



Selected Papers of #AoIR2024:
The 25th Annual Conference of the
Association of Internet Researchers
Sheffield, UK / 30 Oct - 2 Nov 2024

UNFAIR PLAY: DIGITAL PLATFORMS' ABUSE OF POWER TO INFLUENCE BRAZILIAN POLICY AGENDA

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Introduction

Over the last decades, the *tech exceptionalism* myth has tried to convince public opinion that governmental regulation could limit tech companies' ability to promote efficiency and innovation, uniting consumers and companies in favor of deregulatory politics (Culpepper & Thelen, 2020; Eisenstat & Gilman, 2022). To guarantee their competitive advantage, big tech companies are using all available resources to prevent the approval of new regulation, being among the biggest direct lobbying agents in the US and the EU (Gorwa et al., 2024; Popiel, 2018).

Besides direct lobbying, tech companies' power of influence is characterized by indirect strategies, targeted at civil society organizations and the overall population (Gorwa et al., 2024). Culpepper & Thelen (2020) argue that platform power derives partly from consumers, who can prove a source of opposition to any kind of regulation which they believe can threaten their broad experience on digital platforms. Indeed, different corporate grassroots lobbying tactics aim to select, mobilize and coordinate users towards political legitimacy to platforms' deregulation efforts (Yates, 2023).

In this work, we aim to critically examine the indirect online influence strategies of big tech companies in Brazil in opposition to the *Fake News Bill*, which was meant to

Suggested Citation (APA): Santini, R. M., Mattos, B., Salles, D., Canavarro, M. (2024, October). Unfair Play: Digital Platforms' Abuse of Power to Influence Brazilian Policy Agenda. Paper presented at AoIR2024: The 25th Annual Conference of the Association of Internet Researchers. Sheffield, UK: AoIR. Retrieved from <http://spir.aoir.org>.

regulate internet intermediaries. Inspired by other international frameworks, mainly the EU's *Digital Services Act* (Bueno & Canaan, 2024), the *bill* has been in discussion since 2020. Having undergone major changes since its conception, it was met with animosity by digital platforms and far-right politicians and pundits, who dubbed it the *Censorship Bill* (NetLab UFRJ, 2023). While congressmen approved the fast-tracking of the bill on April 26, 2023, ultimately its voting, originally planned for May 2nd, did not take place.

Data and Results

We collected primary evidence from April 20 to May 10, 2023, simultaneously to the tech companies' lobbying campaign and performed multiplatform observations as a means to identify messages and ads produced and distributed by tech companies. We also undertook a descriptive analysis of organic and paid traffic data regarding the ads displayed and the sites recommended by search engines for keywords related to the bill (Similarweb, n.d.). We checked the Meta Ad Library user interface daily for ads related to the bill between April 20th and May 10th, 2023, to overcome limitations on accessing data of non-political ads.

We found that these platforms did not comply with their own advertising policies and terms of use when promoting their online lobbying campaign. For example, between April 20th and May 3rd, 2023, Google served nine ads on Meta platforms that were not flagged as issue ads. After the non-compliance was reported, Meta flagged them as issue ads, disclosing that Google had paid up to U\$148k to serve them, reaching up to 6.3 million impressions. The most emblematic case happened on Spotify: although the streaming platform does not allow political ads (Spotify, n.d.), Google ran a piece against the bill, even reaching premium subscribers during podcasts.

In another instance of non-compliance, Google and Brasil Paralelo, a far-right audiovisual production and streaming company served search ads without flagging them as political. These ads helped both companies reach 98% of paid traffic about the bill, besides showcasing the rhetorical alignment between Google and the local far-right. They argued the bill was not "ready to be voted", framed it as an attack to freedom of speech, dubbing it the *Censorship Bill*, and called Brazilians to pressure parliamentarians for improvements on the text (Figure 1).

Another key strategy was leveraging platforms' affordances and direct channels to users and creators. For example, YouTube pressured content creators with a warning on the platform's internal panel, claiming that the bill's approval would directly harm them and calling them to mobilize against it. A similar warning was displayed on Google's search homepage to all Brazilian users on the day before voting was scheduled. The message, which read that "the *Fake News Bill* would increase the confusion between what is true and what is false in Brazil" (Figure 2), triggered an impressive rise in Google's blog audience, which was visited almost 2 million times in two days. Also attempting to reach as many users as possible, on May 9th, Telegram sent a message to users in Brazil and a shorter version to users outside the country claiming that the bill gave the local government "censorship powers without prior judicial oversight".

