

Analysis of Google's Proposed Mobile Ecosystem Responsibility Act (MERA)



As child safety and digital policy advocates, we have reviewed Google's proposed "Mobile Ecosystem Responsibility Act" (MERA) and found it structurally flawed and legally inadequate.

1. MERA Ignores the Contract Law Problem and Legitimizes a System of Unenforceable Agreements with Minors

The App Store Accountability bills are grounded in the principle that digital platforms should not broker app downloads that result in minors entering into legal Terms of Service agreements without a parent's knowledge or approval. Under longstanding contract law, minors lack the legal capacity to enter binding contracts. Yet Apple and Google routinely facilitate transactions requiring underage users to accept Terms of Service, which often include broad permissions to access cameras and microphones, to record your child's location, to authorize in-app payments, and to preclude access to the courts if a child is harmed, all without involving a parent or verifying age. Rather than correcting this, MERA enables platforms to continue brokering unenforceable and potentially unlawful agreements with known minors while disclaiming any legal responsibility for the consequences.

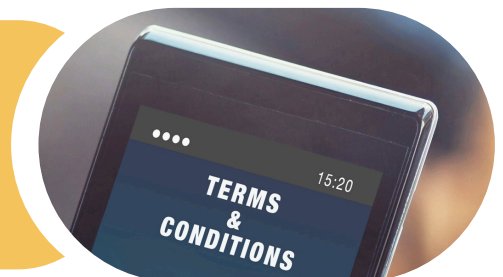


2. MERA Creates a Perverse Incentive for Developers to Avoid Child-Focused Design

MERA applies only to developers who provide a "different experience" for adults and minors. This creates a perverse incentive: if developers treat all users equally, regardless of age, they can avoid the bill's limited regulatory requirements.

The result is that developers who make a good-faith effort to reduce harm to minors by adjusting content or disabling features will be subject to new compliance obligations. Meanwhile, developers who do nothing to account for age differences are exempt. This disincentivizes safety-by-design and further entrenches a business model in which minors are treated as adults by default.

"...digital platforms should not broker app downloads that result in minors entering into legal Terms of Service agreements without a parent's knowledge or approval."



3. MERA Puts Consent Obligations on Developers Instead of the Platforms That Control the Data

MERA places the responsibility for obtaining parental consent on app developers, many of whom are small companies without access to user data and often without any direct relationship to the user. Apple and Google, who operate the dominant app stores and control account creation, are in the best position to facilitate age verification and consent but are not required to do so under MERA.

The App Store Accountability Bills place this responsibility where it belongs: on Apple and Google. They broker nearly all app downloads and already have the data and technical infrastructure to verify age and involve parents while maintaining privacy for adults and minors.

4. MERA Lets Developers Decide What Is “Suitable” for Children Instead of Parents



MERA gives decisions about age-appropriate content entirely to developers, allowing them to determine whether any part of their app is “unsuitable for minors.” Under MERA, parents would not make that decision. This gives commercial actors with a financial interest in reaching young users complete control in deciding if parental consent to download an app is required. Excluding parents from critical decisions about what apps are appropriate for their children is the wrong approach.

Conclusion

MERA preserves the current system in which children are funneled into unenforceable agreements without parental involvement, exposing them to legal, financial, and privacy risks. It encourages developers to avoid child-focused safety features, assigns legal responsibilities to those least equipped to fulfill them, and removes parents from decisions about their child’s digital experience.

