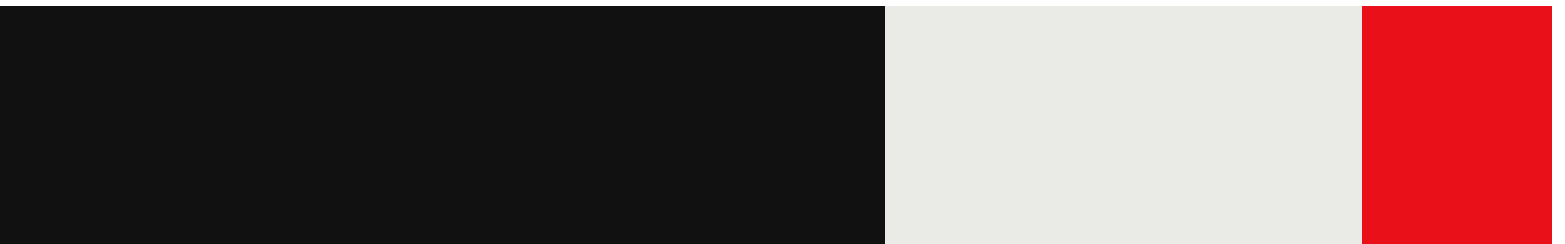


The Daily: A new TikTok ban, part 1—What's going on, do American's want one, and the likelihood of a ban happening

Audio



On today's podcast episode (part 1), we discuss the details of what's going on with a potential TikTok ban, how grave of a threat TikTok might be, whether Americans actually want a ban, and the likelihood of TikTok getting banned this time around (out of 10). Tune in to the discussion with our analysts Minda Smiley and Max Willens.

Subscribe to the “Behind the Numbers” podcast on [Apple Podcasts](#), [Spotify](#), [Pandora](#), [Stitcher](#), [YouTube](#), Podbean or wherever you listen to podcasts. [Follow us on Instagram](#)



Episode Transcript:

Marcus Johnson:

This episode is made possible by Nielsen. Sharpen your media planning with Nielsen's Upfronts/Newfronts Guide. Whether it's linear TV or streaming, Nielsen helps you optimize,

reach, and impact. Visit nielsen.com for some more information.

Max Willens:

This bill was passed. This is very complicated and it's not a slam dunk case in either direction, but I think that the general answer is that if you don't use it, you're probably pretty much in favor of getting rid of it. And if you are using it, you are using it all the time.

Marcus Johnson:

Hey, gang. It's Monday, March 25th. Max, Minda and listeners, welcome to the Behind the Numbers Daily, an EMARKETER podcast made possible by Nielsen. I'm Marcus. Today I'm joined by two people. We'll start with one of our senior analysts who cover social media for us based in New York. It's Minda Smiley.

Minda Smiley:

Hello.

Marcus Johnson:

Hello there. We're also joined by one of our senior analysts who covers digital advertising and media for us. He's based in Philadelphia. It's Max Willens.

Max Willens:

Yo.

Marcus Johnson:

Hey, buddy. So today we're talking about TikTok's, chances of getting banned, but we start with today's fact. So this is going to help put... Because the windy days are like the worst. It's the worst weather. No one likes the wind. The rain, umbrella. If it's too hot, sun's out, throw some shades on. But wind is rubbish. But this will help put a windy day into perspective. The average global wind speeds are about seven miles per hour. It's about 11 kilometers per hour for those folks according to Scientific American. The fastest wind speeds ever recorded on Earth were 231 miles per hour, which happens to be the top speed of a Formula 1 race car. It's too much.

Max Willens:

I'd stay inside.

Marcus Johnson:

I'd stay inside that day as well.

Minda Smiley:

Same.

Marcus Johnson:

Well, if you lived on Neptune, you would definitely stay inside because the wind speeds there are supersonic. They are often 1,100 miles per hour, which is also 1,800 kilometers per hour. And not only is that five times faster than the fastest ever recorded on Earth, it's also faster, a lot faster actually than the speed of sound. It's too much. Not that I was considering a move to Neptune, but I'd like to have the option, if I'm honest.

Max Willens:

My daughter's going to be so disappointed. She also doesn't like it when it's windy, and that's too much.

Minda Smiley:

Yeah, I hate going on runs when it's windy. I'm just like, "Nope. No workout today." Not worth it.

Marcus Johnson:

Running on Neptune, definitely no.

Minda Smiley:

No. No running on Neptune for sure.

Marcus Johnson:

Today's real topic, what the hell is going on with TikTok and the likelihood it gets banned, part one.