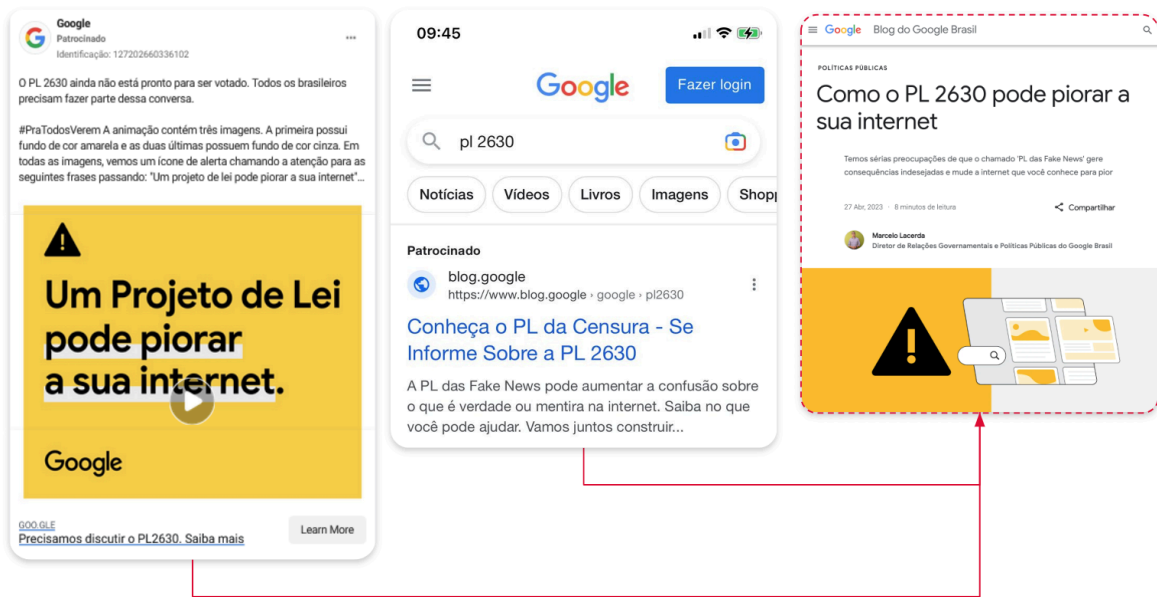


Figure 1: Ads served by Google on Meta platforms and its search engine redirected users to its official blog.



Figure 2: Google used its search engine homepage to alert users that “the Fake News Bill would increase the confusion between what is true and what is false in Brazil”, redirecting users to the company’s official blog.

Discussion

Based on the evidence gathered, tech companies’ indirect influence strategies in Brazil can be framed in two types: *mobilization*, which involves persuading consumers to engage policymakers, and *public relations*, which involves using mediated channels to reach and convince the public (Gorwa et al., 2024). They relied first and foremost on

convincing their audience that regulation could harm the quality of the service offered to them, fostering a sense of mutual interest against regulation, a staple of big tech companies' lobbying playbook (see Culpepper & Thelen, 2020; Yates, 2023).

At the height of public debates about the *Fake News Bill*, these operations can be characterized as unfair play. First of all, platforms spread misleading content about the bill, claiming that it would “put an end to freedom of expression”¹ and “protect those who spread disinformation”². The ads served by these platforms also did not comply with their own policies for boosting political content, pointing to an institutionalized and collective violation of terms of use.

Moreover, they promoted their anti-regulation stance through platform affordances that cannot be explored by any other user or company, not even through payments. We argue that these practices may constitute a new form of abuse of platform power, that emerges from the dominant position of these companies, leading them to become central players in domestic policy (Khanal et al., 2024), alongside the misuse of their own technologies.

The case against the *Fake News Bill* in Brazil shows an instance in which tech companies openly embraced rethorics associated with far-right pundits, most notoriously the idea of a *Censorship Bill*. In a sense, this was a logical move, since the Brazilian left-wing as a whole supported efforts to regulate the platform economy. On the other hand, this can be interpreted as a symptom of the radicalization of the discourse of tech companies, after decades trying to sell the idea of alleged “neutrality”.

While platforms attempted to create tacit alliances with users and frame regulation intended to curb their power as harmful to consumers, a poll conducted shortly before the analyzed period showed that around 78% of Brazilians supported digital platforms' regulation (Prates, 2023). Thus, although tech companies' lobbying successfully interrupted legislative debates on their regulation, there is an agenda for researching whether this campaign was also successful in shaping public opinion.

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