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## Abortion Pill Reversal and the Inappropriate Censorship of Google Advertisements

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# ABORTION PILL REVERSAL AND THE INAPPROPRIATE CENSORSHIP OF GOOGLE ADVERTISEMENTS

## Executive Summary

In the Supreme Court case *Jane Roe v. Henry Wade*, it was determined that a Texas law allowing for abortion only in the case of endangerment to the woman was in opposition to the right to privacy and the Fourteenth Amendment.<sup>1</sup> This decision referenced Section I of the Amendment, known as the Due Process Clause, which states:

“No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.”<sup>2</sup>

This monumental decision changed the course of women’s rights and health care for the United States and has led to continued political and legal debate. On January 22, 1973, abortion became a federally protected right in the United States.

Despite this decision, the regulation of reproductive rights, specifically, abortion rights have been altered, specified, changed, and even revoked over the years. Most recently, on June 24, 2022, in *Dobbs v. Jackson Women’s Health Organization*, the United States Supreme Court overturned *Roe v. Wade*, stating abortion is not a Constitutionally protected right:

“Guided by the history and tradition that map the essential components of the Nation’s concept of ordered liberty, the Court finds the Fourteenth Amendment clearly does not protect the right to an abortion.”<sup>3</sup>

This action placed the choice of how to handle reproductive rights back in the hands of the states. The *Dobb’s* case is just one of countless examples of the contentious fight around women’s reproductive rights.

The continued back-and-forth nature of this topic emphasizes the need to have clear and accurate information available to the public. The public turns to the internet and technology which provide an easily accessible and powerful flow of information that helps them make sense of the changing political landscape. Through censorship and the ability to remove specific content from their sites, internet companies wield tremendous power over what the public is able to see and learn. Online advertisements, censorship, and regulations have created a new need to redefine what should and should not be censored on internet platforms. The role of the government must be properly understood in order to regulate internet and internet technology

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<sup>1</sup> “Texas first enacted a criminal abortion statute in 1854. Texas Laws 1854, c. 49, § 1, set forth in 3 H. Gammel, Laws of Texas 1502 (1898)... The final article in each of these compilations provided the same exception, as does the present Article 1196, for an abortion by ‘medical advice for the purpose of saving the life of the mother’”. *Jane Roe, et al., Appellants, v. Henry Wade*, Legal Information Institute (January 22, 1973).

<sup>2</sup> U.S. Const. amend. XIV, § 1.

<sup>3</sup> SUPREME COURT OF THE UNITED STATES. (2021). *Dobbs v. Jackson Women’s Health Organization*. [https://www.supremecourt.gov/opinions/21pdf/19-1392\\_6j37.pdf](https://www.supremecourt.gov/opinions/21pdf/19-1392_6j37.pdf)

organizations when it comes to their rights and private entities while simultaneously protecting consumer's rights to information. Recent developments surrounding censorship of pro-life nonprofits by Google have shown the need for clarification when it comes to such rights.

In current legislation, Section 230 of the Communications Decency Act of 1996 is the clearest attempt to regulate the internet for the safety and well-being of its users. This vague piece of legislation has failed to truly define the rules of censorship, especially for big tech companies. Lack of specificity leads to confusion, which in turn allows big companies to take advantage of smaller companies and non-profit organizations. The internet allows for topics of controversy to be discussed and understood from many viewpoints. The topic of abortion is no exception, and it is the role of the government to protect information accessibility.

### **Censorship of Abortion Pill Reversal Advertisements**

On Wednesday, September 15<sup>th</sup>, 2021, Google released a statement claiming they had blocked abortion pill reversal advertisements by the pro-life organization Live Action. They also blocked an ad the organization had created displaying fetal development in the womb through an informational video.

Live Action is a non-profit, non-partisan organization founded in 2008 by Lila Rose. The goal of the organization is to fight the “dehumanization of the preborn” by fighting “deliberate misinformation” and “systematic human rights abuse.”<sup>4</sup>

When asked about this development, Google made this response:

“We do not permit ads with unproven medical claims. Medical experts have raised serious concerns about abortion reversal pills. Beyond protecting users from medical harm, our policies do not distinguish between promoting pro-choice and pro-life messages. Advertisers are allowed to offer either abortion or abortion-alternative services. When doing so, both must prominently disclose which type of service they offer so that users have full transparency and can make their own decisions.”

