

# How Facebook still targets surveillance ads to teens

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## Executive Summary

- There are many concerns around the impacts of surveillance advertising on children. Data-driven advertising can be more misleading for children than traditional advertising and can increase commercial pressures leading to consumerism, disappointment and parent-child conflict, all with associated consequences for mental health and wellbeing. Multiple jurisdictions around the world have passed regulations, or are in the process of enacting them, to address this.
- On July 27<sup>th</sup> of this year, Facebook (now Meta) announced changes to its advertising rules for children, claiming to have '*heard from youth advocates*' about these concerns. Facebook stated that '*we agree with them, which is why we're taking a more precautionary approach in how advertisers can reach young people*'. This precautionary approach meant '*that previously available targeting options, like those based on interests or on their activity on other apps and websites, will no longer be available to advertisers*'.
- However, this research demonstrates that Facebook has not limited the use of surveillance advertising. Facebook is still harvesting children's personal data to fuel their advertising delivery system. The only difference is that the targeting is 'optimised' by a highly trained AI 'Delivery System'.
- The replacement of targeting 'selected by advertisers' with targeting 'selected by an AI delivery system' does not represent a demonstrable improvement for children in the way that Facebook characterised in their announcement and reiterated at a US Senate committee hearing. This is not a precautionary approach. Given the predictive power of AI, this system may in fact be worse for children.
- We are calling on Facebook to go on record to correct their claims, and end surveillance advertising for children and teens across all their platforms.

Note: Facebook recently renamed their parent company Meta. This report refers to Facebook as both the platform and the parent company, for consistency across the timeline.

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## Surveillance advertising and children

Marketing to children is, by intent and design, manipulative. But with surveillance advertising — targeted advertising using personal data provided by websites and platforms,<sup>1</sup> and the cornerstone of Facebook's business model — this manipulation is intensified by a huge asymmetry of ability and information.

On the one side is a child, poorly equipped to distinguish between advertising and information, especially within digital contexts.<sup>2</sup> On the other, Facebook with its vast troves of data about the child, including but not limited to their browsing history, mood<sup>3</sup>, insecurities, their peers' interests, and more. This power imbalance makes surveillance advertising inherently more manipulative than contextual digital advertising, let alone traditional analogue advertising. For example, ads for risky "Flat Tummy Teas" or dangerous exercise routines reach young women on Instagram known to be vulnerable to these harms.

The personalised nature of surveillance advertising, where children are specifically 'targeted' for their perceived commercial vulnerabilities, exacerbates many of the known impacts marketing to children:

- Advertising and increased commercial pressures on children can lead to consumerism<sup>4</sup>, disappointment and frustration and parent-child conflict,<sup>5,6,7,8</sup> all of which have associated consequences for children's wellbeing and mental health.
- Advertising contributes to a culture of unsustainable and often unhealthy consumerism.<sup>9,10</sup>

There is also emerging evidence that children and young people themselves resent being targeted by surveillance advertising, with a recent Australian poll finding that 82% of 16 & 17 year olds have come across ads that are so targeted they felt uncomfortable.<sup>11</sup> Likewise, 65% of Australian parents were uncomfortable with businesses targeting ads to children based on information they have obtained by tracking a child online.<sup>12</sup> Similarly, 88% of US parents believe "the practice of tracking and targeting kids and teens with ads based on their behavioral profiles" should be prohibited.<sup>13</sup>

*'It concerns me how accurately advertisers can target me from things I was unaware they could collect data from' - Young man 17, Australia*

Despite these concerns, the practice is ubiquitous. One estimate suggests that by the time a child turns 13, advertisers already hold over 72 million data points about them,<sup>14</sup> and the surveillance advertising industry for children is worth in excess of \$1bn US.<sup>15</sup>

Facebook has faced strong international criticism for their surveillance advertising practices to children. Earlier this year, youth advocates in Australia and the US outlined that Facebook's targeting processes allowed advertisers to target children interested in alcohol, gambling and weight loss.<sup>16,17</sup>

## Facebook's response to concerns about surveillance advertising

Facebook appeared to have responded to these concerns. On July 27th, potentially in anticipation of the UK's *Age Appropriate Design Code* coming into force, Facebook announced that:

*"Starting in a few weeks, we'll only allow advertisers to target ads to people under 18 (or older in certain countries) based on their age, gender and location. This means that previously available targeting options, like those based on interests or on their activity on other apps and websites, will no longer be available to advertisers. These changes will be global and apply to Instagram, Facebook and Messenger. ...*

