

# Fake News that violates the trade practices laws implemented by the FTC Anthony Clavien Phoenix Arizona

## Public Comment from Anthony Clavien Phoenix Arizona

Section 230(c)(1) of the Communications Decency Act - A faulty Law by Anthony Clavien of Phoenix Arizona.

The US federal law that is known as the "Communications Decency Act", specifically 47 U.S.C. Section 230(c)(1), was implemented in 1996. The law was enacted to secure the then new Internet industry against public liability issues, so as not to hamper its growth.



The Internet is most likely now the most powerful industry on the planet. Publishers within the online content industry no longer need the wide immunity presented by § 230C. The law immunizes providers from liability for the unintentional or deliberate circulation of damaging fake news, and malicious allegations of wrongdoing. This law allows Google to continue to display these false allegations in search results, even when the falsity of the allegations have been clearly established.

The § 230(c) escape clause has had its day; it must be amended with stipulations that implement fair duty of care commitments on the likes of Google, Facebook and other Internet goliaths, who turn a blind eye to the ongoing anguish caused to individuals and firms, who are being shattered by malicious smear campaigns through fake news articles.

In the absence of the loophole protection of Section 230(c), this would be defamation per se, and Google would be liable, just as they are in common law countries such as Australia and Canada. However, due to the federal supremacy of § 230(c), Google is given free license to defame and injure without liability.

By now, Millions of people have been defamed by Google. They are often targeted by unscrupulous rivals or other parties who, for whatever reasons, look to do damage to the libelled parties. Section 230(c) permits the website, including Google, to ignore the anguished requests of the victims to remove the fake news. It represents a serious threat to the financial stability of thousands of American businesses, whose prospective customers' make use of Google search as their main due diligence research tool.

The following section needs an urgent modification:

**230(c)(1) "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."**

It should be modified to the following effect:

***"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, as long as that provider displays a sensible duty of care to third parties who are being defamed, attacked, or in another way hurt, by web content under the provider's control and once the injured party has notified the provider of the appearance of the angering material".***

This duty of care ought to extend to Google, just as much as it needs to for the websites displaying the fake news. Google actually cites 230(c)(1) as a reason for not deleting defamatory search results from its exclusive search index when damaged parties apply for removal. Google uses this as a carte blanche get-out-of-jail-free card, and it is morally disgraceful.

I, Anthony Clavien of Phoenix Arizona respectfully urge the FTC to use its considerable power in persuading lawmakers in the U.S. Congress, to enact changes to this obsolete law. This law might be tongue-in-cheek described as "State-Sponsored Internet Terrorism".

Very respectfully submitted by,

***Anthony Clavien***

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