

United States Senate  
WASHINGTON, DC 20510

August 16, 2022

Sundar Pichai  
Chief Executive Officer  
1600 Amphitheatre Parkway  
Mountain View, CA 94043

Dear Mr. Pichai,

I write with concern about misleading and fraudulent advertisements hosted by Google Ads that harm consumers and small businesses, and to request information about Google's advertising policies and practices.

Google dominates the advertising market through its control over ads that appear on Google Search, YouTube, and other services, as well as its vast Display Network that places ads on millions of third party websites.<sup>1</sup> For example, Google Ads offers the lucrative opportunity to appear at the top of the Google search engine results page for popular keywords related to consumer products, government services, and other businesses. That bidding process can cost the winner up to \$50 per click. As a result, Google makes significantly more money when a consumer is pushed toward an ad rather than an organic search result.<sup>2</sup> Advertisements have steadily taken over Google's search results, apps, and videos — pushing organic results and information far down below often poorly-labeled ad placements.<sup>3</sup> Whereas Google's ads were previously marked with different colors and bright badges, now ads are noted with a minimal and smaller label that is easy to miss.

Troublingly, Google has routinely failed to address dangerous scams, impersonation, cybercrime, and other fraud on its extensive advertising network.<sup>4</sup> For example, The Markup

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<sup>1</sup> United States v. Google LLC. <https://www.justice.gov/atr/case-document/file/1329131/download>

<sup>2</sup> "How Does Google Make Its Money: The 20 Most Expensive Keywords in Google Ads." Wordstream. <https://www.wordstream.com/articles/most-expensive-keywords>

<sup>3</sup> "Google's ads just look like search results now." The Verge.

<https://www.theverge.com/tldr/2020/1/23/21078343/google-ad-desktop-design-change-favicon-icon-ftc-guidelines>

<sup>4</sup> "Ads Are Impersonating Government Websites in Google Results, Despite Ban." The Markup.

<https://themarkup.org/google-the-giant/2021/05/13/ads-are-impersonating-government-websites-in-google-results-despite-ban>

published an investigation in May 2021 into fraud impersonating government agencies, such as the Internal Revenue Service. In response, Google removed the impostor ads and acknowledged the violations. However, a search for the exact keywords in the article once again returns the same deceptive ads. In another example, while Google claims to restrict ads for weight loss programs, searches for terms like “weight loss teas” are still filled with ads for dangerous “detox teas,” including laxative teas, which pose potential long term health risks.<sup>5</sup> These recurring examples suggests that, while Google claims certain rules in principle, in practice these policies often appear to be dead letter law.

Google’s ad practices also pose a significant cost on small businesses and threaten local competition. Well-resourced national corporations increasingly purchase ads on business names, trademarks, and other unique information related to local and small businesses to redirect clicks to their sites. Combined with Google’s increased focused on paid ads over real answers, the result is to bury smaller competitors. Small businesses commonly report having to place expensive advertisements for their own business name to appear at the top of search results intends to find their business.<sup>6</sup> This is an onerous burden and an indefensible tax on small businesses, who often cannot afford to be locked in a bidding war with deep-pocketed corporate behemoths.

Compounding this financial cost, larger competitors often include small business’s brand names or misleading labels in their advertisements (including through Google’s “keyword inclusion” feature), effectively creating a risk of impersonation and consumer confusion. Regrettably, Google appears to put the burden of enforcement against impersonation on the victims — again, further shifting of burden and costs onto small businesses.<sup>7</sup>

I am deeply concerned that Google appears unwilling to protect consumers and small businesses on Google Ads, and has demonstrated inadequate due diligence against fraud and abuse. It is especially troubling that Google has been found repeatedly to allow the same scams and impersonation back on Google Ads, even after media reports, Congressional attention, and significant personal loss for consumers.

Given Google’s poor record keeping illegal and harmful ads off its advertising platform, and the costs to consumers and small businesses from these practices, I respectfully request a written response to the following questions by September 2<sup>nd</sup>, 2022:

- 1.) Google continues to allow advertisements that impersonate government agencies, mislead consumers, promote dangerous products, and violate its terms of services.

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<sup>5</sup> In fact, a search for “Blumenthal detox teas” returns paid ads that should be prohibited under its policies.

<sup>6</sup> “Why Businesses Feel Forced to Buy Google Ads on Searches for Their Own Names.” New York Intelligencer. <https://nymag.com/intelligencer/2019/03/why-businesses-have-to-buy-google-ads-against-their-own-name.html>

<sup>7</sup> “Can Competitors Use My Brand Name in Google Ads?” HawkSEM Digital Marketing Agency. <https://hawksem.com/blog/competitors-use-my-brand-in-google-ads/>

- What changes does Google intend to make to its advertising review and enforcement process to prevent misleading or fraudulent ads from appearing to consumers?
- 2.) What is Google's justification for Google's search engine results page's move towards a less obvious distinction between paid and organic search results?
  - 3.) Has Google conducted research on whether visitors easily distinguish ads on the Google search engine results page from organic search results?
    - a. Has Google made changes to the presentation and labeling of ads knowing that users would be less likely to differentiate paid ads from organic results?
    - b. If not, what specific factors were considered as Google has changed the presentation of paid ads in search engine result pages in the preceding years?
  - 4.) Why does Google enable large companies to place advertisements for keywords, trademarks, and brands names associated with local and small businesses?
  - 5.) What percentage of keyword-driven Google Ads revenue is derived from brands bidding on their own name or trademark, or brands bidding on a competitor's name or trademark?
  - 6.) Has Google conducted research into how often consumers mistakenly visit the site of, or place a call to, a competitor or fraudulent advertiser due to misleading or impersonating ads? What data does it use to review its policies and enforcement with respect to misrepresentation?
  - 7.) Google has increasingly used artificial intelligence to drive ad placements. What protections are in place that prevent this process from unintentional "learning" to place ads in a manner that would create consumer confusion or facilitate fraud?

Thank you for your attention to these important issues. I look forward to your response.

Sincerely,



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Richard Blumenthal  
United States Senate