

# United States Senate

WASHINGTON, DC 20510

November 25, 2019

Mark Zuckerberg  
Chairman and Chief Executive Officer  
Facebook, Inc.  
1 Hacker Way  
Menlo Park, California 94025

Dear Mr. Zuckerberg:

We write to express our deep concern over Facebook's role in facilitating a multi-million dollar advertising scheme that leads consumers to believe a legal "loophole" exists that allows them to qualify for and purchase concealed-carry permits online. By continuing to allow misleading advertisements from the company Concealed Online, Facebook's efforts at political advertising transparency have fallen short, and Facebook has become complicit in the public safety risks these ads pose.

Concealed Online is a for-profit company based in California. As the *Huffington Post* recently reported, Concealed Carry is exploiting a Virginia law allowing non-residents to apply for concealed-carry permits after completing online safety training.<sup>1</sup> Since last spring, Concealed Online has run over 25,000 ads on Facebook, from which Facebook has earned more than \$6.4 million.<sup>2</sup> In fact, Concealed Online is one of Facebook's top ten biggest spenders on political advertisements.<sup>3</sup>

Concealed Online has built two different versions of its site. Users that access Concealed Online's site independent of any Facebook advertisements are directed to a training video and test, and can pay up to \$130 for a certificate of completion. These users are also met with disclaimers setting forth the limits of Concealed Online's services. These disclaimers explain that Virginia law still requires non-residents to apply through Virginia authorities to obtain the actual concealed-carry permit, and the permit is valid only in states with reciprocity laws.

In contrast, users who are rerouted to Concealed Online through advertisements on Facebook find a far less transparent, highly sensational version of the site.<sup>4</sup> As the *Huffington Post* reported, of 50 Concealed Online ads launched in October 2019, more than one-third contained links allowing consumers to bypass the critical disclaimers, forgo the safety training altogether, or both.<sup>5</sup> Nearly one in five of the ads contains a link that takes users directly from Facebook to a

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<sup>1</sup> VA. CODE ANN. § 18.2-308.06 (West 2017).

<sup>2</sup> *Id.*

<sup>3</sup> Facebook, "Spending By Advertiser, May 2018-November 2019", Ad Library Report (viewed Nov. 13, 2019), <https://www.facebook.com/ads/archive/report/> (public ad-spending data only available from May 2018-present).

<sup>4</sup> Jesselyn Cook, *Facebook is Making Millions Off A Nationwide Gun Permit Scam*, HUFFINGTON POST (Nov. 8, 2019), [https://www.huffpost.com/entry/facebook-is-making-millions-off-a-shady-gun-group-that-cons-its-customers\\_n\\_5db0b401e4b0d5b7894548fc](https://www.huffpost.com/entry/facebook-is-making-millions-off-a-shady-gun-group-that-cons-its-customers_n_5db0b401e4b0d5b7894548fc).

<sup>5</sup> *Id.*

or both.<sup>5</sup> Nearly one in five of the ads contains a link that takes users directly from Facebook to a payment page displaying the message “Congratulations! You PASSED!”<sup>6</sup> Users are then able to fill in their billing information to obtain a certificate of completion of the safety training, having never viewed a video or taken the accompanying test.

Facebook recently determined that Concealed Online’s ads do not violate its policy against “deceptive, false, or misleading” claims,<sup>7</sup> but did find that the ads containing links leading directly to a checkout page violate its policy against “unacceptable business practices.”<sup>8</sup> However, Facebook has currently taken action against only one such Concealed Online ad, allowing all its others to remain on its platform.

Furthermore, Facebook has designated Concealed Online a “political advertiser,” meaning that Concealed Online has no obligation to disclose its owner’s identity to the public.<sup>9</sup> In 2018, *Wired* interviewed the company’s owner on the condition of anonymity,<sup>10</sup> and the company declined to identify its owner to the *Huffington Post*.<sup>11</sup>

Concealed Online’s services present a genuine risk to public safety. Primarily, customers are able to receive a certificate of completion of a safety course without actually participating in it. Not only are these people not adequately trained, they are also at risk of believing this certificate is, in fact, a concealed-carry permit. Relying on this erroneous belief, they could carry concealed weapons in public when they have neither the proper safety training nor the requisite permit to do so. This issue is exacerbated by the fact that Virginia’s non-resident concealed-carry permit is honored only in states with reciprocity laws, though Concealed Online’s Facebook ads link to a page stating it “doesn’t matter which state you live in,” and accompanied by easy-to-miss disclaimers lower down.<sup>12</sup>

