

United States Senate

WASHINGTON, DC 20510-3005

December 19, 2019

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

Dear Mr. Zuckerberg:

I write to you again today to express my utter dismay at your complacency regarding the spread of dangerous health misinformation on Facebook. Last week, troubling reports emerged about misleading ads on your platform that are actively harming the health of lesbian, gay, bisexual, transgender, and queer (LGBTQ) Americans. Your continued inaction raises the question – does Facebook value advertising profits over Americans' lives?

I am gravely concerned that personal injury lawyers are using misleading and targeted Facebook ads to recruit LGBTQ individuals to join lawsuits claiming that the HIV-prevention medication Truvada Pre-Exposure Prophylaxis (PrEP) causes serious side effects. These lawsuits allege that Truvada can cause kidney or bone damage among patients who already have HIV and take the drug as a form of treatment. Given that some of the ads' sponsors have ambiguous names such as "Advocate Alliance Group," it may be unclear to Facebook users that these ads are primarily being run by law firms.

I do not question the plaintiffs' right to pursue litigation if they believe that taking Truvada was harmful to their health. However, robust research demonstrates that serious side effects are rare among people who take Truvada as an HIV prevention drug, and that pre-exposure prophylaxis medications such as Truvada are 99% effective at preventing new HIV infections through sex.¹ In short, pre-exposure prophylaxis medications can be a critical element of HIV prevention for at-risk individuals. Public health organizations report that by indicating that Truvada has harmful side effects for all users, these targeted ads are scaring at-risk Americans out of taking a lifesaving preventative drug.²

While I have enclosed specific examples of recent ads run by Advocate Alliance Group, Main Street Law Firm, A Case for Women, and Onder Law, I am deeply concerned by any Facebook ad that indicates that Truvada is dangerous as an HIV prevention drug. I urge Facebook to consider that these ads are not running in a vacuum; the communities targeted by these ads are facing an HIV epidemic, and may already be inclined to distrust the medical establishment given our nation's history of institutionalized discrimination against LGBTQ people and people of

¹ Centers for Disease Control and Prevention, *Pre-Exposure Prophylaxis (PrEP)* (December 13, 2019), <https://www.cdc.gov/hiv/risk/prep/index.html>.

² GLAAD, *Open Letter to Facebook* (December 9, 2019), <https://www.glaad.org/blog/open-letter-facebook>.

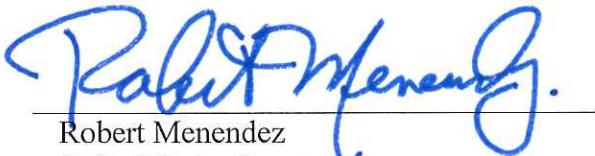
color. In my own state of New Jersey, over 37,000 people are living with HIV or AIDS, and African Americans account for nearly 50% of new diagnoses.³ In this context, the decision to allow these misleading ads to run is particularly egregious.

In your testimony before the House of Representatives' Financial Services Committee on October 23, 2019, you stated, "we [Facebook] also hear consistently from our community that people want us to stop the spread of misinformation. So, what we do is we try to focus on misinformation that has the potential to lead to physical harm." Last week, a group of over 50 prominent LGBTQ, public health, and HIV-focused organizations sent you an open letter urging Facebook to remove ads that are spreading misinformation about pre-exposure prophylaxis medications and are causing physical harm.⁴ I simply aim to amplify their message, and to request an explanation of Facebook's "real world harm" misinformation policy. I am formally requesting the following information from Facebook:

1. How many Facebook ads related to Truvada or other pre-exposure prophylaxis medications have you removed for their potential to cause physical harm in 2019?
2. What third-party fact checking organization(s) have evaluated Facebook ads related to Truvada or other pre-exposure prophylaxis medications in 2019?
3. What third-party fact checking organization(s) evaluated each of the four Truvada-related ads included below?
4. A *Washington Post* article quoted a Facebook spokesperson as stating that "these ads do not violate our ad policies nor have they been rated false by third-party fact-checkers."⁵ Please provide a comprehensive explanation of this statement.
5. Please provide a comprehensive explanation of how Facebook's ad policies apply to each of the four Truvada-related ads included below.
6. The ad below sponsored by Main Street Law Firm refers to "recent studies" related to Truvada. Which scientific studies is the ad referring to? Did Facebook verify the existence and the integrity of these studies?
7. How does Facebook use input from scientific and medical experts when evaluating potentially harmful ads? How did input from scientific and medical experts inform Facebook's decision to run each of the four Truvada-related ads included below?
8. How do you define Facebook's responsibility to protect users' health?

Please provide specific responses to the questions raised above by January 9, 2020.

Sincerely,


Robert Menendez
United States Senator

³ State of New Jersey Department of Health, *HIV/AIDS, STD, and TB Services* (May 9, 2018), <https://www.state.nj.us/health/chs/hnj2020/chronic/hiv aids/>.

⁴ GLAAD, *Open Letter to Facebook* (December 9, 2019), <https://www.glaad.org/blog/open-letter-facebook>.

⁵ Romm, Tony. "Facebook ads push misinformation about HIV prevention drugs, LGBT activists say, 'harming public health.'" *The Washington Post* (December 9, 2019), <https://www.washingtonpost.com/technology/2019/12/09/facebook-ads-are-pushing-misinformation-about-hiv-prevention-drugs-lgbt-activists-say-harming-public-health/>.

Truvada Ads on Facebook

Main Street Law Firm, PLLC
Sponsored • Paid for by Main Street Law Firm, PLLC

Recent studies have linked TDF, Truvada's principal ingredient, to severe side effects such as lactic acidosis (causing kidney damage and even kidney failure), osteoporosis and bone density loss.

Recent lawsuits allege that Gilead Sciences, the makers of Truvada, knowingly withheld a safer alternative medication...



Is Truvada As Safe As You Thought?

A Case for Women
Sponsored • Paid for by A Case for Women LLC

PreEP medications, like Truvada, were meant to help prevent serious health problems. However, Truvada and other HIV prevention medications have been linked to serious bone and kidney problems. Contact us to learn more about your potential legal options.



Truvada & HIV Prevention Medications Lawsuit

If you suffered from bone density issues or kidney failure after taking Truvada or another HIV medication such as Atripla, Complera, Strib...

[Learn More](#)

ACASEFORWOMEN.COM

Truvada Alert
Sponsored • Paid for by OnderLaw LLC

Truvada Facts People Should Know

The manufacturers had a safer drug & kept it secret all while they kept selling the dangerous one.

"LEARN MORE" NOW to confirm eligibility for significant financial compensation!...



HIV/HIV PrEP Drug Lawsuit
Time Is Limited - Act Now
HIVDRUG-ALERT@INJURYCHECK.COM

[Learn More](#)

Advocate Alliance Group
Sponsored • Paid for by Advocate Alliance Group

⚠️ Anyone who suffered Kidney or Bone Damage after Truvada/PrEP may be **entitled to Financial Compensation**

Gilead concealed the risks of **Kidney & Bone Damage** with Truvada, Viread & other PrEP Medications. They also developed a safer less toxic version of their drug but kept it secret for over a decade. ...



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