They also referenced the terms and conditions of their advertisement policies, claiming, “...we do not allow ads that promote harmful health claims. This includes claims about the abortion reversal pill's safety.”<sup>5</sup>

In response to Google's ban, Lila Rose told Newsweek:

“Google has inserted itself into the abortion debate and picked a winner and not basing it on science, but based on pro-abortion ideology. The reality is that abortion pill reversal has worked for over 2,000 women using the FDA-approved bio-identical hormone Progesterone... There are plenty of medical experts who back it and women deserve choices. To block this option for women is cynical and devastating.”<sup>6</sup>

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<sup>4</sup> Who We Are. (n.d.). Retrieved from <https://www.liveaction.org/who-we-are/>

<sup>5</sup> Mayberry, C. (2021, September 15). Anti-Abortion Group's Ad on Abortion Pill Reversal Among Over a Dozen Blocked by Google. Retrieved from <https://www.newsweek.com/anti-abortion-groups-ad-abortion-pill-reversal-among-over-dozen-blocked-google-1629533>

<sup>6</sup> Ibid.

## **Medical Abortion Pills**

Live Action's advertisements for abortion pill reversals require a relevant understanding of medical abortions in general. Medical abortions became a topic of legislative conversation in 1982 and medical abortion pills (MA's) have become a popular form of terminating a pregnancy in the United States since their legalization. Typically they are delivered via mail to women seeking an easy, less intrusive form of abortion when they are still in the first trimester.<sup>7</sup>

The idea of medical abortion pills and their accessibility is a highly contested and complex issue in the world of public policy, though not the intended focus of this paper. It is important to understand the science behind medical abortion pills in order to provide context as to how this affects legislation and policy issues in this area, which leads to the topic of this paper: censorship.

MA pills are a type of chemical abortion, meaning they are effective in terminating a pregnancy without the use of surgical methods, such as "vacuum aspiration or dilatation and curettage." Rather, chemical abortions use a series of drugs, generally mifepristone and misoprostol, to end a pregnancy and expel the preborn from the uterus. Mifepristone became licensed in the United States in 2000 and is successful in ending a pregnancy 60-80% of the time when not taken in tandem with other drugs. In most cases, mifepristone is taken in partnership with misoprostol, with an initial dose of 600 mg of mifepristone followed 24 to 48 hours later with a dose of misoprostol.<sup>8</sup>

Mifepristone is used to block the receptors of progesterone and glucocorticosteroid, which in turn leads to the death of the infant.<sup>9</sup> According to the Hormone Health Network:

"Progesterone prepares the endometrium for the potential of pregnancy after ovulation. It triggers the lining to thicken to accept a fertilized egg. It also prohibits the muscle contractions in the uterus that would cause the body to reject an egg."

By blocking this receptor, the body does not recognize that it is pregnant and will instead treat the fertilized implanted egg (the fetus) as an unfertilized egg that must be expelled (a period). Women with naturally low progesterone production levels often find themselves struggling to get and/or remain pregnant as their body is unable to provide a nurturing environment for the fertilized egg (zygote) to implant and grow.<sup>10</sup> Glucocorticoids are vital in the organ growing process of the fetus.<sup>11</sup> By blocking both these receptors, the zygote is unable to implant and/or grow, leading to its death.

Following mifepristone, misoprostol is used to induce labor, allowing the body to expel the now unviable embryo. This can often be a painful process for women and can involve side

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<sup>7</sup> Kulier, R., Kapp, N., Gülmezoglu, A. M., Hofmeyr, G. J., Cheng, L., & Campana, A. (2011). Medical methods for first trimester abortion. *The Cochrane database of systematic reviews*, 2011(11), CD002855.

<https://doi-org.lib.pepperdine.edu/10.1002/14651858.CD002855.pub4>

<sup>8</sup> Kulier, R., Kapp, N., Gülmezoglu, A. M., Hofmeyr, G. J., Cheng, L., & Campana, A. (2011). Medical methods for first trimester abortion.

<sup>9</sup> Ibid.

<sup>10</sup> Fish, S. (2019, October 09). Progesterone and Progestins. Retrieved from

<https://www.hormone.org/your-health-and-hormones/glands-and-hormones-a-to-z/hormones/progesterone>

<sup>11</sup> Solano, M. E., & Arck, P. C. (2020). Steroids, Pregnancy and Fetal Development. *Frontiers in immunology*, 10, 3017. <https://doi-org.lib.pepperdine.edu/10.3389/fimmu.2019.03017>

effects such as heavy bleeding, nausea, abdominal pain, and vomiting, with symptoms potentially lasting one to two days.

