

EDWARD J. MARKEY  
MASSACHUSETTS

## United States Senate

SUITE SD-255  
DIRKSEN BUILDING  
WASHINGTON, DC 20510-2107  
202-224-2742

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SPRINGFIELD, MA 01103  
413-785-4610

November 22, 2019

Mr. Sundar Pichai  
Chief Executive Officer  
Google LLC  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Pichai:

I write to raise concerns about the adequacy of protections that YouTube has in place for children who use your platform — protections intended to prevent their exposure to unsuitable, and even harmful, advertising. The access that children have to YouTube carries with it a corporate obligation to institute and enforce policies that protect the wellbeing of these young users. Unfortunately, it appears there are large gaps in YouTube's advertising policies, which raise concerns about your commitment to safeguarding children from inappropriate advertising.

Today, children flock to YouTube. In fact, YouTube is the top online destination for kids.<sup>1</sup> Your company operates both the YouTube platform and YouTube Kids. Your platform's parental guide indicates that YouTube is not for children under the age of 13,<sup>2</sup> and characterizes YouTube Kids as a destination for children ages 12 and under.<sup>3</sup> Nonetheless, it is widely known that vast numbers of child users watch videos on YouTube itself,<sup>4</sup> and there is a wide range of child-focused content available for children on YouTube's main platform.

Your advertising guidelines for YouTube Kids prohibit videos on that platform from including product placement, influencer unboxing videos, and other types of commercial content that are inappropriate or harmful to children.<sup>5</sup> In light of the widespread recognition that children are accessing videos on YouTube itself, those rules should apply to all children's content across your

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<sup>1</sup> Smarty Pants 2017 Kid & Family Trends, [file:///H:/Children/COPPA/YouTube%20Stats\\_2017%20Kid%20and%20Family%20Trends%20Report%20EXCERPT.PDF](file:///H:/Children/COPPA/YouTube%20Stats_2017%20Kid%20and%20Family%20Trends%20Report%20EXCERPT.PDF) (last visited Nov. 13, 2019).

<sup>2</sup> YouTube Kids Parental Guide: YouTube Kids, YouTube & your child's Google Account, <https://support.google.com/youtubekids/answer/7124142?hl=en> (last visited Nov. 13, 2019).

<sup>3</sup> *Id.*

<sup>4</sup> *A Week in the Life of Popular YouTube Channels*, Pew Research Center (July 25, 2019), [https://www.pewresearch.org/internet/2019/07/25/a-week-in-the-life-of-popular-youtube-channels/?utm\\_source=AdaptiveMailer&utm\\_medium=email&utm\\_campaign=19-7-25%20YouTube&org=982&lvl=1&ite=4412&lea=1019519&ctr=0&par=1&trk=](https://www.pewresearch.org/internet/2019/07/25/a-week-in-the-life-of-popular-youtube-channels/?utm_source=AdaptiveMailer&utm_medium=email&utm_campaign=19-7-25%20YouTube&org=982&lvl=1&ite=4412&lea=1019519&ctr=0&par=1&trk=).

<sup>5</sup> Advertising on YouTube Kids <https://support.google.com/youtube/answer/6168681?hl=en> (last visited Nov. 24, 2019).

platforms. Kids watching videos that are directed to children on YouTube should benefit from the same protections against damaging and unsuitable advertising that children watching YouTube Kids enjoy.

For these reasons, I write to request information regarding your children’s advertising practices and procedures on YouTube. Please respond to the following questions by December 13, 2019:

- 1) Will your company apply to content that is directed to children on YouTube the same YouTube Kids advertising policies that restrict product categories?
  - a. Will food and beverage ads in content that is directed to children be prohibited on YouTube as they are on YouTube Kids?
  - b. Will the other product categories restricted for advertising on YouTube Kids — which include video games, beauty and fitness products, movies rated higher than PG, and dating services — also be restricted on content that is directed to children on YouTube?
- 2) Will the YouTube Kids advertising policies that restrict content in paid advertising on YouTube Kids apply to content that is directed to children on YouTube? These policies include prohibitions on sexually suggestive, violent, and dangerous content, as well as misleading or deceptive claims or incitements to purchase.
- 3) The advertising policy for YouTube Kids also includes advertisement-formatting requirements. Will these requirements, such as maximum length (15-20 seconds for non-skippable ads and 60 seconds for skippable ads), and the requirement that ads are clearly identifiable as ads, apply to content that is directed to children on YouTube?
- 4) The YouTube Kids Parental Guide states: “We will remove videos from the YouTube Kids app where the creator has notified us of a paid product placement or endorsement in their video through YouTube’s paid product placement and endorsement notification tools.”<sup>6</sup> Will your company similarly remove videos from YouTube if a creator indicates that a video is both directed to children and has paid product placement?
- 5) Will content that is directed to children on YouTube be completely free of targeted advertising? If so, please explain how Google intends to implement this policy, especially in light of YouTube’s new Terms of Service, which state that the platform is only for those “at least 13 years old.”<sup>7</sup>
- 6) How are your updated Terms of Service reconcilable with the Federal Trade Commission’s finding that YouTube was operating “child directed channels” and promoting the popularity of YouTube with advertisers desiring to target children 12 and under<sup>8</sup>?
- 7) Please describe in detail YouTube’s system for ensuring compliance with advertising rules on YouTube Kids. Has YouTube conducted research into the prevalence of

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<sup>6</sup> YouTube Kids Parental Guide: Ads in YouTube Kids, <https://support.google.com/youtubekids/answer/6130541?hl=en> (last visited Nov. 13, 2019).

<sup>7</sup> YouTube Terms of Service, <https://www.youtube.com/t/terms?preview=20191210#main> (last visited Nov. 13, 2019).

<sup>8</sup> Dissenting Statement of Commissioner Rohit Chopra, In the Matter of Google LLC and YouTube LLC, [https://www.ftc.gov/system/files/documents/public\\_statements/1542957/chopra\\_google\\_youtube\\_dissent.pdf](https://www.ftc.gov/system/files/documents/public_statements/1542957/chopra_google_youtube_dissent.pdf) (last visited Nov. 13, 2019).

advertising rule violations on YouTube Kids? If not, why not? If so, please share YouTube's findings.

- 8) YouTube has stated that it is "unable to confirm whether or not [channel owners'] content is Made for Kids." Beyond the resources that Google has made available to date, how will Google help creators with questions on whether a video or channel has content that is directed to children? Will Google have a phone hotline, chatroom, dedicated email address, or other means for creators to pose questions and receive feedback from Google on this topic?<sup>9</sup>
- 9) Will YouTube commit to implementing a means for the public to clearly understand if a channel or video on YouTube is directed to children?

Thank you for your attention to these important matters.

Sincerely,



Edward J. Markey  
United States Senator

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<sup>9</sup> Important Update for All Creators: Complying with COPPA (YouTube). <https://www.youtube.com/watch?v=-JzXiSkoFKw&feature=youtu.be> (last visited Nov. 14, 2019).