For Immediate Release:
December 17, 2020
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Attorney General Balderas Joins Multistate Lawsuit Seeking to End Google's Illegal Monopoly in Online Search Market

Bipartisan Coalition of 38 Attorneys General Allege Google Illegally Maintained a Monopoly, Created Insurmountable Barriers to Entry for Competitors

Santa Fe, NM -- Attorney General Hector Balderas today joined a bipartisan coalition of 38 attorneys general in suing Google LLC for anticompetitive conduct in violation of federal law. The states allege that Google illegally maintains its monopoly power over general search engines and related advertising markets through a series of anticompetitive exclusionary contracts and conduct. As a result, Google has deprived consumers of competition that could lead to greater choice, innovation, and better privacy protections. Furthermore, Google has exploited its market position to accumulate and leverage data to the detriment of consumers.

"For decades, big tech has enriched itself at the expense of innovation, small businesses, and the privacy and economic security of New Mexican families," said Attorney General Balderas. "My office will fight on behalf of New Mexican consumers and families and hold these companies accountable to ensure competitiveness in the twenty first century marketplace."

The states' complaint is consistent with the lawsuit filed by the U.S. Department of Justice on October 20, which alleged that Google improperly maintains its monopoly power in general search and search advertising through the use of exclusionary agreements. However, the states' filing asserts additional allegations and describes Google's monopoly maintenance scheme as a multi-part effort. The lawsuit alleges that Google:

- Uses exclusionary agreements and other practices to limit the ability of rival general search engines and potential rivals to reach consumers. This conduct cements Google as the go-to search engine on computers and mobile devices

- Disadvantages users of its search-advertising management tool, SA360, by promising that it would not favor Google search advertising over that of competing search engines such as Bing. Instead, Google continuously favors advertising on its own platform, inflating its profits to the detriment of advertisers and consumers

- Discriminates against specialized search sites – such as those that provide travel, home repair, or entertainment services – by depriving them access to prime real estate because these competing sites threaten Google's revenue and dominant position

The attorneys general argue that more competition in the general search engine market would benefit consumers, for example, though improved privacy protections and more targeted results and opportunities for consumers and smaller businesses. Competitive general search engines also could offer better quality advertising and lower prices to advertisers.

The attorneys general expand on the U.S. DOJ's allegation that Google's anticompetitive conduct continues. As explained in the complaint, the company seeks to deploy the same exclusionary contracting tactics to monopolize the emerging ways consumers access general search engines, such as through their home smart speakers, televisions, or in their cars. In so doing, Google is depriving consumers of competitive choices and blocking innovation. The states also go further than the U.S. DOJ in explaining how Google's acquisition and command of vast amounts of data – obtained in increasing part because of consumers' lack of choice – has fortified Google's monopoly and created significant barriers for potential competitors and innovators.

The complaint was filed in the U.S. District Court for the District of Columbia. The attorneys general ask the court to halt Google's illegal conduct and restore a competitive marketplace. The states also seek to unwind any advantages that Google gained as a result of its anticompetitive conduct, including divestiture of assets as appropriate. Finally, the court is asked to provide any additional relief it determines appropriate, as well as reasonable fees and costs to the states.

Attorney General Balderas joins in the lawsuit with the attorneys general of Arizona, Colorado Connecticut, Delaware, Hawaii, Idaho, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, the District of Columbia, and the territories of Guam and Puerto Rico.

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