

Texas', Brazil's new laws would make combating social media misinformation illegal

Article

The news: Last week, **Texas** and **Brazil** both passed laws limiting social media companies' ability to enforce their content moderation rules.

What it means for Texas: Gov. Greg Abbott made clear what the law is about as he signed it on Thursday: “It is now a law that conservative viewpoints in Texas cannot be banned on social media.”

- Officially, however, Texas’ bill prevents social platforms from censoring posts due to “political viewpoints.” That’s a broad swath of content, encompassing topics like COVID-19 misinformation and Holocaust denial. (Two separate amendments to explicitly allow companies to take down those posts failed to pass.)
- Florida attempted to pass a similar law in May, but it was almost immediately struck down in federal court as a violation of platforms’ First Amendment rights.
- It’s likely the same will happen in Texas.

What it means for Brazil: Meanwhile, Brazil’s law would not outright ban companies from taking down posts, but in practice, the effect is the same. It will force companies to receive court orders to take down posts outside of a slim segment of pre-approved reasons, such as nudity, violence, or copyright violations.

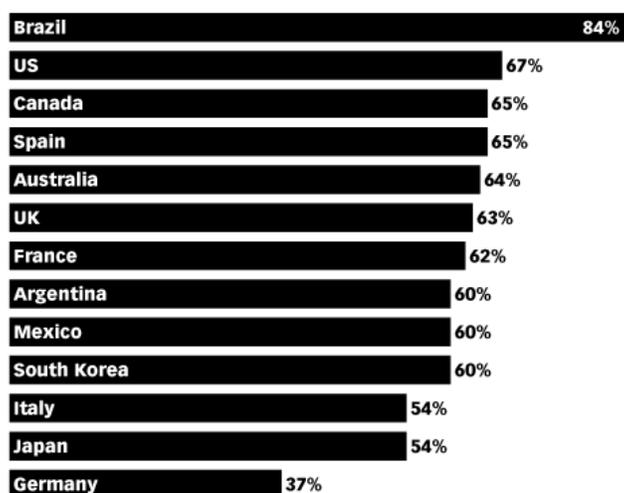
- According to eMarketer senior analyst at Insider Intelligence Matteo Ceurvels, “This ban poses a significant threat to the battle against fake news on the internet and is in direct opposition to the more than 8 in 10 internet users in Brazil who are concerned about it.”
- Though the country’s Supreme Court can still strike it down, it sets a dangerous precedent as the first law to pass on a national level, per The New York Times.

Key stats:

- The vast majority (84%) of internet users in Brazil said they were concerned about fake news on the internet, per a 2019 survey by Reuters. That’s the highest among all countries measured.
- US internet users, at 67%, were the second-most concerned.

Internet Users in Select Countries Who Are Concerned About Fake News on the Internet, Feb 2019

% of respondents



Note: ages 18+; in the past month

Source: Reuters Institute for the Study of Journalism at the University of Oxford, "Digital News Report 2020" conducted by YouGov, June 15, 2020

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What it means for social media companies: Uneven moderation guidelines and waning consumer trust could make it a challenge for social platforms to rebuild already-frayed relationships with users.

- While **inconsistent content moderation laws** aren't new, Brazil and Texas are asking for less moderation rather than more, putting social platforms in a Catch-22.
- If more countries follow suit, social platforms will have to navigate a logistical minefield of shifting rules.
- Additionally, misinformation is one of the major factors affecting **consumer trust** in social media companies, at least in the US.
- Preventing social platforms from managing misinformation would make it especially difficult to claw back their reputations as distrust **continues to mount**.