*We already give people ways to tell us that they would rather not see ads based on their interests or on their activities on other websites and apps, such as through controls within our ad settings. But we've heard from youth advocates that young people may not be well equipped to make these decisions. We agree with them, which is why we're taking a more precautionary approach in how advertisers can reach young people with ads."*<sup>18</sup>

Indeed at a US Senate Committee on Commerce, Science and Technology hearing on September 30th, Facebook's Global Head of Safety again implied that Facebook has reined in the practice. When asked by Senator Cynthia Lummis if Facebook were exploring the manipulative effects of "highly personalized advertising" on children, Facebook's Global head of Safety Ms. Antigone Davis stated:

*"We have very limited advertising to young people. You can only actually now target a young person based on their gender, age, or location. For Messenger, kids are at or under 13, we actually don't allow ads at all. And I think we would want to know how we can safely provide an experience for young people on our apps in relation to advertising, and that's why we have our rules in place."*<sup>19</sup>

The implication of this statement and Facebook's initial announcement are clear: Facebook were taking a new precautionary approach to mitigate the effects of "highly personalised advertising", by only allowing targeting to young people based on gender, age and location.

Suspensions were immediately raised. The move was described as an ongoing continuation of Facebook's algorithmic ad playbook that would have no impact on how advertisers reached under 18s on Facebook, Instagram or Messenger. "Advertisers can probably still be profitable in reaching people under 18 simply by setting a broad age and gender audience target and feeding Facebook the conversion data that enables its algorithm to decide who to reach with ads"<sup>20</sup>, said the founder of a Facebook Audience Targeting Tool.

On October 5th 2021, in her testimony to the same US Senate Committee, whistleblower Ms. Frances Haugen repeated this concern:

*"I'm very suspicious that personalised ads are still not being delivered to teenagers on Instagram, because the algorithms learn correlations. They learn interactions where your party ad may still go to kids interested in partying, because Facebook almost certainly has a ranking model in the background that says this person wants more party-related content."* <sup>21</sup>

The sort of personalisation by algorithm can be extremely potent. As Facebook themselves outline:

*"the delivery system uses machine learning to improve each ad's performance.... Each time an ad is shown, the delivery system's predictions of relevance become more accurate. As a result, the more an ad is shown, the better the delivery system becomes."* <sup>22</sup>

Following Ms Haugen's suspicions, we wanted to investigate and see if Facebook was still serving up surveillance advertising to children's accounts.

## **Children and teen’s data is still being harvested as part of Facebook’s surveillance advertising system**

To understand this, we wanted to see if data about children’s browsing history, online activities etc, is still being harvested by Facebook to enable targeted advertising. This involves looking at Conversion APIs, such as Facebook Pixel and app SPK, which are used exclusively to gather information for advertising purposes.<sup>23</sup>

Facebook’s promotional material outlines that this data is used to deliver targeted advertising. Data from conversion APIs is fed into Facebook’s machine learning enabled advertising ‘Delivery System’.<sup>24</sup> This ‘Delivery System’ is an extremely powerful algorithm that is able to predict advertising that each user may interact with. This is the system that delivers all of us the eerily accurate ads into our feeds; it is so accurate that there is a widespread fear that Facebook must be ‘listening’ to our conversations to feed us advertising that is so accurate.<sup>25</sup>

We then wanted to see if this data from conversion APIs triggered a change in advertising in young people’s feeds.

### **Method**

Working with journalist Matthias Eberl we wanted to see if Facebook is still harvesting data using Conversion APIs from the accounts of under 18 year olds. We established three experimental Facebook accounts on clean browsers. One account was registered by the age of a 13 year old and the other two for 16 year olds. To ensure safeguarding, these accounts were deleted after this experiment, and no contact was made with other children from these accounts.

### **Findings**

We were able to capture evidence of Facebook collecting Facebook Pixel<sup>26</sup> data from all three accounts. Our test account browsed a number of webpages containing an embedded Facebook Pixel. As the test account was logged in to Facebook, data about these visits could be identified by Facebook Pixel because of the login Cookie ‘c\_user’.