### **Medical Abortion Pill Reversal**

Medical abortion pill reversal was created to do exactly what the name implies: to reverse the effects of the first dose of the medical abortion pill. The first dose of the medical abortion pill is mifepristone which blocks the receptors of progesterone, preventing the uterus from absorbing the naturally created progesterone in the female's system. Mifepristone also forces the cervix to loosen, as if a woman were preparing to go into delivery, which can cause major complications for the pregnancy, generally leading to its termination. Abortion pill reversal attempts to counteract mifepristone by flooding the system with an abundance of progesterone, making it a game of odds, in which, theoretically, progesterone stands a better chance of bonding to the receptors in place of mifepristone.<sup>12</sup>

The effectiveness of this method is somewhat controversial, as there has only been one major study to date. In this case series by Delgado and Davenport, seven women, between seven to nine weeks gestation, received progesterone in an attempt to counterbalance the effects of mifepristone in their system (of which the dosage was not noted). Six patients returned for follow-up evaluations, four of which gave birth to healthy babies at full term, while the other two pregnancies were terminated three days post mifepristone consumption. The intake of progesterone was received both orally and vaginally for up to five months, and the babies who survived were born without defect. If one assumes the woman who did not follow-up lost her pregnancy, the continuing pregnancy rate for the study would be 57% (67% if the woman lost to follow-up maintained a healthy pregnancy to term).<sup>13</sup> (See *Figure 1*)

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<sup>12</sup> Abortion Pill Reversal. (2021, September 14). Retrieved from <https://americanpregnancy.org/unplanned-pregnancy/abortion-pill-reversal/>

<sup>13</sup> Grossman, D., White, K., Harris, L., Reeves, M., Blumenthal, P. D., Winikoff, B., & Grimes, D. A. (2015). Continuing pregnancy after mifepristone and "reversal" of first-trimester medical abortion: a systematic review. *Contraception*, 92(3), 206–211. <https://doi-org.lib.pepperdine.edu/10.1016/j.contraception.2015.06.001>

Figure 1

Studies reporting the proportion of women with continuing pregnancies following administration of mifepristone alone for medical abortion

Study	Mifepristone Oral Dose	N	Gestational Age Limit	Follow-up visit (# of days after mifepristone)	Complete abortion	Continuing pregnancy at follow-up visit (%; 95% CI)
Birgerson 1988 [9]	10, 25 or 50 mg twice daily for 7 days	153	49 days	8-10 days	67%	27% (20-34%)
Cameron 1986 [8]	150 mg daily for 4 days	20	56 days	14 days	60%	25% (11-47%)
Carol 1989 [17]	600 mg (single dose)	50	39 days	NS	80%	12% (6-24%)
Grimes 1988 [10]	600 mg (single dose)	50	49 days	14 days	88%	10% (4-21%)
Kovacs 1984 [11]	25-100 mg twice daily for 4 days	36	42 days	14 days	61%	8% (3-22%)
Maria 1988a [16]	600 mg (single dose)	149	42 days	14 days	88%	9% (6-15%)
Maria 1988b [18]	600 mg (single dose)	174	49 days	7 days	84%	11% (8-17%)
Maria 1988b [18]	200 mg (single dose)	30	49 days	7 days	63%	23% (12-41%)
Somell 1990 [12]	600 mg (single dose)	70	42 days	7 days	80%	17% (10-28%)
Swahn 1989 [13]	25 mg twice daily for 4 days	14	49 days	14 days	57%	36% (16-61%)
Ylikorkala 1989 [14]	600 mg (single dose)	47	43 days	14 days	70%	11% (5-23%)
Zheng 1989 [15]	600 mg (single dose)	204	42 days	7 days	65%	31% (25-38%)
Zheng 1989 [15]	600 mg (single dose)	95	49 days	7 days	53%	46% (37-56%)

14

It can be difficult to know the full effects of the current abortion pill reversal method, however, usage of progesterone as a supplement for women struggling with pregnancy related issues has been common practice for more than 50 years.<sup>15</sup> Research has shown that progesterone

<sup>14</sup> Grossman, D., White, K., Harris, L., Reeves, M., Blumenthal, P. D., Winikoff, B., & Grimes, D. A. (2015).

