

Why I'm Suing YouTube and Google

Analysis by [Dr. Joseph Mercola](#)

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STORY AT-A-GLANCE

- › September 29, 2021, Google deleted my YouTube account for “violating community guidelines” they’d implemented that same morning
- › September 28, 2022, I filed a lawsuit against Google, YouTube and Alphabet Inc. for breach of contract. YouTube unilaterally amended the contract without notice, which is a violation of its own terms, and then used this last-minute amendment to remove my content
- › YouTube’s terms of service also include a “three strikes” policy, where users are supposed to be given three warnings and opportunities to remove content that violates the guidelines BEFORE being banned. I had no “strikes” against my channel on the day I was deplatformed and deleted
- › We’re also suing YouTube for unjust enrichment, as for the last 16 years, my video content, having generated in excess of 50 million views, has been of great financial benefit to YouTube, allowing them to increase advertising revenue on the site
- › November 8, 2021, I sued U.S. Sen. Elizabeth Warren, both in her official and personal capacities, for violating my First Amendment rights, as she tried to force Amazon.com to ban my book, “The Truth About COVID-19”

September 29, 2021, [Google deleted my YouTube account](#) for “violating community guidelines” – guidelines they’d implemented that very same morning. September 28, 2022, I filed a lawsuit¹ against Google, YouTube and Alphabet Inc. for breach of contract.²

As detailed in my complaint, YouTube unilaterally amended the contract without notice, which is a violation of its own terms, and then used this last-minute amendment to remove my content, which went back to 2005, the same year YouTube was founded. At the time YouTube deleted my content, I had more than 300,000 subscribers, and my videos had collectively garnered more than 50 million views.

While I disagreed with YouTube's censorship, when its "COVID-19 misinformation" policy was implemented back in April 2021, I carefully avoided posting any content on YouTube that might violate that guideline.

In fact, over 16 years on the platform, I never once received notice of any "strike" against my channel for violation of community guidelines.

Clear Breach of Contract

Then, on the morning of September 29, 2022, at 9 a.m. EDT, The Washington Post published an article titled "YouTube Is Banning Joseph Mercola and a Handful of Other Anti-Vaccine Activists." According to the WaPo:

"YouTube is taking down several video channels associated with high-profile anti-vaccine activists including Joseph Mercola ... As part of a new set of policies aimed at cutting down on anti-vaccine content on the Google-owned site.

YouTube will ban any videos that claim that commonly used vaccines approved by health authorities are ineffective or dangerous. The company previously blocked videos that made those claims about coronavirus vaccines, but not ones for other vaccines like those for measles or chickenpox."

Six minutes AFTER the publication of that WaPo article, at 9.06 a.m. EDT, I received an email from YouTube informing me that my entire channel had been deplatformed and banned. They didn't just take down old videos where I discussed vaccines. They took down my whole channel, including thousands of videos that were completely unrelated to vaccines.

So, as described in my complaint, the evidence suggests YouTube had considered this new guideline for some time – to not allow disparaging views against ANY approved vaccine – and they worked with a reporter from The WaPo to create that article ahead of time.

The WaPo article was then embargoed until the morning of September 29 in order to not allow me (or anyone else affected by this change) to review the new policy, take steps to bring my channel into compliance, or move my content to another platform. Instead, they simply deleted 16 years' worth of intellectual property, without warning.

This is a clear violation of its own terms of service, which state that YouTube “will provide reasonable advance notice” of any changes to the terms of service, and that users will have “the opportunity to review them” and to remove content if they do not agree to the new terms.

Government, Media and Social Media Collude to Censor

The WaPo article coinciding with YouTube's action is also a blatant illustration of how government, social media platforms and media collude and coordinate attacks to censor people and organizations with whom they do not agree, or who pose a threat to their propaganda narrative.

In a September 29, 2021, “News & Events” article posted by YouTube on its website, YouTube admitted they were “working closely with health authorities,” including “local and international health organizations” to come up with this new guideline.

YouTube Violated Its Own Three Strikes Policy

YouTube's terms of service also include a “three strikes” policy, where users are supposed to be given three warnings and opportunities to remove content that violates the guidelines BEFORE being banned.

I had no “strikes” against my channel on the day I was deplatformed and deleted. The fact that YouTube had to use underhanded tactics to create an excuse to get rid of us only goes to show how compliant we had actually been all along.

YouTube Profited From the Content It Stole

I’m also suing YouTube for unjust enrichment, as for the last 16 years, my video content, having generated in excess of 50 million views, has been of great financial benefit to YouTube, allowing them to increase advertising revenue on the site.

Additionally, they’ve refused to allow me to retrieve any of this content, which they still have in their possession. So, YouTube has unjustly benefited at my expense.

Sen. Elizabeth Warren Sued for First Amendment Violation

The YouTube lawsuit isn’t the only legal complaint we’ve filed to protect our rights in this new age of illegal censorship.