In today's episode, first, in the lead, we'll cover the details of what's going on with a potential new TikTok ban and also what the chances are of it actually getting banned this time. No other

news today, but stay tuned for part two of this episode coming out tomorrow when we discuss what an America without TikTok looks like and what marketers should be thinking about to prepare.

But let's set the table. So where are we at? Well, the bill just passed in the US House to force TikTok owner ByteDance to sell the short-ish video app or risk having it banned in America. The US government, including top officials and the FBI director, are concerned that ByteDance, a Chinese company, could be forced to share its TikTok data with the Chinese government and that it could use that against the US.

Why is that a big deal? Well, TikTok data could tell you what the over 100 million Americans, according to our figures, using the app are watching on the platform, could tell you where they are in the country. And if you put your foot on the scales of TikTok's algorithm, you could in theory influence which videos that TikTok using population is being fed, potentially pushing propaganda or interfering in elections. It should be noted that the Chinese government have not yet asked for this data as far as we know, and that TikTok has denied accusations that the Chinese Communist Party has control over it.

President Biden is on board. He said if the Senate passes the bill since it's already made its way through the House, he'll sign. In response, TikTok urged its users to call their members of Congress in protest because it would infringe on their constitutional right to free expression and harm businesses and creators across the US.

That's what's going on. Max, your initial reaction to this new ban?

Max Willens:

Well, as an impartial observer of this critical media channel, my initial reaction was the Michael Jackson in Thriller eating popcorn meme, just going like, "Uh-huh, let's see where this goes."

I guess slightly more seriously, I thought the timing was interesting, but the development itself was not. Donald Trump's seemingly impulsive push to potentially ban TikTok during his presidency did reveal just how much kind of pent-up hostility there is toward the app itself. And that didn't magically go away when Joe Biden became president, which was I think born out in just how quickly and decisively a bill in the House passed. And the reality too is that a lot of TikTok's, most important American rivals in Meta and Amazon have too much to gain or defend from TikTok getting potentially banned in the United States. And so you add all that

together and you have a pretty optimal set of factors that might've led to something like this happening again. It was just the timing I thought was surprising that's all.

Marcus Johnson:

I mean, you mentioned President Trump, then President Trump, and the history of this, the short history of this is kind of interesting and important I guess also for setting the table. Then President Trump attempted to force a sale, as you mentioned, with an executive order. TikTok agreed to protect US data through a deal with Oracle to route their data through its cloud. This process started in 2022 as part of Project Texas as a 1.5 billion plan aimed at ensuring Americans that TikTok is safe. Fast-forward to 2023, the Biden administration banned the app from federal devices. Montana became the first US state to sign legislation banning TikTok. In November, a federal judge blocked that ban before it took effect. And that finds us in 2024. March 13th, the House passed the bill that would force ByteDance to divest its TikTok app ownership within six months. That puts it around September 30th.

Minda, what was your initial reaction to this latest development with the TikTok ban?

Minda Smiley:

Yeah, I mean, honestly, my initial reaction was it sort of felt like deja vu. I mean, it's funny thinking last spring when the talks of a TikTok ban came out, it felt like everyone sort of really jumped on... I was an editor at Morning Brew at that point. It was before I joined EMARKETER. And obviously we were covering the story. It was a huge story, a lot of conversation around it. And then that kind of died down. And then for months it felt like people weren't really talking about it, or if they were, it was more just in relation to other drama going on with TikTok. And then we hit this spring and again there's talk of a ban.

I will say this time it maybe felt a little bit more serious because it felt more tangible to me like, "Oh, the House passed a bill." Whereas last year, I think it was more, if I remember correctly, I think it was more just Biden coming out and saying that he would want this sale or this ban to happen.

Marcus Johnson:

It's really hard to gauge how big of a threat this is, TikTok to the American public. Because Sam Sabin of Axios was writing that this year's worldwide threats assessment, is where intelligence officials testify before the Senate Intelligence Committee, warn that China

remains the "most active and persistent cyber threat to the US government," saying in large part because if there is a major conflict between the US and China, like the Chinese invasion of Taiwan, he says Beijing would pursue cyber attacks against American infrastructure and military assets designed to deter US military action by impeding decision-making, inducing social panic and interfering with the deployment of US forces.

And I also mentioned those things at the top of the show about TikTok data could show you where folks are, what they're watching, influence what they're watching. But as far as we know, there's no evidence to say that that has happened yet, the Chinese government has said, "Give us that data TikTok. We're going to use it for nefarious purposes."

So it is hard to see how this plays out because you're trying to prevent something. It's like I was kind of likening it to getting, if someone's outside your house and you can see someone dressed in a mask and a bag with says swag on the side, and you're like, "They're definitely about to rob me." If you call the police, they're not going to do anything because they haven't robbed you yet, but you would also like them to prevent the robbery from happening in the first place. So it's a kind of weird impasse.