<sup>15</sup> Abortion Pill Reversal. (2021, September 14).

is not harmful to women or the unborn when administered properly by a healthcare professional, although it should be noted it is also not necessarily effective in preventing miscarriages in women who experience reoccurring miscarriages.<sup>16</sup> More research is needed in this arena, with clear and distinct boundaries, controlled variables, and specific guidelines, in order to ensure clear and true data about the effectiveness of progesterone, especially when it comes to abortion reversal.

Many organizations back the usage of progesterone as an abortion pill reversal method on three main grounds. One, when used properly, progesterone produces no harmful side effects to either the woman or the fetus. Two, newborns who survive the abortion pill have no higher chance of birth defects. Three, there is a higher chance of viability (7-40% depending on how far along the pregnancy is) with the intervention of progesterone supplements rather than waiting to see if the pregnancy will survive despite the intake of mifepristone.<sup>17</sup>

### **Section 230**

The legality of Google's ban requires a better understanding of the law pertaining to such issues. The clearest government legislation pertaining to this issue is found in the Communications Decency Act of 1996. This document focuses on issues pertaining to internet and interactive computer services and the rights and limitations surrounding them. Section 230 of this Act is titled "Protection for private blocking and screening for offensive material" and goes into detail about the policies of the United States when it comes to "obscenity, stalking, and harassment by means of computer."<sup>18</sup> This section was written in order to define what is allowed on internet sites and how internet companies should be held accountable for content placed on their platforms. Under this Act, internet companies are provided protection for "'Good Samaritan' blocking and screening of offensive material"<sup>19</sup> and it was the first ever attempt by the government to regulate the internet. In this way, the internet and interactive computer services are not to be held responsible for the inappropriate content placed on their platforms<sup>20</sup> nor are they to be punished for censoring such content.

Unfortunately, this Act is now used as a shield for many internet sites attempting to remove unwanted content from their platforms. Rather than remaining within the guidelines of "obscenity, stalking, and harassment," internet services have assumed the responsibility to judge

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<sup>16</sup> van der Hoorn, M. P., & Lashley, E. (2019). Effect van progesteron bij zwangerschapscomplicaties [Effectiveness of progesterone in pregnancy complications]. *Nederlands tijdschrift voor geneeskunde*, 163, D4395.

Czyzyk, A., Podfigurna, A., Genazzani, A. R., & Meczekalski, B. (2017). The role of progesterone therapy in early pregnancy: from physiological role to therapeutic utility. *Gynecological endocrinology: the official journal of the International Society of Gynecological Endocrinology*, 33(6), 421–424.

<https://doi-org.lib.pepperdine.edu/10.1080/09513590.2017.1291615>

Coomarasamy, A., Devall, A. J., Brosens, J. J., Quenby, S., Stephenson, M. D., Sierra, S., Christiansen, O. B., Small, R., Brewin, J., Roberts, T. E., Dhillon-Smith, R., Harb, H., Noordali, H., Papadopoulou, A., Eapen, A., Prior, M., Di Renzo, G. C., Hinshaw, K., Mol, B. W., Lumsden, M. A., ... Gallos, I. D. (2020). Micronized vaginal progesterone to prevent miscarriage: a critical evaluation of randomized evidence. *American journal of obstetrics and gynecology*, 223(2), 167–176. <https://doi-org.lib.pepperdine.edu/10.1016/j.ajog.2019.12.006>

<sup>17</sup> Abortion Pill Reversal. (2021, September 14).

<sup>18</sup> 47 U.S. Code § 230

<sup>19</sup> Ibid.

<sup>20</sup> "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." 47 U.S. Code § 230

what they deem as proper for their sites and remove content they hold to be inappropriate. This issue was addressed in a Presidential Document (Executive Order 13925) on June 6, 2020, titled “Preventing Online Censorship.” In it President Trump states plainly that the protection held under Section 230 of the Communications Decency Act was to be given in specific cases “that attempted to protect minors from harmful content,” and was designed “to ensure that such providers would not be discouraged from taking down harmful material.” Internet sites were not to be found guilty of censorship when removing such content (i.e. child pornography), however, the removal of information simply due to disagreement on the part of the site is not protected under this section. He went on to state that this protection extends to the specified circumstances and those circumstances alone:

“Section 230 was not intended to allow a handful of companies to grow into titans controlling vital avenues for our national discourse under the guise of promoting open forums for debate, and then to provide those behemoths blanket immunity when they use their power to censor content and silence viewpoints that they dislike.”<sup>21</sup>

