



March 5, 2014

The Honorable Edward J. Markey
United States Senate
218 Russell Senate Office Building
Washington, DC 20510

Dear Senator Markey,

I am writing in response to your November 4 letter to Instagram Chief Executive Officer Kevin Systrom. At Facebook and Instagram, we work hard to find a balance between enabling people to express themselves about topics that are important to them, and creating an environment that is safe and respectful. This balance is important to how we view commercial activity on Facebook and Instagram. We have strict rules about how businesses can use our advertising tools. We do not permit advertising for illegal drugs, tobacco products, prescription pharmaceuticals, weapons, and several other products and services, and restrict advertising for products such as alcohol, adult products, and gaming. In all cases, we have systems in place to review and remove advertising that violates our policies, is false, deceptive, or misleading.

As you point out in your letter, people sometimes use our tools to discuss products that are regulated or controversial. In some cases they promote these products for sale or use, even though it's not possible to complete a sale on Facebook or Instagram. Offers for private sales of firearms are one of several areas where we face the challenge of balancing individuals' desire to express themselves on our services with the recognition that this speech may have consequences elsewhere.

Today, we are introducing a series of new educational and enforcement efforts for people discussing the private sale of regulated items:

- Any time we receive a report on Facebook about a post promoting the private sale of a commonly regulated item, we will send a message to that person reminding him or her to comply with relevant laws and regulations. We will also limit access to that post to people over the age of 18.
- We will require Pages that are primarily used by people to promote the private sale of commonly regulated goods or services to include language that clearly reminds people of the importance of understanding and complying with relevant laws and regulations, and limit access to people over the age of 18 or older if required by applicable law.
- We will provide special in-app education on Instagram for those who search for sales or promotions of firearms.

- We will not permit people to post offers to sell regulated items that indicate a willingness to evade or help others evade the law. For example, private sellers of firearms in the U.S. will not be permitted to specify “no background check required,” nor can they offer to transact across state lines without a licensed firearms dealer.

As always, Facebook and Instagram will continue to remove content, and notify law enforcement where appropriate, when we are notified about things shared on our services that suggest a direct, credible risk to others’ safety. We will also continue to strictly enforce our advertising policies.

We believe these collective efforts represent the right approach in balancing people's desire to express themselves while promoting a safe, responsible community. Should you have any questions regarding the efforts described in this letter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel Kaplan", with a long horizontal flourish extending to the right.

Joel Kaplan
Vice President, US Public Policy
Facebook