Max Willens:

Yeah, I think that ultimately the question of the threat that TikTok poses ultimately boils down to how important you think soft power is. I will add though the conversations around this, including the congressional hearings, have all been dismayingly imprecise. I mean, there has been reporting done that Chinese ByteDance employees hopped in and attempted to access journalists location data when they were trying to ferret out leaks. There are sensitive terms that have been banned and deleted posts in the past that are critical of the Chinese government.

The notion that there has not been any, or there is no evidence that China has taken a keen interest in how TikTok behaves are just factually incorrect. But ultimately what this boils down to is this is a platform that is used obsessively by America's youngest generation of media consumers. And it's not hard to see how you can twist and turn an algorithm in such a way that would not necessarily lead to an imminent coup or some sort of mass overthrow of the government, but it could do a lot to sort of so discontent, to drain the sort of psyche of Gen Z or Gen Alpha when they start using this app in a few years.

And if I was a lawmaker who saw that kind of soft power as being a potential threat, I could see myself getting up in arms about this. I personally don't think that that's necessarily a reason to get rid of an app like this, but to me that the question of how serious a threat you view it as ultimately comes down to how much you think soft power is a big deal. And also are kind of realistic about the fact that if things between America and China did deteriorate to the point that we were considering going to war with each other, as a lawmaker I would prefer that the largest app used by most of my constituents and my citizens was not controlled by the country I was going to war with. So that's worth keeping in the front of your brain.

Marcus Johnson:

Minda, how do you think the American public are feeling at the moment? Any sense of whether they would or would not want a ban at this point?

Minda Smiley:

Yeah, I mean, TikTok users of which there are more than a hundred million in this country, which is a significant portion of the population, they're spending tons of time on TikTok. I think looking at our latest figures, users are spending about 54 minutes a day on TikTok and they're spending nearly two hours a day on social media in general. So that basically means nearly half their time on social is spent on TikTok alone. So if we're just looking at the numbers, I mean, tons of people are spending tons of time on this app, which indicates to me that they wouldn't want a ban.

Of course, when you ask people if they would want one, it gets a little bit fuzzier. I think it was Pew that did a study last summer asking people if they'd want, or I think it was to what extent do they view TikTok as a threat to national security? And I think it was like six in 10 Americans do view it as a threat to some extent. And of course, I mean this probably goes without saying, but a lot of the people saying that did skew a bit older, did skew a bit more conservative, but still six and 10 is a majority.

So it's sort of interesting. I mean, I do think people might say they want a ban or might say that they have concerns, but I think when you're looking at just pure usage, people have their habits, people like the app, they're going on it regardless of maybe how they feel about it, if that makes sense. So I think it's a little bit complicated.

Max Willens:

I will say, yeah, I'm glad you referenced the Pew numbers. I peeked at them too before we got on. And you're right that a lot of this is generational, like 71% of people over the age of 65 support banning this thing compared to I think it's under 20% of teens are in favor of banning it.

Marcus Johnson:

I think 18% of 13 to 17-year-olds.

Max Willens:

That's exactly right. But guess what? They don't get to vote. They are not voting age, so who cares?

Marcus Johnson:

That's the spirit.

Max Willens:

But yeah, no, being slightly more serious, I mean, the thing that I think is so interesting is that, so as Minda mentioned, Pew asked a bunch of Americans about this in March, and then they asked them again in September and they published the results in May and December. And support for a ban had eroded over that period of time. It went from 50% yes to 38% yes. But in that same time, the share that said no, didn't climb that much. So by December, the most recent publication of the figures, the percentage that opposed a ban had only climbed to 27%. And the sort of difference between the spring and the winter numbers all went into the unsure bucket, which to me suggests that there's... And the reason that we're still talking about this now nearly a week after this bill was passed is that this is very complicated and it's not a slam-dunk case in either direction.

But I think that the general answer is that if you don't use it, you're probably pretty much in favor of getting rid of it. And if you are using it, to Minda's point, you are using it all the time. And so you would rather it not go away because then you'd have to touch some grass.

Marcus Johnson:

It does seem like the consumer sentiment is shifting because to those numbers you were just citing, it went from 50% of people saying ban it a year ago last March to 38%, as Max was

saying, in September. And so 38% saying they supported the ban, 27% of people saying we oppose the ban. So more supporting.

But then in January 2024, I found some Associated Press and NORC Center for Public Affairs research. Numbers, 31% of US adults said they would favor a nationwide ban versus slightly more, 35% who were against it. So that gap is narrowing even more and more where you've got people almost to the point now where it's kind of 50/50 depending on who you're asking. So it does seem like that people are more on the fence about it. And maybe that's because more people are using it and realizing that they don't want it to be banned because they enjoy using it and, to Minda's point, are spending a lot of time on the platform.