Section 230 was not designed to protect companies like Google in circumstances such as the one with Live Action. Google is a “multinational technology company that specializes in Internet-related services and products, which include online advertising technologies, a search engine, cloud computing, software, and hardware,”<sup>22</sup> which means it falls under the umbrella of internet and internet services. This makes it subject to the rules and regulations laid out in Section 230. With this understanding, one could claim the removal of such advertisements, under the name of “protecting users,” is illegal under the policies of the United States. Abortion pill reversal has not proven harmful for either women or their unborn babies and the administration of progesterone by trained healthcare professionals is perfectly safe. However, the issue truly presents itself when looking at the Standard Terms and Conditions for Advertising stated by Google:

“All advertisements are subject to Google's approval. Google reserves the right to reject any advertisement, Insertion Order, or URL link, at any time, for any reason whatsoever (including, but not limited to, belief by Google that any placement thereof may subject Google to criminal or civil liability).”

Furthermore, Google has made the claim that the Live Action advertisements violate their general terms and conditions which state liability for removal if an advertisement:

“(1) breaches these terms, service-specific additional terms or policies, (2) violates applicable law, or (3) could harm our users, third parties, or Google, then we reserve the right to take down some or all of that content in accordance with applicable law.”<sup>23</sup>

The information provided can make it difficult to reconcile Google’s claims as to why they removed Live Action’s advertisements when the abortion pill reversal is both a safe and

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<sup>21</sup> Exec. Order No. 13925, 3 C.F.R. 34080 (2020). “Preventing Online Censorship”

<sup>22</sup> Google. (2021, October 04). Retrieved from <https://en.wikipedia.org/wiki/Google>

<sup>23</sup> List of services & service-specific additional terms – Privacy & Terms. (n.d.). Retrieved from <https://policies.google.com/terms/service-specific?hl=en-US>



legal option. Google's claim to "reject any advertisement... for any reason," is not legal under Section 230 of the Communications Decency Act. However, the statements made in the Standard Terms and Conditions for Advertisement claiming "the right to reject an advertisement" makes it more difficult for Live Action to argue against Google's removal on the grounds that it is not legal.

It is questionable whether such terms and conditions are legal under Section 230, considering Google's status as an internet service. Though technically a private entity, the importance of information asymmetry cannot be overstressed which was why Section 230 was created in the first place. Protecting the public from harmful information while simultaneously ensuring access to needed information is a difficult balance, one Google has failed at due to its censorship of safe, often needed, information for pregnant women.

### **Censorship Leads to Market Failure**

Continuing to allow internet sites to determine what can be advertised on their sites leads to marketplace failure through information asymmetry. In this specific case, information about abortion pill reversal is withheld from pregnant women by Google. As a means of justifying this removal of information, Google points to Section 230. In doing so, they place a greater value on their rights as an internet agency to censor what is placed on their sites *over* that of the protection, well-being, and health of individual women facing decisions over their body and their pregnancies. If abortion pill reversal is not advertised effectively, the likelihood that women will be able to find the medication on their own is unlikely, limiting their resources, and ultimately deciding how their pregnancy is handled for them.

When a woman wants to reverse her medical abortion, the first thing they do is call the abortion pill reversal hotline: (877) 558-0333.<sup>24</sup> Upon calling, the woman speaks to an operator, who asks if she would like to reverse her chemical abortion. If she says yes, the operator will ask if she has taken the first pill (mifepristone) or both the first and second (misoprostol). If the woman has only taken the first pill, the operator will ask how much time has passed since its consumption. It is at this point in the conversation that the operator will place the woman in contact with a nurse. This nurse will attempt to connect the woman with the nearest doctor in her area who would be willing to administer abortion pill reversal through progesterone supplementation.

This multi-step process is both difficult and time-consuming and can be intense as time is the largest factor when it comes to saving the pregnancy. However, if a woman does not know about the option of abortion pill reversal how can she know to look for such a hotline if there comes a moment when she no longer wishes to complete her chemical abortion?

Information asymmetry hurts the consumer by narrowing their options and in some cases, such as this one, consequently makes the decision for them. Google is a highly used search engine and provides millions of people from around the world with information. If Google removes an advertisement, despite doing so under false pretenses, consumers are likely to assume the product is unreliable and therefore unusable. Regardless if consumers are avoiding abortion pill reversal methods due to distrust or lack of information, Google has used its influence as an internet site to skew the "frequency of purchase"<sup>25</sup> producing market failure

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<sup>24</sup> Abortion Pill Reversal. (n.d.). Retrieved from <https://www.abortionpillreversal.com/>

<sup>25</sup> (pg. 109) Ibid.

through information asymmetry. The people who are hurt the most by this lack of information are the women themselves.

