



September 29, 2023

Via Email and U.S. Mail

Matt Kilicci
VP of Payments, Trust, & Safety
Aylo
7777 Decarie Blvd.
Montreal, Quebec H4P 2H2
info.montreal@aylo.com

Solomon Friedman
Partner, VP of Compliance
Ethical Capital Partners
200 Elgin St., Suite 403
Ottawa, Ontario K2P 1L5
solomon@ethicalcapitalpartners.com

Re: Adult Entertainment and Exploitation of Children

Dear Messrs. Kilicci and Friedman:

We, the Attorneys General of the 26 undersigned states, write to you today to inquire about a possible “loophole” in your platforms’ moderation practices that potentially permits content creators to publish child sexual abuse material (CSAM) on your platforms, and to determine what is being done to address this possible loophole. As state Attorneys General—and parents—we are deeply concerned by recent reports of this possible workaround that could permit countless children to be victimized.

Allegation of Moderation Loophole

As was recently reported, a technical product manager for Pornhub’s parent company MindGeek (now Aylo) was captured on video discussing Pornhub’s moderation practices with an undercover journalist.¹ During that recording, the employee (Mike Farley) identified a

¹ Jackson Walker, The National Desk, “PornHub owners accused of overlooking ‘loophole’ which allows videos of minors,” Sept. 15, 2023, <https://thenationaldesk.com/news/americas->

“loophole” in Pornhub’s moderation practices whereby content creators and performers must produce a photo ID to open an account with Pornhub to upload content, but they are *not* required to show their faces in the content they upload to the site, so there is no way to confirm that the content actually features the performer/content creator that uploads the content.²

The undercover journalist asked Farley, “Do rapists use [this loophole to upload content featuring their victims]?”³ Farley replied, “Of course. Of course.”⁴ The journalist then asked Farley, “What about like human traffickers or something? Like, could they use that loophole [to upload content featuring their victims]?”⁵ Farley replied, “To do what? To make money? Of course.”⁶

The journalist also asked Farley, “But what’s the solution then? What’s your solution? Like what should be happening that’s not?”⁷ Farley replied, “You shouldn’t have content up that [sic] you can’t identify the person.”⁸

Aylo and Pornhub are no strangers to controversy. Just last month, after Pornhub’s parent company MindGeek was acquired by Ethical Capital Partners, MindGeek’s name was changed to Aylo in a rebranding effort after your company was repeatedly sued for allegations of profiting from child pornography and non-consensual sex videos.⁹ Last year, Visa and Mastercard both cut off payment processing to your advertising division that sells ads on Pornhub amid accusations that your company distributed child pornography.¹⁰ YouTube and Instagram have suspended Pornhub’s accounts on their respective platforms due to violations

news-now/pornhub-owners-accused-of-overlooking-loophole-which-allows-videos-of-minors-mike-farley-mind-geek (accessed Sept. 18, 2023).

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ See Todd Spangler, Variety, “Pornhub Parent Company Changes Name to Aylo, Aimed at Giving Adult-Entertainment Purveyor ‘Fresh Start’”

<https://variety.com/2023/digital/news/pornhub-parent-name-change-aylo-adult-entertainment-1235700312/> (accessed Sept. 18, 2023); see also National Center on Sexual Exploitation, “Pornhub Parent Company Changes Name in Attempt to Sanitize Image,” Aug. 21, 2023

<https://endsexualexploitation.org/articles/pornhub-parent-company-changes-name-in-attempt-to-sanitize-image/> (accessed Sept. 18, 2023).

¹⁰ Todd Spangler, Variety, “Visa, Mastercard Cut Off Ability to Buy Pornhub Ads After Court Ruling in Child Porn Case,” Aug. 4, 2022,

<https://variety.com/2022/digital/news/visa-suspends-pornhub-advertising-1235333574/> (accessed Sept. 18, 2023).

of their platform policies.¹¹ Certainly, then, you can understand the nature of our heightened concerns over the recent allegations that Aylo could potentially permit CSAM on its platforms.

As you are aware, various Federal and state laws forbid the creation and distribution of CSAM. We are concerned that Aylo and its subsidiary Pornhub, and possibly other subsidiaries, may be proliferating the production and dissemination of CSAM through the “loophole” identified by your employee. Please provide us with an explanation of this “loophole;” whether Aylo and its subsidiaries do, in fact, permit content creators and performers to obscure their faces in uploaded content; and, if so, whether Aylo is taking measures to change this policy to ensure that no children or other victims are being abused for profit on any of its platforms.

AI-Generated CSAM

On a related note, my office recently circulated a letter aimed at rooting out CSAM generated using artificial intelligence (AI). Attorneys General from all 50 states and 4 U.S. Territories signed on to the letter to Congress addressing some concerns in this area.¹² We are all concerned about protecting children when it comes to CSAM and digital exploitation. What steps are your companies taking to prevent AI-generated CSAM from being broadcast on your platforms?

Conclusion


The signatories to this letter are dedicated to protecting children. We expect you and your companies to follow laws that protect children as well. Please respond to the above inquiries within 30 days of this letter. Children’s lives and livelihoods are at stake.

[Signatures on following page]

¹¹ See Todd Spangler, Variety, “YouTube Removes Pornhub Channel, Citing Multiple Violations of Guidelines,” Dec. 16, 2022, <https://variety.com/2022/digital/news/youtube-removes-pornhub-1235464049/> (accessed Sept. 18, 2023).; see also Todd Spangler, “Instagram Briefly Reinstates Pornhub Account ‘in Error,’ Then Shuts It Down Again,” Feb. 19, 2023, <https://variety.com/2023/digital/news/instagram-pornhub-reinstated-1235529028/> (accessed Sept. 18, 2023).

¹² Meg Kinnard, Associated Press, “Prosecutors in all 50 states urge Congress to strengthen tools to fight AI child sexual abuse images,” Sept. 5, 2023, <https://apnews.com/article/ai-child-pornography-attorneys-general-bc7f9384d469b061d603d6ba9748f38a> (accessed Sept. 18, 2023).

Sincerely,



Alan Wilson
South Carolina Attorney General



Todd Rokita
Indiana Attorney General



Steve Marshall
Alabama Attorney General



Brenna Bird
Iowa Attorney General



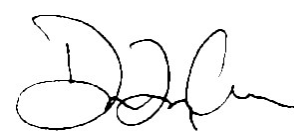
Treg Taylor
Alaska Attorney General



Kris Kobach
Kansas Attorney General



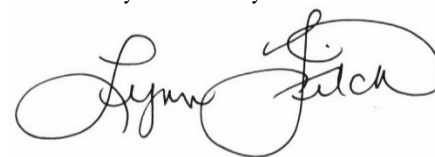
Tim Griffin
Arkansas Attorney General



Daniel Cameron
Kentucky Attorney General



Ashley Moody
Florida Attorney General



Lynn Fitch
Mississippi Attorney General



Chris Carr
Georgia Attorney General



Andrew Bailey
Missouri Attorney General



Raúl Labrador
Idaho Attorney General



Austin Knudsen
Montana Attorney General

Mike Hilgers
Nebraska Attorney General

Ken Paxton
Texas Attorney General

John Formella
New Hampshire Attorney General

Sean Reyes
Utah Attorney General

Drew Wrigley
North Dakota Attorney General

Jason Miyares
Virginia Attorney General

Dave Yost
Ohio Attorney General

Patrick Morrisey
West Virginia Attorney General

Gentner Drummond
Oklahoma Attorney General

Bridget Hill
Wyoming Attorney General

Marty Jackley
South Dakota Attorney General

Jonathan Skrmetti
Tennessee Attorney General