So that brings us to the likelihood of it getting banned given everything we've just talked about, how many people use it and where public sentiment is, where the government is in terms of their recent efforts to push this through the House so quickly. Minda, out of 10, what do you think the likelihood of TikTok getting banned is?

Minda Smiley:

I would say it's pretty low. I mean, I'm going to go with a four maybe. I mean, I think to me, a lot of this feels unprecedented, so it's really hard to see how it will play out. But I would say as of now, there's still a lot of variables. I mean, the Senate does not seem super... They don't really seem to have the, not excitement...

Marcus Johnson:

Appetite.

Minda Smiley:

... maybe that's the wrong word, but appetite to pass the bill that the House did. They're taking, I think I read something earlier saying it could be months until they even take up the vote. And they're also working on their own legislation, which I imagine will look a little bit different. And so there's still that hurdle. And then, yeah, there's also the element of, and we've talked about this, but it could be a ban or a sale. So the sale is also a big portion of it as well. That could be another route they take if it's not banned. So I think the likelihood of it being banned at least anytime soon is pretty low.

Marcus Johnson:

Yeah. Yeah. I mean, to Minda's point Max, a few options, they could sell it. We'll go through some of the potential buyers in tomorrow's part two episode. However, you can't sell it to anyone because there'd obviously be some antitrust issues with some of those bigger players buying it. But you could sell it in theory. You could establish it as its own company, a TikTok US, if you will, with its own stocks. That's one route. And then also it could get banned. Just to lay out what a ban would mean, it wouldn't remove it from people's devices. Rather, a ban would mean that you would remove it from the app store so no one new could download it. And users who currently have it wouldn't get updates, so it wouldn't keep the app running smoothly. And eventually people would maybe stop using the app because it was so bad. But Max, what do you think out of 10 TikTok ban?

Max Willens:

Based largely on the logic that Minda laid out, I can't go higher than five, and I'll explain what I mean. We just, I think, kind of look at the same signals a little bit differently. The Senate is not going to get its ducks in a row to act on this before the presidential election. And right now, based on the way I interpret the presidential election polls, and I'm not a pollster, but I look at it as a coin flip, coin flip is five out of five. So that's really what this boils down to. And Donald Trump and his infinite capacity for cynicism has completely reversed course on his stance on TikTok because he sees a way to potentially steal some votes from the Democrats who have sort of aligned themselves with the position that TikTok should be banned.

Marcus Johnson:

Yes.

Max Willens:

So without an ability to tell who's going to be in the Oval Office in January of 2025, I don't know that you can go any higher than five. So I go five out of 10.

Marcus Johnson:

Yeah. Mr. Trump this time around saying he would oppose it. There was reporting that he met with Jeff Yass, who's a billionaire, who is a prospective donor and also huge financial stake in ByteDance before coming out against the ban. This would go against the party line interestingly. 50% of Republicans supporting a TikTok ban as of last fall. That's way more than

the 30% of Democrats who supported a ban. That's from Pew Research as we were talking about.

So Mr. Yass, one of those investors, other US investors might also have something to say about this ban. Minda you're mentioning that it's got to get through the Senate. It also could face legal challenges in the courts. If ByteDance was forced to sell TikTok, the Chinese government would have to approve the sale, and they've already come out and said, "they will resolutely oppose a for sale of TikTok." So that's a non-starters. So a lot of hurdles to jump through.

Interesting to note though, the BBC was saying TikTok has been banned in some other countries. In June 2020, India banned TikTok, one of the app's largest markets. TikTok also blocked in Iran, Nepal, Afghanistan and Somalia, and the UK government and parliament banned TikTok from staff devices last year, as has the European Commission. Although we'll end with this sentence from this line from Representative Adam Schiff, Democrat for California saying, "There are real privacy concerns. There are real security concerns. The question is is there a way to meet those without banning a whole platform that millions of people are using?"

We'll see, and we'll definitely try to tackle this in tomorrow's episode, part two. That's all we've got time for this episode though. Thank you so much to my guests, thank you to Max.

Max Willens:

Always a pleasure, Marcus. Thank you.

Marcus Johnson:

Thank you to Minda.

Minda Smiley:

Yeah, of course.

Marcus Johnson:

I'll see you both tomorrow. Thank you to Victoria who edits the show, James Stewart and Sophie, the podcast crew. Thanks to everyone for listening in. We hope to see you tomorrow for the Behind the Numbers Daily, an EMARKETER podcast made possible by Nielsen, where

we'll be covering part two of this episode discussing what a TikTok-less America looks like and how marketers can plan for it.