Effective monitoring and removal of Concealed Online’s advertisements that violate Facebook’s unacceptable business practices policy is crucial, and we urge you to remove all ads that link directly to a checkout page. However, removing only the most egregious ads still leaves those that mislead consumers into paying for a certificate that is legally meaningless unless verified by Virginia authorities. It is crucial that Facebook take action to remove this misleading and dangerous content from its platform. To that end, we request answers to the following questions by December 11, 2019:

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Nick Allen, *Facebook criticised for allowing promotion of ‘legal loophole’ in US gun laws*, *The Telegraph* (Feb. 10, 2019), <https://www.telegraph.co.uk/news/2019/02/10/facebook-criticised-promoting-legal-loophole-us-gun-ownership/>.

<sup>8</sup> *Id.*; see also Facebook, “Unacceptable Business Practices”, Advertising Policies (viewed Nov. 13, 2019), [https://business.facebook.com/policies/ads/prohibited\\_content/unacceptable\\_business\\_practices](https://business.facebook.com/policies/ads/prohibited_content/unacceptable_business_practices).

<sup>9</sup> Jesselyn Cook, *Facebook is Making Millions Off A Nationwide Gun Permit Scam*, *HUFFINGTON POST* (Nov. 8, 2019), [https://www.huffpost.com/entry/facebook-is-making-millions-off-a-shady-gun-group-that-cons-its-customers\\_n\\_5db0b401e4b0d5b7894548fc](https://www.huffpost.com/entry/facebook-is-making-millions-off-a-shady-gun-group-that-cons-its-customers_n_5db0b401e4b0d5b7894548fc).

<sup>10</sup> Issie Lapowsky, *Obscure Concealed-Carry Group Spent Millions on Facebook Political Ads*, *Wired* (Nov. 19, 2018), <https://www.wired.com/story/facebook-ads-political-concealed-online/>.

<sup>11</sup> Cook, *Gun Permit Scam*.

<sup>12</sup> Cook, *Gun Permit Scam*.

1. Has Facebook removed the Concealed Online ads that it has already determined to violate its policy against unacceptable business practices? If not, why not? Please provide a timeline identifying when Concealed Online's were or will be removed.
2. How did Facebook determine that Concealed Online's advertisements, independent of those found to violate the unacceptable business practices policy, do not breach its policy against "deceptive, false, or misleading" claims? Please include any relevant analysis.
3. Does Facebook consider foreseeable risks to public safety when making a determination whether to allow an advertisement on its platform? If not, why not? Did Facebook take such considerations into account during the "ad review process" for Concealed Online? Please describe whether and how Facebook evaluated the public safety risks posed by Concealed Online's advertisements.
4. What proactive measures is Facebook taking to mitigate the considerable risks to public safety presented by ads that mislead consumers into believing they can purchase a concealed-carry permit?
5. Per Facebook's political advertisement policy, any advertiser running ads about social issues, including guns, must undergo Facebook's required authorization process. Please describe that authorization process.
  - a. Who at Facebook has the authority to designate advertisers as political advertisers?
  - b. What kind of documentation, if any, did Concealed Online have to submit to obtain authorized status?
  - c. How can an advertiser fail to meet the authorization requirements?
  - d. What percentage of advertisers that undergo the authorization process are ultimately not authorized?
  - e. Why is an advertisement for Concealed Online's concealed-carry permit considered a "political" advertisement that shields its owner's identity?

Thank you in advance for your attention to these requests. If you have any questions, please contact Callie Bruzzone of Senator Markey's staff at [callan\\_bruzzone@markey.senate.gov](mailto:callan_bruzzone@markey.senate.gov) or Shelby Boxenbaum of Senator Menendez's staff at [shelby\\_boxenbaum@menendez.senate.gov](mailto:shelby_boxenbaum@menendez.senate.gov).

Sincerely,

  
EDWARD J. MARKEY  
United States Senator

  
ROBERT MENENDEZ  
United States Senator

*Mazie K. Hirono*

MAZIE K. HIRONO  
United States Senator

*Kamala D. Harris*

KAMALA D. HARRIS  
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*Jack Reed*

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