



OVERTURNED

2021-015-FB-UA

Asking for Adderall®

The Oversight Board has overturned Meta's original decision to remove a Facebook post that asked for advice on how to talk to a doctor about the prescription medication Adderall®.

Policies and topics

-  Discrimination, Health, Safety
-  Regulated goods

Region and countries

-  United States & Canada
-  United States

Platform

-  Facebook

Attachments

[Public Comments 2021-015-FB-UA](#)

Case Summary

The Oversight Board has overturned Meta's original decision to remove a Facebook post which asked for advice on how to talk to a doctor about the prescription medication Adderall®. The Board did not find any direct or immediate connection between the content and the possibility of harm.

About the case

In June 2021, a Facebook user in the United States posted in a private group that claims to be for adults with attention deficit hyperactivity disorder (ADHD). The user identifies themselves as someone with ADHD and asks the group how to approach talking to a doctor about specific medication. The user states that they were given a Xanax prescription but that the medication Adderall has worked for them in the past, while other medications “zombie me out.” They are concerned about presenting as someone with drug-seeking behavior if they directly ask their doctor for a prescription. The post had comments from group members providing advice on how to explain the situation to a doctor.

In August 2021, Meta removed the content under Facebook’s Restricted Goods and Services Community Standard. Following the removal, Meta restricted the user’s account for 30 days. As a result of the Board selecting this case, Meta identified its removal as an “enforcement error” and restored the content.

Key findings

The Board finds that Meta’s original decision to remove the post did not comply with the Facebook Community Standards. The Restricted Goods and Services Community Standard does not prohibit content which seeks advice on pharmaceutical drugs in the context of medical conditions.

The Board finds that the definitions of substances under the Facebook Community Standard on Restricted Goods and Services are not sufficiently transparent to users. The rules in this case are particularly opaque because, according to the internal definitions shared with the Board, Adderall and Xanax could fall under either non-medical drugs or pharmaceutical drugs depending on the circumstances. Meta does not currently define non-medical drugs or pharmaceutical drugs in a public-facing document.

The Board considers Meta’s decision to remove the post to be unnecessary and disproportionate. There was no direct or immediate connection between the content and the possibility of harm. The user clearly expressed that their intent was to seek health information and included the content warning “CW: Medication, addiction,” on the risks associated with the drugs their post discussed.

Meta’s removal of the post also generated a strike against the user which, in combination with previous strikes they had received, resulted in their account being restricted for 30 days. This violation on the user’s freedom of expression was not reversed before the end of this period, and Meta failed in its responsibility to provide the user with an effective remedy. In the future, the company should review user appeals in a timely fashion when content-level enforcement measures trigger account-level penalties.

The Oversight Board’s decision

The Oversight Board overturns Meta’s original decision to remove the content.

As a policy advisory statement, the Board recommends that Meta:

- Publish its internal definitions for “non-medical drugs” and “pharmaceutical drugs” in the Facebook Community Standard on Restricted Goods and Services. The published definitions should: (a) make clear that certain substances may fall under either “non-medical drugs” or “pharmaceutical drugs” and (b) explain the circumstances under which a substance would fall into each of these categories.
- Study the consequences and trade-offs of implementing a dynamic prioritization system that orders appeals for human review, and consider whether the fact that an enforcement decision resulted in an account restriction should be a criterion within this system. Meta should share the results of these investigations with the Board and in its quarterly Board transparency report to demonstrate that it has complied with this recommendation.
- Conduct regular assessments on reviewer accuracy rates focused on the Restricted Goods and Services policy. Meta should share the results of these assessments with the Board, including how these results will inform improvements to enforcement operations and policy development, and summarize the results in its quarterly Board transparency reports. Meta may consider if these assessments should be extended to reviewer accuracy rates under other Community Standards.

*Case summaries provide an overview of the case and do not have precedential value.

Full case decision

1. Decision summary

The Oversight Board overturns Meta’s original decision to remove a Facebook post asking for advice on how to talk to a doctor about asking for the prescription medication dextroamphetamine and amphetamine – commonly known by its brand name Adderall® – for treatment of ADHD. The Board concludes that the content did not violate Facebook’s Community Standards. The Board also recommends that Meta publish its internal definitions on what constitutes “pharmaceutical drugs” and “non-medical drugs” and clarify its Restricted Goods and Services policy.

