



## Public Comment Appendix for Case 2023-010-IG-MR

Case number

Case description

On December 29, 2022, a verified Instagram user posted a series of related images, including a colorful drawing of an office. The caption on the post explains that the user was given ketamine at the clinic depicted in the drawing as treatment for anxiety and depression, and another username for an account that appears to belong to a well-known ketamine therapy provider is at the top of the post. The user describes their experience with ketamine at the clinic as an entry “into another dimension,” and refers to ketamine as “medicine.” They also explained that they believe that “psychedelics” (a category that includes ketamine, but also other substances) are an important emerging mental health medicine. Other images in the series have text overlaid on drawings, and they are all related to their experience at the clinic. They range from a drawing depicting a person wearing an eye mask and lying under a blanket who is preparing to receive ketamine treatment to a colourful drawing of a person with rainbows, planets, and other objects coming out of their head. The post has about 10,000 likes, fewer than 1,000 comments, and has been viewed around 85,000 times. The user account has about 200,000 followers.

In total, three users reported one or more of the 10 images included in the post, and the content was removed three times under Meta’s [Restricted Goods and Services](#) Community Standard. After the first report, the content was removed after human review and the user who posted the content appealed the removal. On appeal and re-review by a human reviewer the content was restored. This process of human review, removal, appeal, and restoration happened twice. The third report was reviewed by an automated system that pull from previous enforcement actions. Based on previous enforcement actions taken on this content, the automated system determined that the content violated the Instagram Community Guidelines, specifically the Restricted Goods policy. After this removal, the content creator, who is a “managed partner,” brought this content to Meta’s attention for an additional review on an escalation level. “Managed partners” are entities across different industries that may receive varying levels of support, including training on how to use Meta’s products and a dedicated partner manager who can work with them to meet their goals on the

company's platforms. Meta then restored the content a third time and referred the case to the Board.

In its referral, Meta states that the increasing use of mind-altering drugs in the United States for purposes that blur the line between medical treatment, self-help, and recreation, makes it particularly difficult to ascertain whether this content should be treated as promoting pharmaceutical drugs, which is generally allowed on the platform, or as endorsing drugs for non-prescribed purposes or in order to achieve a high, which is generally not allowed.

The Board selected this case because it addresses a current issue within the United States and other jurisdictions: the legalization and normalization of certain drugs, specifically for medical uses.

The Board would appreciate public comments that address:

- The impact of Meta's Restricted Goods and Services policy on the ability of users to share relevant experience and information about new mental health treatments.
- Whether ketamine and other psychedelic drugs should be considered as "pharmaceutical drugs" in the context of discussions about new treatments for mental health issues.
- Current socio-political context and discussions amongst doctors, mental health practitioners, and providers and recipients of ketamine treatment about the drug's use for treating mental health conditions.
- Fairness considerations related to the "managed partner" status and relevant escalation channels available for content review.
- Transparency considerations related to the level of automation of Meta's appeal systems and information provided to users in this regard.

In its decisions, the Board can issue policy recommendations to Meta. While recommendations are not binding, Meta must respond to them within 60 days. As such, the Board welcomes public comments proposing recommendations that are relevant to these cases.



# Oversight Board

## Public Comment Appendix for

### Case 2023-010-IG-MR

Case number

15

Number of Comments

#### Regional Breakdown

1	1	4	1
Asia Pacific & Oceania	Central & South Asia	Europe	Latin America & Caribbean
0	0	8	
Middle East and North Africa	Sub-Saharan Africa	United States & Canada	

Case 2023-010-IG-  
MR

Case number

PC-11234

Public comment number

United States &  
Canada

Region

Michael

Commenter's first name

Petegorsky

Commenter's last name

English

Commenter's preferred language

Mindbloom

Organization

Yes

Response on behalf of  
organization

-----

Full Comment

Mindbloom is a mental health organization that works with psychiatric clinicians who facilitate at-home ketamine therapy. We appreciate the opportunity to offer input on this case, and have provided our comments in the attached document.

Link to Attachment

[PC-11234](#)

Case 2023-010-IG-  
MR

Case number

PC-11235

Public comment number

United States &  
Canada

Region

Niamh

Commenter's first name

Lewis

Commenter's last name

English

Commenter's preferred language

National  
Association of  
Boards of  
Pharmacy

Organization

Yes

Response on behalf of  
organization

-----

Full Comment

NABP's comment has been uploaded. as a PDF. Thank you.

Link to Attachment

[PC-11235](#)

Case 2023-010-IG- MR  
PC-11240

United States &  
Canada

Case number

Public comment number

Region

Hunter

Brown

English

Commenter's first name

Commenter's last name

Commenter's preferred language

DID NOT  
PROVIDE

No

Organization

Response on behalf of  
organization

-----  
Full Comment

As someone who has undergone ketamine infusion therapy myself, I can tell you that whether or not a drug is FDA-approved says absolutely nothing about it's safety or efficacy. This treatment has drastically changed my life for the better, and clinics who provide these services should be able to promote/advertise their services without fear of content removal or account bans, so that more people can find out about and access these life changing treatments.

I strongly support loosening and liberalizing the rules and penalties imposed in Meta's Restricted Goods and Services policy to allow clinics, doctors, and companies to promote their services regardless of FDA approval status.

Link to Attachment

No Attachment

Case 2023-010-IG- PC-11246  
MR

United States &  
Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of  
organization

-----

Full Comment

While the person who post the information stated or at least implied that they received the medication in a clinical setting I find that the description of one of the drawing that showed "Rainbows, planet etc.. coming out of their head" disturbing as many young people may think that will think that the drug if obtain for recreational use will give the an enjoyable high. In the past I have heard reference to the drug on comedy program as a quick fix to problem. In light of the rise of cases of abuse of drugs like this for recreation as a Major Health Crisis and ANY posts whether or not it is from a medical professional or a standard user should not be allowed without first being review by a human who the aid of an experienced medical profession in the field if posted by a medical professional to help with the review process. The cost and burden on the health industry not only here in the United States but world wide cased by the abuse of such drugs for recreational purposes has gotten out of control and to allow such posts will only lead to higher and higher medical cost and deaths. I have lost family and friends to recreational drug use and I would give or do anything to have them back!

Link to Attachment

No Attachment





Case 2023-010-IG- PC-11248  
MR

United States &  
Canada

Case number

Public comment number

Region

Withheld

Withheld

English

Commenter's first name

Commenter's last name

Commenter's preferred language

Withheld

No

Organization

Response on behalf of  
organization

-----

Full Comment

On the internet, it seems like when it comes to topics such as drugs, platforms have had success in assuming people are using legally, or lying about what they're actually using. This dynamic was common during the earlier days of marijuana legalization, where easing of restrictions in certain states ultimately led to a relaxation on the topic on social media even for those in regions where marijuana was still illegal. The psychedelic discussion, posts about therapeutic ketamine regimes that have a recreational tone, the potential for such posts to be completely legitimate and legally above-ground, etc. harkens back to the late 2000s when the internet was okay with assuming anyone talking about cannabis lived in California or was visiting Amsterdam. That should be the outcome here as well.

Link to Attachment

No Attachment