



PUBLIC CITIZEN NEWS

VOL. 43, NO. 1
JANUARY/
FEBRUARY 2023

Big Tech's Big Money Inside Game

BY MIKE TANGELIS

Big Tech unleashed all its power to stop the American Innovation and Choice Online Act (AICOA), a bill that would crack down on the industry's worst anticompetitive behavior. That's according to a new report released in December by Public Citizen.

AICOA would prohibit large platform owners (Google, Meta, Amazon, Apple, Microsoft, and TikTok) from using their dominant market power to unfairly advance their economic interests over other firms. For example, AICOA would stop companies from artificially elevating their own products to the top of search results. It also would stop companies from using non-public data to copy products from small retailers that sell on their platforms and would prohibit the removal of competitors from platforms for self-serving reasons.

By November 2022, *Bloomberg* estimated that Big Tech and its allies had spent more than \$120 million in attack ads against AICOA.

see *Big Tech*, page 16 ►



Graphic courtesy of Nick Totin.

Widely Used Blood Oxygen Meters Give False Readings in People of Color

BY MICHAEL ABRAMS

I imagine you've been admitted to the hospital for Covid or some other respiratory illness and are having trouble breathing. A device is gently clipped onto your fingertip which gives a reading that indicates how much oxygen you have in your blood. That reading partially determines the course of your treatment, which might be properly addressed or could result instead in prolonged illness or death.

The above scenario is sometimes worsened for people of color because many of the oxygen-measuring devices—referred to as pulse oximeters—are rendered less accurate by skin pigmentation. Skin pigmentation, which is generally higher in racial and ethnic minority populations, tends to alter pulse oximeter readings so that they are falsely higher than in reality, thereby indicating that one is sufficiently oxygenated when one may not be.

Well-designed research studies focused on treatment experiences of real patients before and during Covid have recently been published that show clear and consequential failures of pulse oximeters to function adequately when evaluating oxygen levels in people of color.

One study reviewed medical records spanning five hospitals in Maryland and D.C. run by Johns Hopkins Health System (JHHS). That study reviewed data from 1,216 Covid patients treated from March 2020 to November 2021. Of these cases, over half were classified as non-white, suggesting that various levels of skin pigmentation were included in the study. Across these non-white patients, pulse oximeter readings failed to detect actual hypoxia

(clinically low levels of oxygen in the blood) 30% of the time compared to failure rates of 17% among the white patients. Separate analysis further revealed that Black patients specifically experienced extended delays compared to white patients in receiving proper care because of such pulse oximeter inaccuracies.

A second study reviewed 3,068 intensive care unit (ICU) patient records that occurred at the Beth Israel Deaconess Medical Center in Boston, Mass., between 2008 and 2019. Among these ICU patients, 402 were classified as non-white. This research found that, on average, non-white patients received approximately 7% to 10% less supplemental oxygen during their ICU stay, after adjusting for the clinical need of such respiratory support and in part because their pulse oximeters gave falsely high (closer to normal) readings.

In response to such alarming evidence related to pulse oximeters—and given the prominence of these devices as tools to respond to Covid—the U.S. Food and Drug Administration (FDA), which also has regulatory authority over medical devices, on Nov.

see *Oximeters*, page 16 ►

PUBLIC CITIZEN 50

People • Power • Progress YEARS

1600 20th St. NW, Washington, DC 20009

ADDRESS SERVICE REQUESTED

*****AUTO**3-DIGIT 551
11630969 B1591 P12 882

REF LIBRARY MN LEGISLATIVE

645 STATE OFFICE BLDG

100 MARTIN L KING JR BLVD

SAINT PAUL

MN 55155-5555

Nonprofit Org.
US POSTAGE
PAID
Williamsport, PA
Permit No. 4

INSIDE

PUBLIC CITIZEN'S 2022 YEAR IN REVIEW, pages 5-15