The company should also study the consequences and trade-offs of implementing a dynamic prioritization system that orders appeals for human review, and conduct regular reviewer accuracy assessments and share this data with the Board.

2. Case description

In June 2021, a Facebook user in the United States posted in a private group that states in its bio that it is for adults with attention deficit hyperactivity disorder (ADHD). The post consists of text in English, with the user beginning the post by stating "CW" (indicating a content warning) on "Medication, addiction." The user identifies themselves as someone with ADHD and asks the group how to approach talking to a doctor about specific medication. The user states that they were given a Xanax prescription but that the medication Adderall has worked for them in the past, while other medications "zombie me out." They were concerned about presenting as someone with drug-seeking behaviour if they directly ask their doctor for a prescription. The post had comments from group members describing their own experiences and providing advice on how to explain the situation to a doctor. The group administrators are based in Canada and New Zealand.

No users reported the content. Meta states that when the content was initially posted, its classifier technology gave this content a low score, meaning that the technology determined that it was unlikely to be violating. This low score, combined with no other signal that may trigger content review (such as virality), meant the content was not sent for human review. Almost two months later, in August 2021, the content was selected as part of a random sample to be used for training Meta's classifier technology. A human reviewer labelled the content as violating the Restricted Goods and Services Community Standard. Meta told the Board that "while the primary purpose of this review is to develop training sets for classifiers, when a reviewer labels content as violating, Meta removes it in accordance with the Community Standards." Meta therefore removed the content under Facebook's Restricted Goods and Services Community Standard. Under this policy, Meta takes down content that "attempts to buy, sell or trade pharmaceutical drugs...[or] asks for pharmaceutical drugs except when content discusses the affordability, accessibility or efficacy of pharmaceutical drugs in a medical context."

The user appealed the decision to remove the content. Following human review, Meta upheld the original decision to remove the content. The user then submitted an appeal to the Board. As a result of the Board selecting this case, Meta identified its removal as an "enforcement error" and restored the content in September 2021. Meta states that when the content was restored, the classifier was also updated to reflect that the correct label for this content is non-violating.

At the time of removal, the content had been viewed over 700 times, and it had not been shared. Following the removal, the user's account was restricted for 30 days, preventing them from creating new content on the platform, interacting with groups (e.g., posting or commenting in groups, creating new groups), and creating or joining Messenger rooms. The user was still able to utilize Facebook Messenger to communicate with other users.

3. Authority and scope

According to its Charter, the Oversight Board is an independent body designed to protect free expression by making principled, independent decisions about important pieces of content. It operates transparently, exercising neutral, independent judgement and rendering decisions impartially. The Board has the power to review Meta's decision following an appeal from the user whose content was removed (Charter Article 2, Section 1; Bylaws Article 3, Section 1). The Board may uphold or reverse that decision (Charter Article 3, Section 5), and its decision is binding on Meta (Charter Article 4). Meta must also assess the feasibility of applying its decision in respect of identical content with parallel context (Charter Article 4).

The Board's decisions may include policy advisory statements with recommendations. These recommendations are non-binding, but Meta must respond to them (Charter Article 3, Section 4; Article 4).

4. Relevant standards

The Oversight Board considered the following standards in its decision:

1. Facebook's Community Standards

After the content had first been posted in June 2021, the United States English version of Facebook's Restricted Goods and Services Community Standard, previously named the Regulated Goods Community Standard, was updated three times before the case was assigned to the Board, and once in November 2021 after the assignment. The current version has separate categories for "non-medical" drugs and

“pharmaceutical” drugs, with different rules for what type of content is permitted in relation to each category. The Board notes that other versions of the Restricted Goods and Services Community Standards (for example, the UK one) have not been updated yet to reflect some of the most recent changes such as in the name and rationale of the policy.

