

December 2, 2024

The Honorable Jonathan Kanter
Assistant Attorney General
Antitrust Division
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

The Honorable Lina Khan
Chair
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, D.C. 20580

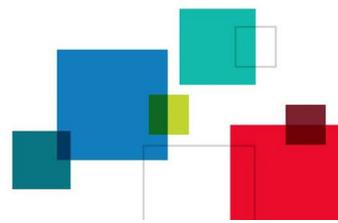
Dear Assistant Attorney General Kanter and Chair Khan:

I write to express News/Media Alliance's concerns regarding Google's recent updates to its site reputation abuse policy, which now impacts properties that incorporate third-party or affiliate content, even when such content is overseen or edited by editorial staff, if Google decides these properties are trying to influence search rankings. The practical effect of this change puts legitimate and reliable media properties at risk of being removed from search results if they publish affiliate links or partner content. Indeed, we have received reports of publishers fearing removal actions even where the content is fully written by their own newsrooms, ones they specifically expanded in response to Google's previous spam policy changes earlier this year. This overbroad, unilateral change eliminates critical revenue/traffic streams for outlets already struggling as Google increasingly keeps users within its "walled garden." It is critical that the Department of Justice ("DOJ") and Federal Trade Commission ("FTC") act now to stop Google's anticompetitive conduct before the effects become irreversible.

Under this new policy, all partnerships where media companies publish third party content or affiliate links, regardless of editorial control and oversight, have the potential to risk Google manually removing content from ranking in search results. Once this occurs, even in error, it can take Google weeks to months to remove manual actions applied against a site and return the website to its proper position in search results.

Google's new policy treats important media partnerships like exploitative marketing practices and undermines the financial health of news companies in a way disconnected to actual value or protection for Google users. It is a scattershot and reckless approach to moderation that is emblematic of the imperial approach Google takes in wielding monopoly power, especially when it comes to trusted providers. This decision has the potential to single-handedly wipe off the map affiliate content traffic and revenue streams that many news organizations rely on.

In the blog post announcing the change, Google noted that "[w]hen evaluating for policy violations, we take into account many different considerations (and we don't simply take a site's claims about how the content was produced at face value) to determine if third-party content is being used in an abusive way." This is yet another example of Google placing itself in between news publishers and their readers,



while also acting as an arbiter of intent. It is particularly egregious, for example, in the case of the above-mentioned publisher that hired more than 30 reporters to ensure the content they publish complied with Google's Site Reputation Abuse policy. Despite their best attempts to abide by Google's policies, they still received manual actions for three of their sites, one of which had a reference to a partnership that was subsequently removed.

Publishers spend considerable time and resources to determine how best to serve their communities and to protect their investments in high-quality journalism, and they do not take these decisions lightly - certainly not simply to manipulate search results. In fact, many publishers have published coupons and other special sections in print for decades as a valuable service to their communities. When publishers exercise control over the content they publish, they set their own brand and reputation on the line. Google should not be allowed to be in a position to control both readers' access to information and publishers' editorial decisions.

This decision is even more suspect in light of Judge Mehta's August legal ruling in the DOJ search case that Google has illegally maintained a monopoly in that market. Affiliate content and partnerships have been some of the few revenue streams available to media organizations despite Google's stranglehold on the search and ad markets. Google is again clearly reckless to the effects its policy changes may have on reliable and trustworthy publishers.

If the past is any indication, agency intervention will be necessary to stop the threat Google poses to publishers. Accordingly, we ask the DOJ and FTC to use their authority under Section 2 of the Sherman Act, and Section 5 of the FTC Act to stop Google's latest decision to unilaterally undermine the funding streams of media organizations and take necessary action to end Google's abusive conduct. Thank you for your prompt attention to this matter.

Sincerely,



Danielle Coffey
President & CEO
News/Media Alliance