### **Censorship is a Form of Government Failure**

The wording of Section 230 of the Communications Decency Act is ambiguous and leads to confusion on what is acceptable for the internet and internet services to censor. This is ultimately a failure by the government in allowing poor wording and lack of specificity to create loopholes by which large companies are able to take advantage of others. Though Executive Order 13925 did a better job of redefining the terms of allowed censorship, the misinterpretation still persists and can be seen in this circumstance.

Google has interpreted the ambiguous wording of Section 230 to mean they can remove content from their site they feel is harmful to consumers. And yet, who decides what is harmful for consumers? And under what circumstances does an internet company get to censor information in the name of protection? Furthermore, what is the definition of harmful in this instance? According to Google, abortion pill reversal is medically harmful to consumers, however, one, this is not true (as is proven scientifically through studies, backing through medical experts, and years of progesterone usage for women's healthcare) and two, medical harm does not fall under content that should be removed under Section 230. "Obscenity, stalking, and harassment," is the wording used to describe censorable information, but Live Action's advertisements contain none of these issues.

When considering Google's Standard Terms and Conditions for Advertising it becomes clear that the wording of Section 230 has allowed internet and internet services to make blanket statements about what they claim are their rights. If an advertisement can be taken down "at any time, for any reason," how do organizations like Live Action protect the rights of both themselves and their consumers?

Free speech is one of the fundamental rights of this country, as is stated in the First Amendment, and the lack of clarity of Section 230 puts this right in jeopardy. Not only that, but by failing to regulate censorship, the government fails to protect people's right to choose. Citizens are disadvantaged when they are forced to make decisions based on limited information. It is the market's job to provide them with the context and information needed, as a consumer, to make the best decisions for themselves (based on cost and benefit). The internet is one of the fastest-growing information databases today and it has the ability to give people around the globe access to information they never could have before. However, a tool with this much power needs clear and defined boundaries and it is the job of the government to provide this understanding and enforce such boundaries.

### **The Need for Options for Women**

Many of the women seeking information about abortion, medical abortion pills, and abortion pill reversal are facing unplanned or crisis pregnancies. Crisis pregnancy is defined as "an unplanned pregnancy or a planned pregnancy that has become a serious problem to the pregnant woman because of desertion by the birth father, lack of support from her parents,

financial problems, etc.”<sup>26</sup> Women facing these kinds of stresses and complications within their pregnancies are highly vulnerable, as they are often alone and dealing with financial strain.

It is because of these circumstances that women often turn to abortion. With a lack of support and fear of instability looming over them, women feel they must end their pregnancies in order to continue their lives in a manner they feel is possible. Agencies like Planned Parenthood, “a nonprofit organization that provides sexual health care in the United States and globally,”<sup>27</sup> attempt to provide women with accessible abortion options, as they feel this is the best way to provide support. Planned Parenthood claims abortion is a “safe and very common way” to end a pregnancy and there are many reasons why one would choose an abortion, including:

“They want to be the best parent possible to the kids they already have. They’re not ready to be a parent yet. It’s not a good time in their life to have a baby. They want to finish school, focus on work, or achieve other goals before having a baby. They’re not in a relationship with someone they want to have a baby with. They’re in an abusive relationship or were sexually assaulted. The pregnancy is dangerous or bad for their health. The fetus won’t survive the pregnancy or will suffer after birth. They just don’t want to be a parent.”<sup>28</sup>

Ideas like this often establish the status quo of this policy issue. If abortion is such a convenient and safe option for dealing with unplanned pregnancies, why is it even necessary to advertise other options? Why does it matter if Google censors abortion pill reversal ads when abortion is seemingly the best option?