In relation to “pharmaceutical drugs,” the current Standard prohibits content which:

“Attempts to buy, sell or trade pharmaceutical drugs except when:

- *Listing the price of vaccines in an explicit education or discussion context.*
- *Offering delivery when posted by legitimate healthcare e-commerce businesses.*

Attempts to donate or gift pharmaceutical drugs.

Asks for pharmaceutical drugs except when content discusses the affordability, accessibility or efficacy of pharmaceutical drugs in a medical context.”

At the time the content was posted in June 2021, “pharmaceutical” drugs were not in a separate category. Facebook prohibited: *“ Content that attempts to buy, sell, trade, donate, gift, or solicit marijuana or pharmaceutical drugs.”*

For “non-medical drugs,” the current Standard prohibits content which:

“Attempts to buy, sell, trade, co-ordinate the trade of, donate, gift or asks for non-medical drugs.

Admits to buying, trading or co-ordinating the trade of non-medical drugs by the poster of the content by themselves or through others.

Admits to personal use without acknowledgment of or reference to recovery, treatment, or other assistance to combat usage. This content may not speak positively about, encourage use of, coordinate or provide instructions to make or use non-medical drugs.

Coordinates or promotes (by which we mean speaks positively about, encourages the use of, or provides instructions to use or make) non-medical drugs.”

Regarding “non-medical drugs,” at the time the content was posted in June 2021, the Community Standard prohibited content which:

“Attempts to buy, sell, trade, donate, gift, or solicit non-medical drugs.

Admits to buying or trading non-medical drugs by the poster of the content by themselves or through others.

Admits to personal use without acknowledgment of or reference to recovery, treatment, or other assistance to combat usage.

Speaks positively, encourages, coordinates or provides instructions for use or make of non-medical drugs.”

II. Meta’s values

Meta’s values are outlined in the introduction to Facebook’s Community Standards. The value of “Voice” is described as “paramount”:

The goal of our Community Standards has always been to create a place for expression and give people a voice. [...] We want people to be able to talk openly about the issues that matter to them, even if some may disagree or find them objectionable.

Meta limits “Voice” in service of four values, the relevant ones in this case being “Safety” and “Dignity”:

“Safety”: We’re committed to making Facebook a safe place. Content that threatens people has the potential to intimidate, exclude or silence others and isn’t allowed on Facebook.

“Dignity”: We believe that all people are equal in dignity and rights.

III. Human rights standards

The UN Guiding Principles on Business and Human Rights (UNGPs), endorsed by the UN Human Rights Council in 2011, establish a voluntary framework for the human rights responsibilities of private businesses. Meta's [Corporate Human Rights Policy](#), announced [March 16, 2021](#), reflects the company's commitment to respect rights as reflected in the UNGPs. The Board's analysis of Meta's human rights responsibilities in this case was informed by the following human rights standards.

- [The right to freedom of opinion and expression](#): Article 19, International Covenant on Civil and Political Rights ([ICCPR](#)), [General Comment No. 34](#), Human Rights Committee, 2011; UN Special Rapporteur on freedom of opinion and expression, report [A/HRC/38/35](#) (2018); Articles 1 and 21, Convention on the Rights of Persons with Disabilities (CRPD).
- [The right to health](#): Article 12, International Covenant on Economic, Social and Cultural Rights ([ICESCR](#)); [General Comment No. 14](#), the Committee on Economic, Social and Cultural Rights, (2000).
- [Access to effective remedy](#): Article 2, ICCPR; [General Comment No. 31](#), Human Rights Committee, (2004); UN Guiding Principles on Business and Human Rights, Principles 22, 29, 31.

5. User statement

The user states that they are an ADHD patient and posted in order to ask other patients how they talked to their doctor about these medications, as they did not want their doctor to think that they were selling or abusing them. They were nervous about the conversation and wanted to know how to ask appropriately and cautiously. They state that the post made it clear that they have no intention of abusing, selling or illegally obtaining the medication.

6. Explanation of Meta's decision

Following the Board's selection of the case, Meta decided that the original content removal had been in error, and restored the content.