November 8, 2021, I, along with Ronnie Cummins, founder and director of the Organic Consumers Association (OCA) and the coauthor of my best-selling book, “The Truth About COVID-19,” our publisher, Chelsea Green Publishing, and Robert F. Kennedy Jr., who wrote our foreword, also [sued U.S. Sen. Elizabeth Warren](#), both in her official and personal capacities, for violating our First Amendment rights.

The lawsuit was filed in response to [Warren’s attempts to force Amazon.com to ban our book](#). In early September 2021, Warren sent a letter³ to Andy Jassy, chief executive officer of Amazon, demanding an “immediate review” of Amazon’s algorithms to weed out books peddling “COVID misinformation,” stressing that Amazon’s sale of such books was “potentially unlawful.”^{4,5,6}

While she didn’t spell out what laws Amazon might be breaking, she appeared to be warning Jassy that the company may be held legally responsible for wrongful death and

homicide by selling books that “misinform” readers about COVID-19, its treatment and COVID shots.

She singled out my book, “The Truth About COVID-19,” as a prime example of “highly-ranked and favorably-tagged books based on falsehoods about COVID-19 vaccines and cures” that she wanted banned. She wrote:⁷

“Dr. Mercola has been described as ‘the most influential spreader of coronavirus misinformation online. Not only was this book the top result when searching either ‘COVID-19’ or ‘vaccine’ in the categories of ‘All Departments’ and ‘Books’; it was tagged as a ‘Best Seller’ by Amazon and the ‘#1 Best Seller’ in the ‘Political Freedom’ category.

The book perpetuates dangerous conspiracies about COVID-19 and false and misleading information about vaccines. It asserts that vitamin C, vitamin D and quercetin ... can prevent COVID-19 infection ... And the book contends that vaccines cannot be trusted ...”

Government Officials Cannot Legally Censor Anyone

As a government official, it is illegal for Warren to violate the U.S. Constitution, and pressuring private businesses to do it for her is not a legal workaround. As noted in our complaint:

“Once upon a time, the First Amendment was understood to guarantee that books challenging governmental orthodoxy could be sold without fear of governmental intimidation or reprisal.

Almost sixty years ago, in Bantam Books v. Sullivan, 372 U.S. 58 (1963), the Supreme Court held that state officials violated the First Amendment by sending letters to booksellers warning that the sale of certain named books was potentially unlawful.

The ‘vice’ in such letters and in the ‘veiled threat’ of legal repercussions they communicated, explained the Court, is that they allow government to achieve censorship while doing an end-run around the judiciary, ‘provid[ing] no safeguards whatever against the suppression of ... constitutionally protected’ speech, thus effecting an unconstitutional ‘prior restraint.’

It made no difference that the officials who sent the letter lacked the ‘power to apply formal legal sanctions’ – i.e., that the officials did not themselves have the power to sanction or prosecute the booksellers in any way. Indeed this fact made the unconstitutionality more apparent.

The officials ‘are not law enforcement officers; they do not pretend that they are qualified to give or that they attempt to give distributors only fair legal advice ... [T]hey acted ... not to advise but to suppress.’

It also made no difference, the Court expressly found, that the letters were framed as mere ‘exhort[ation]’ or that the booksellers were in theory ‘free’ to ignore the letters, because the officials had ‘deliberately set about to achieve the suppression of publications deemed ‘objectionable’, and ‘people do not lightly disregard public officers’ veiled threats.’

Today, certain members of the United States Congress have apparently forgotten, or think they are above, the law set forth in Bantam Books.”

If We Lose Free Speech, We Lose Everything

There’s no doubt our book, “The Truth About COVID-19,” is constitutionally protected speech, and that Warren’s letter is calling on Amazon to suppress protected speech.

Yet, ever since the start of the pandemic, government has systematically sought to suppress the kind of information shared in our book, using the same tactic as Warren used against us here – warning internet-based companies that if they don’t censor these views, the full weight of the government’s wrath will be turned against them.

While lawsuits like these are time consuming and costly, they are necessary. Free speech is worth fighting for, because if we lose that, then we lose everything.

As discussed in “[The Biggest Casualty of COVID-19](#),” individual rights have been repeatedly trampled and violated ever since the beginning of this pandemic, and it’s only going to get worse from here if we don’t fight back.

It’s now clear that we have only two choices: Freedom, or life under authoritarian rule. There’s no middle ground. As the old adage goes, “Give an inch and they’ll take a mile.” It’s true that the judicial system has in many ways been weaponized against us as well, but it is still our best chance at setting the record straight and reining in these egregious rights violations.

Sources and References

- ¹ [Complaint for Contract Breach Mercola vs Google, YouTube, Alphabet Inc. September 28, 2022](#)
- ² [Reuters September 29, 2022](#)
- ^{3, 7} [Warren’s letter to Andy Jassy September 7, 2021](#)
- ⁴ [National Interest September 12, 2021](#)
- ⁵ [The Guardian September 13, 2021](#)
- ⁶ [New York Times September 8, 2021](#)