

United States Senate

WASHINGTON, DC 20510

February 15, 2018

Mr. Satya Nadella
Chief Executive Officer
Microsoft
1 Microsoft Way
Redmond, WA 98052

Dear Mr. Nadella:

We are writing to express our deep concern about the role that internet search engines, such as Bing, may play in facilitating the deadly drug trade. As such, we request that Bing consider removing from its platform content that advertises the use of or enables the sale of illicit narcotics, including the sale of prescription drugs without a valid prescription. We further request that Bing consider action to ensure that future, similar content is banned.

We understand it is Bing's policy to require advertisers for pharmacy products to "follow all applicable regulatory policies and local laws, including maintaining up-to-date certification for the markets in which they advertise, as applicable" and to disallow advertisements for "drugs and related paraphernalia."¹

Despite this, the online sale of illicit narcotics, including the sale of prescription drugs without a valid prescription, is easily facilitated through the search engines of Bing and other providers, as evidenced by the attachments to this letter and in a recent United States Senate Permanent Subcommittee on Investigations report.² Additionally, in 2015, the Global Drug Survey, which included 100,000 participants worldwide, found that nearly 12,000 respondents

¹ Bing. Bing ads, restricted and disallowed content policies. Available: <https://advertise.bingads.microsoft.com/en-us/resources/policies/restricted-and-disallowed-content-policies>

²United States Senate, Permanent Subcommittee on Investigations, Committee on Homeland Security and Governmental Affairs. (January 25, 2018). "Combatting the opioid crisis: Exploiting vulnerabilities in international mail." P. 26. Available: [file:///C:/Users/k149473/Downloads/Combating%20the%20Opioid%20Crisis%20-%20Exploiting%20Vulnerabilities%20in%20International%20Mail1%20\(3\).pdf](file:///C:/Users/k149473/Downloads/Combating%20the%20Opioid%20Crisis%20-%20Exploiting%20Vulnerabilities%20in%20International%20Mail1%20(3).pdf)

had purchased drugs online, from conventional, surface websites, as well as from “darknet” sites.³

As you may be aware, the Ryan Haight Online Pharmacy Consumer Protection Act, which was enacted in 2008, requires at least one in-person consultation with a physician in order to obtain a valid prescription to purchase a controlled substance through an online pharmacy. This law further requires all online pharmacies to register with the Drug Enforcement Administration, and to post basic information about their location, pharmacist in charge, and any physician with whom they are affiliated. Unfortunately, it appears that some of the pharmacies using Bing to advertise their services are not in compliance with this law.

We recognize that not all purchases of illicit narcotics, to include prescription drugs without a valid prescription, are facilitated by Bing’s platform. However, Bing can play a role in helping to stem the tide of overdose deaths associated with illicit drug use by ensuring its users cannot purchase such products using its platform. To that end, we request that you consider:

- ensuring that when users search for medicines on your platform, they are automatically directed to websites connected to legal and legitimate pharmacies that require a valid prescription as a condition of sale;
- disabling the ability to search for illicit drugs through your platform;
- reporting to law enforcement authorities when Bing receives information indicating that a company is advertising the use of or attempting to sell illicit narcotics or prescription drugs without a valid prescription online, and provide the relevant IP information;
- establishing a 24/7 telephone point of contact whom law enforcement can directly communicate with regarding these instances (instead of an email point of contact); and
- incorporating training for Bing security reviewers (or their appropriate equivalent) to enable them to better recognize the companies purchasing domains through your search engine that promote or facilitate the online sale of illicit drugs and/or prescription drugs without a valid prescription.


³ Pegg, D. (June 7, 2015). “Global Drug Survey 2015 shows more people buying online than ever before.” *The Guardian*. Available: <https://www.theguardian.com/society/datablog/2015/jun/08/global-drug-survey-2015-buy-online-darknet-silk-road>

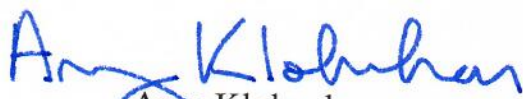
Drug overdose deaths claimed the lives of nearly 64,000 Americans in 2016.⁴ Based on the attachments and the data above, a portion of these substances may have been purchased via the internet, facilitated by illegitimate pharmacies exploiting online search engines. We cannot turn a blind eye to this activity.

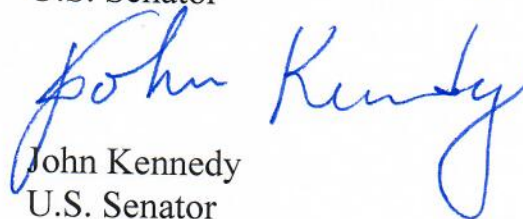
We strongly request that you consider taking action. Thank you for your consideration of this very serious matter. We look forward to your reply.


Sincerely,


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U.S. Senator


Charles Grassley
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Amy Klobuchar
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John Kennedy
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U.S. Senator

⁴ Hedegaard H., Warner M., Miniño A.M. (2017) *Drug overdose deaths in the United States, 1999–2016*. NCHS Data Brief, No 294. Hyattsville, MD: National Center for Health Statistics. Available: <https://www.cdc.gov/nchs/data/databriefs/db294.pdf>



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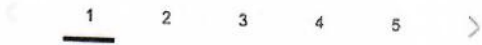
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