Meta states that its Restricted Goods and Services policy distinguishes between "non-medical drugs" and "pharmaceutical drugs" to strike a balance between its values of "Voice" and "Safety." It notes that certain drugs that ordinarily fall within the definition of "pharmaceutical drug" pose a risk of abuse and may, if used for a non-medical purpose, be treated as "non-medical drugs." For example, it treats drugs like Oxycontin, Xanax, or Adderall as "pharmaceutical drugs" when used as intended but considers them "non-medical drugs" when content discusses using them "to achieve a 'high' or altered mental state." It states that posts "concerning these types of drugs pose a particular challenge for review, as there is no way to assess user intent, and users suffering from addiction or seeking to deal drugs may infiltrate groups focused on medical discussions in an attempt to circumvent enforcement."

Meta states that the user in this case discussed Adderall and Xanax in the context of treatment for their medical condition, ADHD, and did not indicate anything suggesting that they used the drugs to achieve a high or altered mental state. The content therefore relates to "pharmaceutical drugs" as opposed to "non-medical drugs."

Meta explains that as the content concerned access to pharmaceutical drugs, it did not violate the Restricted Goods and Services policy, which prohibits content that "[a]sks for pharmaceutical drugs except when content discusses the affordability, accessibility or efficacy of pharmaceutical drugs in a medical context." The content here did not contain a request asking for drugs, as the user was in fact asking for advice about how to ask a doctor for drugs. Further, "even if the user had asked for the drugs for medical use, the content related to the accessibility and efficacy of the drugs in question." Meta concludes that the content should therefore not have been removed.

With regards to its system for review of content, Meta has a system for prioritizing initial review of content, but explained to the Board that there is no prioritization framework for appeals – appeals are reviewed on a "first-in, first-out" basis. Additionally, the company explained it "has been exploring options to adopt a prioritization framework" for appeals.

7. Third-party submissions

The Oversight Board considered 16 public comments related to this case. Four of the comments were submitted from Central and South Asia, four were from Europe, two were from Middle East and North Africa, and six were from United States and Canada.

The submissions covered the following themes: classification of controlled substances in international standards and laws from various countries, Adderall abuse, and content related to Adderall sales on Facebook.

To read public comments submitted for this case, please click [here](#).

8. Oversight Board analysis

8.1 Compliance with Community Standards

The Board agrees with Meta that its original decision to remove the post did not comply with the Facebook Community Standards.

Meta distinguishes between “pharmaceutical” and “non-medical” drugs, and notes that certain drugs which pose a risk of abuse that ordinarily fall within the definition of “pharmaceutical” drug may, if used for a non-medical purpose, be treated as “non-medical” drugs. The Board agrees with Meta that in this case, the user was discussing Adderall and Xanax in a medical context and they are therefore “pharmaceutical” drugs for the purposes of applying the Restricted Goods and Services Community Standard.

The Restricted Goods and Services Community Standard does not prohibit content which seeks advice on pharmaceutical drugs in the context of medical conditions. The user in this case was not attempting to buy, sell, trade, donate or ask for pharmaceutical drugs. As Meta itself notes in its rationale, “even if the user had asked for the drugs for medical use, the content related to the accessibility and efficacy of the drugs in question.”

8.2 Compliance with Meta’s values

Meta’s original decision to remove the content was not consistent with the company’s values. Meta states that the Restricted Goods and Services Community Standard aims to strike a balance between “Voice” and “Safety.” The Standard does not seek to prohibit content such as the post at issue in this case, where a user was asking for advice related to the accessibility of a pharmaceutical drug for treatment of a medical condition. Meta’s policy is correct to permit this type of content – and its removal of this post in error was not in line with its values.

The Board also notes the relevance of “Dignity” – people with ADHD or other health conditions who seek advice on pharmaceutical drugs may be disproportionately impacted by enforcement errors which restrict “Voice.”

8.3 Compliance with Meta’s human rights responsibilities

The Board finds that Meta’s decision to remove the post was not consistent with international human rights standards. Meta has committed itself to respect human rights under the UN Guiding Principles on Business and Human Rights (UNGPs). Its Corporate Human Rights Policy states this commitment includes the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention on the Rights of Persons with Disabilities (CRPD).