This is a multilayered issue. Whether or not abortion truly is safe is one layer. Determining if it is the best option is another. Establishing the safety of surgical abortions versus chemical abortions is yet another. Supposing (for the sake of the argument) that abortion is safe, effective, and practical, it is still in the consumers’ *best interest* to know all their options. Only by knowing and understanding all the possibilities can a consumer truly feel satisfied with their decision. Planned Parenthood expresses this concept fairly well in their website’s section on abortion information:

“Decisions about your pregnancy are deeply personal. You hold the power to make decisions that are best for you in order to stay on your own path to a healthy and meaningful life. There are lots of things to consider, and it’s totally normal to have many different feelings and thoughts when making this decision... But at the end of the day, only you know what’s right for you.”<sup>29</sup>

It is this underlying understanding that leads us to consider our policy goal in this arena. The right to choose is reliant on the right to information. In order for women to choose what is best for themselves, they must know all their options. The censorship of Google with regard to abortion pill reversal strips women of this right. It should be the goal of policymakers to create

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<sup>26</sup> Crisis Pregnancy. (n.d.) *Segen's Medical Dictionary*. (2011). Retrieved November 20 2021 from <https://medical-dictionary.thefreedictionary.com/Crisis+Pregnancy>

<sup>27</sup> Official Site. (n.d.). Retrieved from <https://www.plannedparenthood.org/>

<sup>28</sup> Parenthood, P. (n.d.). Abortion Information: Information About Your Options. Retrieved from <https://www.plannedparenthood.org/learn/abortion>

<sup>29</sup> Ibid.

policies that protect the right to information, in turn protecting the right to choose. When seen this way, the allowance of advertisements on Google from both sides (pro-choice and pro-life) seems to encapsulate the true concept of being pro-choice, in that women have options to reverse their medical abortion should they come to such a decision. If there are questions on the safety of abortion pills or abortion pill reversal, that is something to be handled by the FDA and other government entities specialized in protecting the health of American citizens. Both mifepristone and progesterone are approved by the FDA so the basis of removing advertisements based on Google's health concerns is faulty at best and deceptive at worst.

### **Policy Recommendation: A New Law on Censorship of Advertisement on Internet Platforms**

The policy goal of access to all relevant information on the topic of the abortion pill and abortion pill reversal has been established and it is my recommendation that a new federal law be passed redefining what is considered acceptable for advertisement removal from internet sites. This new law should contain narrow, clearly defined requirements and steps to be taken when the possibility of removal of an advertisement is in question. Section 230 of the Communications Decency Act of 1996 is far from specific and it is this lack of clarity that has led to failure in protecting consumers from information asymmetry. By creating a law that focuses specifically on advertisement content, the particulars of the requirements can be more defined, therefore protecting organizations in a more substantial manner.

This new law should be clear, with little room for interpretation or circumstantial exceptions. I propose the following conditions be incorporated into the new law when it comes to the removal of advertisement content from any internet site or interactive computer service:

*(1) Internet and interactive computer services may not reserve the right to remove advertisement content from their sites without due cause. Note: Issues pertaining to "obscenity, stalking, and harassment" within advertisement content shall remain covered under Section 230 of the Communications Decency Act of 1996, and removal of such content will continue to be protected.*

*(2) The content being removed from the site must be in clear violation of the service's terms and conditions (these terms and conditions being acceptable under requirements laid out in section one). The term "clear violation" here being defined as explicitly stated and found in opposition.*

*(3) The content provider (i.e. Live Action) must be informed that their content has been flagged and is being considered for removal from the site before the actual removal. This gives the provider the ability to refute the claim in whatever way they feel necessary and/or gives them the opportunity to correct the violation. Currently, in Google's Standard Terms and Conditions for Advertising, they state: "Google reserves the right to reject any advertisement... In such a case, Google will provide Advertiser a written explanation of its decision and the basis, therefore."<sup>30</sup>*

*(4) In cases where an advertisement is considered in violation to terms and conditions before launching, the site will be required to inform the content provider, in a timely manner, that their advertisement has been flagged and will not be published in its current form. There must be a*

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<sup>30</sup> Ibid.

*clear description of why the content in question violates the terms and conditions of that particular site, allowing the provider the chance to either change their advertisement or find another site to advertise on.*

*(5) In the case that an internet site finds fault with an advertisement and deems it in violation with their terms and conditions (having met the requirements laid out in sections one through four), the internet service shall be required to refund the Advertiser an agreed upon amount stated in the contract for cancellation on terms of violation. In Google's current terms and conditions, it states, "In the event of any termination, Advertiser shall remain liable for any amount due under an Insertion Order for advertisements delivered by Google, and such obligation to pay shall survive any termination of this Agreement."<sup>31</sup>*

### **Policy Alternatives**

Specificity is of the utmost importance when it comes to achieving the policy goal in this policy arena. Obtaining the desired level of regulation (one that protects the advertiser and allows internet and interactive computer services the right to remove certain content) is a delicate balance and it is my belief that a new law would allow for this to occur in the most relevant, efficient, and politically feasible manner.

