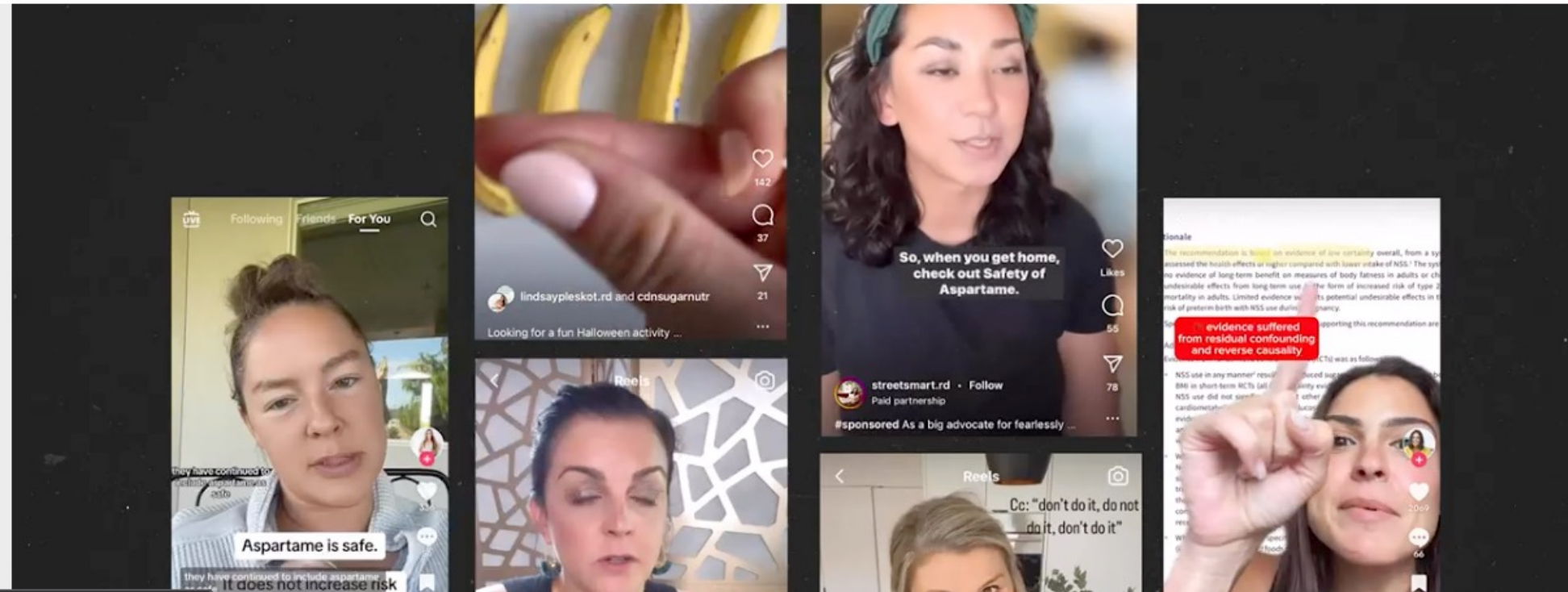
WELL+BEING Food Fitness Mind Body Life

The food industry pays 'influencer' dietitians to shape your eating habits

Registered dietitians are being paid to post videos that promote diet soda, sugar and supplements on Instagram and TikTok

By [Anahad O'Connor](#), [Caitlin Gilbert](#) and [Sasha Chavkin](#)

September 13, 2023 at 5:00 a.m. EDT



FTC Warns Two Trade Associations and a Dozen Influencers About Social Media Posts Promoting Consumption of Aspartame or Sugar

Why does self-regulation fail?

Automated content moderation struggles with accuracy and reliability.

Human moderators cost money and may experience mental health harms

Content not static, users adapt language to avoid being detected

Influencers/Creators not always clear about commercial ties

Little transparency to outsiders

Anything that decreases time spent/engagement on the platform,
reduces profits



“Facebook has realized that if they change the algorithm to be safer, people will spend less time on the site, they'll click on less ads, they'll make less money.” (Frances Haugen)

Instagram generated:

\$11.3 billion in ad revenue in 2018

\$32.4 billion in ad revenue in 2021

Examples of Provisions in Recently Proposed/Adopted Legislation

High risk content

- Duty of care for platforms to prevent promotion of narcotics, tobacco, gambling, or alcohol (Federal, KOSA)
- Civil penalties for platforms that facilitate harms from illicit substances (CA)

Commercial content

- Right to opt out of targeted ads (Federal, APRA)
- Prohibitions on collecting, selling, sharing data from minors or using their data for harmful profiling (CA)
- Prohibition on showing ads on accounts owned by minors (UT)
- Clear labels on ads and promo posts aimed at minors (Federal, KOSA)

Social media environment

- Broad requirements that platforms ensure the best interests of children (MD)
- Prohibition on algorithmic recommendations for minors (Federal, Protecting Kids on Social Media Act)
- Prohibitions on infinite scroll, videos that autoplay for minors (UT)

Access

- Minimum age for access without parental consent/Age verification (FL)

Education

- Digital literacy education for minors (AZ)

SECTION 230 OF THE 1996 COMMUNICATIONS DECENCY ACT

(c) PROTECTION FOR “GOOD SAMARITAN” BLOCKING AND SCREENING OF OFFENSIVE MATERIAL

(1) TREATMENT OF PUBLISHER OR SPEAKER

No provider or user of an interactive computer service shall be treated as the publisher or speaker of any information provided by another information content provider.

(2) CIVIL LIABILITY

No provider or user of an interactive computer service shall be held liable on account of—

(A) any action voluntarily taken in good faith to restrict access to or availability of material that the provider or user considers to be obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable, whether or not such material is constitutionally protected; or

- Protects platforms from liability for content posted by users
- Generally interpreted as protecting a “social media platform’s use of algorithms to make recommendations or suggestions” (Holmes, 2023)

NetChoice, LLC v. Attorney General of Utah

Association Members



“The Act’s ban on ‘display[ing] any advertising in [minors’] account[s],’ violates the First Amendment and is preempted under 47 U.S.C. §230. This blanket ban affects websites’ First Amendment right to disseminate advertisements, individuals’ right to speak, and minors’ right to view advertisements... ”

Feedback Loop for Harms/Power



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4. Costs fall to individuals and governments.
5. Profits continue to grow, allowing platforms to leverage resources for greater political influence.

Continue to monitor
harmful content and
identify health
effects to inform
regulatory efforts

LLaestad@uwm.edu



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