Freedom of expression and access to information

Article 19, para. 2 of the ICCPR provides broad protection for expression. This right includes “freedom to seek, receive and impart information and ideas of all kinds.” Article 21 of the CRPD applies this protection to persons with disabilities, who according to Article 1 include “those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” The CRPD ensures that they can exercise this freedom “on an equal basis with others and through all forms of communication of their choice” (Article 21, CRPD). The UN Committee on Economic, Social and Cultural Rights makes clear that “access to health-related education and information” is a critical part of the right to health enshrined in Article 12 of the ICESCR (General Comment No. 14, para. 11).

In this case, the user states that they are an ADHD patient. ADHD may be considered as a disability under the definition in Article 1 of the CRPD, and the user here discussed and sought health-related information through sharing past experiences with Adderall and Xanax. They were asking for advice on how to obtain these medications from a doctor for their condition.

While the right to freedom of expression is fundamental, it is not absolute. Where restrictions on expression are imposed by a state, they should meet the requirements of legality, legitimate aim, and necessity and proportionality (Article 19, para. 3, ICCPR). As stated above, Meta has voluntarily committed itself to respecting human rights standards. Meta’s removal of the post failed the first and third parts of this test.

1. Legality (clarity and accessibility of the rules)

Any rules restricting expression must be clear, precise, and publicly accessible (General Comment 34, para. 25). Individuals must have enough information to determine if and how their speech may be limited, so that they can adjust their behavior accordingly.

The Board finds that the definitions of substances under the Facebook Community Standard on Restricted Goods and Services are not sufficiently comprehensible and transparent to users. This policy prohibits content related to certain goods, including guns, marijuana, pharmaceutical drugs, non-medical drugs, alcohol and tobacco. Meta does not define non-medical drugs or pharmaceutical drugs in a public-facing document, but explained in response to the Board's questions that it maintains internal definitions for moderators, as well as confidential, non-exhaustive lists of non-medical drugs and pharmaceutical drugs.

The applicable rules in this case are particularly opaque because, according to the internal definitions shared with the Board, Adderall and Xanax could fall under either non-medical drugs or pharmaceutical drugs, depending on factors such as the intended use of the drug in the circumstances of each particular case. This classification is not provided in the Community Standards and therefore would not be apparent to users. If the post were considered as involving non-medical drugs, although the user's admission to personal use could be non-violating as it refers to treatment, the post could still be construed as speaking positively about the drugs. This would violate the Restricted Goods and Services Standard and lead to a different outcome from classifying the drugs as pharmaceutical in this case.

The Board has taken notice of instances where content attempting to sell the very same drugs has remained on Facebook. This information is derived from public comment PC-10281 from the National Association of Boards of Pharmacy – a US-based non-profit organization whose members include the 50 US state pharmacy boards, as well as pharmacy regulators in the District of Columbia, Guam, Puerto Rico, the Virgin Islands, Bahamas, and 10 Canadian provinces. The Board observes that, to users who could see such pieces of content, the inconsistency in enforcement could result in confusion as to what is permitted on Facebook.

Given these problems, the Board finds that Meta did not meet its responsibility to make its rules on Restricted Goods and Services clear and accessible to users. As recommended below, Meta should therefore include and explain the above definitions in the language of this policy. Additionally, improving consistency of enforcement could contribute to better understanding of what content is permitted on the platform. At the same time, Meta should make sure its training for content reviewers is adequate to ensure enforcement accuracy and consistency. It should also regularly assess reviewer accuracy rates under the Restricted Goods and Services policy, and share the results of these assessments with the Board and the public.

II. Legitimate aim

Any restriction on expression should pursue one of the legitimate aims listed in Article 19, para. 3 the ICCPR. Meta has a responsibility to ensure its rules comply with the principle of legitimacy (A/HRC/38/35, para. 45). In this regard, the Board finds that, by addressing the risks of drug abuse among Facebook users, the policy and the restriction pursued the legitimate aims of protecting public health and protecting the rights of others to health.

III. Necessity and proportionality

Any restrictions on freedom of expression “must be appropriate to achieve their protective function; they must be the least intrusive instrument amongst those which might achieve their protective function; they must be proportionate to the interest to be protected” (General Comment 34, para. 34).