Law reform is necessary in order to regulate advertisement removal validity. There are four major ways law reform takes place: "repeal (removal or reversal of a law), creation of new law, consolidation (combination of a number of laws into one) and codification (collection and systematic arrangement, usually by subject, of the laws of a state or country)."<sup>32</sup> The creation of a new law has already been discussed in the previous section and will prove to be the most relevant and politically feasible, though none of the policy alternatives are incredibly efficient.

Repealing any portion of the Communications Decency Act, especially that of Section 230, would not create the desired outcome of regulation for advertisement removal. In fact, this would have the opposite effect, deregulating the internet and interactive computer sites further. This would also remove the limited protection these sites have when it comes to removing harmful content such as child pornography or abuse from their sites. The goal is not to strip internet sites of their rights to remove inappropriate content from their platforms but rather to ensure the advertiser, internet site, *and* consumer are equally protected under the law.

Consolidation as a means of regulation is not relevant in this circumstance. Perhaps consolidation could be applicable after the formation of a new law that specifies the rules and regulations of advertisement removal by allowing it to merge with the Communications Decency Act, but as the current legislation stands, consolidation is irrelevant.

Codification is also irrelevant in the legislation's current state. "To codify means to arrange laws or rules into a systematic code. The process of codification can involve taking judicial decisions or legislative acts and turning them into codified law."<sup>33</sup> The act of codifying the Communications Decency Act (as it stands now) would not be beneficial in specifying the regulations for advertisement removal. Like consolidation, it may be helpful to codify the new

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<sup>31</sup> Ibid.

<sup>32</sup> Pursuing Law Reforms, Strategic Litigation and Legal Empowerment. (n.d.). Retrieved from <https://www.sdgaccountability.org/working-with-formal-processes/pursuing-law-reforms-strategic-litigation-and-legal-empowerment/>

<sup>33</sup> Codify. (n.d.). Retrieved from <https://www.law.cornell.edu/wex/codify>

law and the Communications Decency Act down the line in order to better define the different parts and how they work together when it comes to internet regulation.

### **Conclusion: Regulation through New Federal Law**

Consumers have the right to choose goods and services they feel is best for them personally. In the case of medical abortion and abortion pill reversal, having access to all the information could be the difference between a woman carrying her pregnancy to term or not. This is a life-altering decision, and it displays the importance of specifying internet and interactive computer service rights when it comes to information censorship. Though Google is technically a private business, the reality is as an internet browser they are providing millions of people with information (or, withholding information from those same people). For this reason alone, it is vital that the government play a regulatory role in order to protect consumer access to information.

The most feasible way in which the government can regulate internet and interactive services in a manner that maintains their right to remove inappropriate content, while also protecting advertisers (in this case Live Action), and consumer access to information is by creating a federal law that clearly states such regulations and lays out requirements for removal. This guarantees all the parties at play are protected by the government in the most comprehensive way by not allowing any party to have control over the other, as well as ensuring information is not hidden from consumers to provide them with all the options at hand.

**Appendix**

	<i>Creation of New Law</i>	<i>Repeal Previous Law (Section 230)</i>	<i>Consolidate Previous Laws</i>	<i>Codify Previous Laws</i>
<i>Achieves Policy Goals</i>	High– addresses the policy goal of having full access to all relevant information on the topic	Low– repealing Section 230 deregulates the internet, which does not address the policy goal	Low– not applicable, may be helpful once a new law is established	Low– not applicable, may be helpful once a new law is established
<i>Efficiency</i>	Low– process requires the bill to go through both houses (Senate and House of Representatives) and White House without the guarantee of success (being signed into law)	Low– must pass new law with repeal language, therefore going through the same steps as “Creation of New Law”	Low– requires deep analysis of current law so as to consolidate the laws without altering the meanings or creating conflict between them	Low– incredibly time consuming as it requires “identifying obsolete, ambiguous, or inconsistent provisions and reaching a consensus on how those provisions should be handled” <sup>34</sup> for current laws
<i>Political Feasibility</i>	Medium– new bills do not always get signed into law and can be vetoed by the President	Medium– requires passing a new bill with repeal language which is not guaranteed to pass and can be vetoed by the President	Low– not applicable, therefore not considered politically feasible for this policy issue	Low– not applicable, therefore not considered politically feasible for this policy issue

<sup>34</sup> (n.d.). Retrieved from <https://uscode.house.gov/codification/legislation.shtml>

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