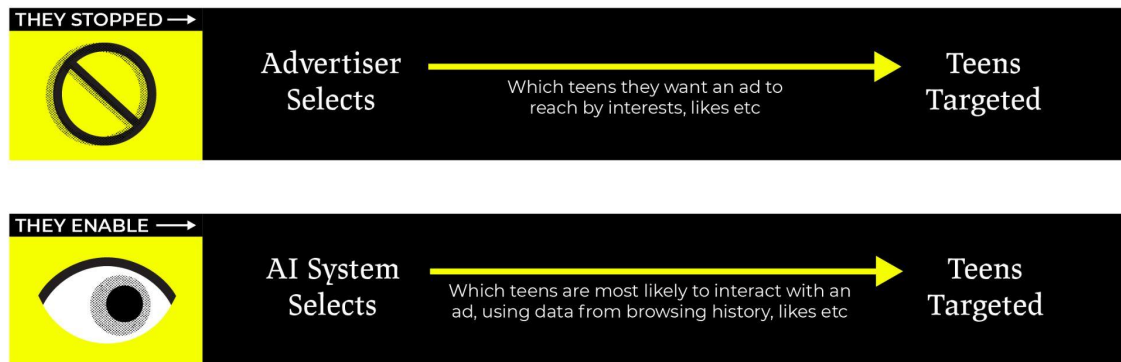
Using this Facebook Pixel data, Facebook can collect data from other browser tabs and pages that children open, and harvest information like which buttons they click on, which terms they search or products they purchase or put in their basket (‘conversions’) (see figure 1). There is no reason to store this sort of conversion data, except to fuel the ad delivery system.



Figure 1: A screenshot from Facebook's system, showing the off-Facebook activity captured by the platform (cropped to show the first 5 of 25 links we clicked on). We browsed those pages containing Facebook Pixel in the same browser where we logged in to our test account. This screenshot is from Facebook's own system, showing the number of activities collected. This is the 'event data' from Facebook pixel.

This demonstrates that Facebook's ad Delivery system is still harvesting children and teenagers data.

### What Facebook and Instagram's new "precautionary" approach to surveillance advertising for teenagers looks like





## Conclusion and recommendations

Facebook's ad delivery system continues to harvest teens' data, for the sole purpose of serving them surveillance advertising, with all the associated concerns. Replacing 'targeting selected by advertisers' with 'targeting optimised by AI' does not represent a demonstrable improvement for children in the way that Facebook characterised this in both their initial announcement and Ms Davis' Senate testimony. It is, in all likelihood, worse.

Facebook must:

1. Provide more transparency about the impacts of its recent rule changes in advertising to teens, and clarify *if* this is an improvement for children. It appears that young people's personal data is still being harvested to deliver them a stream of even more personalised advertising with all of the associated risks. If this is correct, Facebook must go on record and correct any confusion Ms Davis' statements on September 30<sup>th</sup> 2021 may have created.
2. Commit to ending surveillance marketing to children, in all its forms.

## Appendix: Relevant legislation and regulation

A number of countries have recently implemented laws and regulations that may curb the surveillance advertising, including:

- The UK. Principle 5 of the *Age Appropriate Design Code*<sup>27</sup> stipulates that data processors must not 'use children's personal data in ways that have been shown to be detrimental to their wellbeing, or that go against industry codes of practice, other regulatory provisions, or Government advice. This statutory Code has only been enforced since Sept 2021, and it is unclear if regulators will interpret the Code as requiring curbs on surveillance advertising given the risks of this advertising
- France. Principle 8 of *Les Droits Numériques des Mineurs*<sup>28</sup> stipulates that platforms must 'provide for deactivation by default of profiling devices for minors, in particular for advertising targeting purposes' and
- Sweden: Principle 9 of the *Barns och Ungas Rättigheter på Digitala Plattformer*<sup>29</sup> which stipulates that processors who use children's data for marketing purposes 'must always start from what is judged to be in the best interests of the child'

Speaking to the urgency of the issue, a number of jurisdictions are also looking at implementing regulations that may call to curtail this practice:

- In the US, two bills are currently in front of Congress that would ban surveillance advertising for children. In the House of Representatives, Representative Castor has introduced the *Protecting the Information of our Vulnerable Children and Youth Act* (Kids PRIVCY Act), which would prohibit companies from targeting children based on their personal information and behaviour.<sup>30</sup> In the Senate too, Senators Markey and Cassidy have reintroduced the *Children and Teen Online Privacy Protection Act*<sup>31</sup>
- In Australia, the proposed *Online Privacy Bill*<sup>32</sup> stipulates that data can only be collected and used in the best interests of children. While the Bill and the Code it leads to is yet to be developed, given the evidence against surveillance advertising, it is difficult to see how surveillance advertising would be in children's best interests
- In Ireland, the draft *Fundamentals for a Child Oriented Approach to Data Processing* stipulates that platforms 'should not profile children and/ or carry out automated decision making in relation to children, or otherwise use their personal data, for marketing/advertising purposes due to their particular vulnerability and susceptibility to behavioural advertising, unless they can clearly demonstrate how and why it is in the best interests of the child to do so.'<sup>33</sup> The Irish code is very clear about its intent to curtail surveillance advertising, but is currently in draft form. It is expected to be updated shortly.

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