Meta's interference with the user's freedom of expression was unnecessary. The Board does not find any direct or immediate connection between the content and the possibility of harm. Based on the post itself and the statement provided by the user, they simply wanted advice about how to communicate with their doctor about treatment, and had no intention of abusing, selling or illegally obtaining the medicine.

Meta's removal of the post was also disproportionate. Not only did the user clearly express their intent to seek health information, they also included at the beginning of the post, the words “CW: Medication, addiction,” which the Board takes to mean a “content warning” on the risks associated with the drugs discussed. The Board finds that the clear intention of the user, coupled with the content warning, was sufficient to address risks of abuse and potential harms to public health. The adverse consequences of removal, on the other hand, could be dire. Poor content moderation of health-related content can hinder access to information of a great number of users who rely on Facebook to learn more about their condition and engage in discussions about potential treatments.

Access to effective remedy

Article 2 of the ICCPR guarantees an effective remedy for anyone whose rights enshrined in the ICCPR have been violated. According to the UN Human Rights Committee, “cessation of an ongoing violation is an essential element of the right to an effective remedy” (General Comment No. 31, para. 15). Access to remedy is a key component of the UNGPs “Protect, Respect and Remedy” Framework (Principles 22, 29 and 31), and the UN Special Rapporteur on freedom of opinion and expression has stated that companies providing appropriate remediation for adverse human rights impacts is a minimum requirement for adherence (report A/HRC/38/35, at para. 11(f), para. 38, para. 59, para. 72). This is reflected in Meta’s voluntary commitments (Corporate Human Rights Policy, section 3: “providing remedies for human rights impacts”).

In this case, Meta’s action on the post generated a strike against the user which, in combination with the previous strikes they had already received, resulted in a 30-day feature limit to the user’s account. The Board is concerned that as the content was restored 30 days following its removal, the user was subject to the feature limit for its entire duration. The user was punished for seeking information on how to speak with medical professionals about their medical condition. The interference with the user’s freedom of expression and related rights was not reversed until the case was brought to Meta’s attention following the Board’s selection, nor was it remedied. Meta failed its responsibility to provide an effective remedy – in the future, it should make sure user appeals are reviewed in a timely fashion when content-level enforcement measures also trigger account-level enforcement measures.

9. Oversight Board decision

The Oversight Board overturns Meta’s original decision to take down the content.

10. Policy advisory statement

Content policy

1. Meta should publish its internal definitions for “non-medical drugs” and “pharmaceutical drugs” in the Facebook Community Standard on Restricted Goods and Services. The published definitions should: (a) make clear that certain substances may fall under either “non-medical drugs” or “pharmaceutical drugs” and (b) explain the circumstances under which a substance would fall into each of these categories. The Board will consider this recommendation implemented when these changes are made in the Community Standard.

Enforcement

2. Meta should study the consequences and trade-offs of implementing a dynamic prioritization system that orders appeals for human review, and consider whether the fact that an enforcement decision resulted in an account restriction should be a criterion within this system. The Board will consider this recommendation implemented when Meta shares the results of these investigations with the Board and in its quarterly Board transparency report.

3. Meta should conduct regular assessments on reviewer accuracy rates focused on the Restricted Goods and Services policy. The Board will consider this recommendation implemented when Meta shares the results of these assessments with the Board, including how these results will inform improvements to enforcement operations and policy development, and summarize the results in its quarterly Board transparency reports. Meta may consider if these assessments should be extended to reviewer accuracy rates under other Community Standards.

***Note on trademarks:**

Adderall® is a registered trademark of Takeda Pharmaceuticals U.S.A. Inc.

***Procedural note:**

The Oversight Board’s decisions are prepared by panels of five Members and approved by a majority of the Board. Board decisions do not necessarily represent the personal views of all Members.

For this case decision, independent research was commissioned on behalf of the Board. An independent research institute headquartered at the University of Gothenburg and drawing on a team of over 50 social scientists on six continents, as well as more than 3,200 country experts from around the world. The Board was also assisted by Duco Advisors, an advisory firm focusing on the intersection of geopolitics, trust and safety, and technology.