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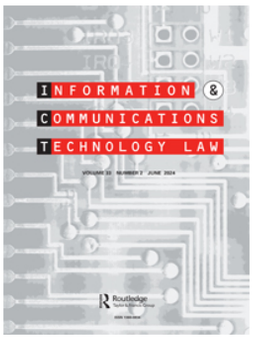

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David I. Benbow

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'Don't panic, don't panic': an analysis of a purported pro-eating disorder website/online content moral panic and legal and policy responses

David I. Benbow

School of Law, University of Sheffield, Sheffield, UK

ABSTRACT

It has been argued that newspaper responses to pro-eating disorder websites, within the United Kingdom (UK), constitute a moral panic. It is feared that moral panics may spur rash legal/policy responses. My analysis indicates that the consideration of pro-eating disorder websites by British newspaper journalists and others does not constitute a moral panic. I argue that the misuse of the moral panic concept exemplifies the dominance of emotivism within contemporary culture and may trivialise potential online harms and serve as an apologia for surveillance/digital capitalism. I contend that pro-eating disorder websites are potentially harmful and assess legal and policy responses, such as the Online Safety Act 2023 and the advancement of the digital commons. I also contend that the increase in the number of people suffering with eating disorders within the UK should be addressed by devoting more resources for research into, and the prevention and treatment of, eating disorders.

KEYWORDS

Moral panic; Emotivism; pro-eating disorder websites; pro-ana; surveillance capitalism

1. Introduction

The moral panic concept initially informed sociological and criminological studies, but is now also utilised by researchers within many other disciplines. It has been argued that the response of British newspapers to websites and online content which promote eating disorders, such as anorexia nervosa (AN) and bulimia nervosa (BN), constitutes a moral panic.[1] Such pro-eating disorder websites/online content provide thinspirations (motivations for endeavouring to maintain a very low body weight) and tips on how to starve and binge to their visitors.[2] I consider the development and contested nature of the moral panic concept and different moral panic models which have been identified within previous literature. I note that it is feared that moral panics in particular contexts may lead to rash legal/policy responses ('panic law'[3]). I then thoroughly examine the consideration of pro-eating websites/online content by relevant British newspapers, Parliament and a relevant charity,

CONTACT David I. Benbow d.benbow@sheffield.ac.uk

[1]Gemma Cobb, *Negotiating Thinness Online: The Cultural Politics of Pro-Anorexia* (Routledge, 2020).
[2]L Atkins, 'It's Better to be Thin and Dead than Fat and Living' *Guardian* (23 July 2002) 10.
[3]Steve Redhead, *Unpopular Cultures: The Birth of Law and Popular Culture* (Manchester University Press, 1995) 112.

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Beat (which supports those affected by eating disorders and campaigns on their behalf). I argue that none of the considered moral panic models apply to the meagre consideration of this issue by UK newspaper journalists and Parliamentarians.

I augment existing scholarship, which is critical of the misuse of the moral panic concept, by explaining that such misuse exemplifies the dominance of emotivism within contemporary culture. I contend that scholars should be circumspect before downplaying potential online harms, as they may be the unwitting apologists of entities which have developed, and which benefit from, surveillance/digital capitalism. I warn that lack of societal consensus about what is harmful and the misuse of the moral panic concept may inhibit adequate consideration of appropriate legal/policy responses. I then assess legal and policy responses, such as the Online Safety Act 2023 and the advancement of the digital commons. I also contend that the increase in the number of people diagnosed with eating disorders within the UK should be addressed by devoting more resources for research into, and the prevention and treatment of, such disorders.

2. Eating disorders

Eating disorders are a range of disorders, including AN and BN, characterised by a persistent disturbance of eating behaviours and impairment of physical and mental health. The World Health Organization (WHO) states that AN is diagnosed by the following features: low body weight for the patient's age, height, developmental stage and/or weight history (which is not accounted for by another medical condition or the availability of food); a persistent pattern of restrictive eating and/or other methods of maintaining a low body weight; and, excessive preoccupation with body weight or shape.[4] The disorder is most common among adolescent girls and young women, but the incidence and detection of AN in males is increasing.[5] The WHO describes BN as a syndrome involving recurrent episodes of binge-eating, compensatory behaviours to prevent weight gain and excessive preoccupation with body weight or shape.[6] The number of people suffering from eating disorders has increased within the UK in recent years. The proportion of children and young people with possible eating disorders increased between 2017 and 2021, from 6.7% to 13% in eleven to sixteen-year-olds and from 44.6% to 58.2% in seventeen to nineteen-year-olds.[7] There are many theories about the causes of eating disorders, and feminist approaches to understanding such disorders are prominent within the relevant literature.[8] The role of the mass media in reinforcing and reproducing thinness has been highlighted, although it has been noted that it is difficult to prove causation.[9]

[4]World Health Organization (WHO), *Clinical Descriptions and Diagnostic Requirements for ICD-11 Mental, Behavioural and Neurodevelopmental Disorders* (WHO, 2024).
[5]ibid 402.
[6]ibid 404.
[7]NHS Digital, 'Mental Health of Children and Young People in England 2021-Wave 2 Follow Up to the 2017 Survey' (30 September 2021) <https://digital.nhs.uk/data-and-information/publications/statistical/mental-health-of-children-and-young-people-in-england/2021-follow-up-to-the-2017-survey#> accessed 24 September 2022.
[8]Morag MacSween, *Anorexic Bodies: A Feminist and Sociological Perspective on Anorexia Nervosa* (Routledge, 1993); Susan Bordo, *Unbearable Weight: Feminism, Western Culture and the Body* (University of California Press, 2003); Helen Malson, *The Thin Woman: Feminism, Post-Structuralism and the Social Psychology of Anorexia Nervosa* (Routledge, 2003).
[9]Maggie Wykes and Barrie Gunter, *The Media and Body Image* (Sage, 2005) 207.

The creation of the internet facilitated the emergence of websites/online content promoting eating disorders.[10] The websites/online content which promote AN are referred to as pro-ana or pro-anorexia websites/online content and the websites/online content that promote BN are referred to as pro-mia or pro-bulimia websites/online content. The Office of Communications (Ofcom), which regulates communications services, states that the evidence suggests that more than one in ten children in the UK encounter eating disorder content each month.[11] Ofcom notes that children can view and engage with eating disorder content via video-sharing services, social media services, discussion forums and chat room services.[12]

Oxana Mikhaylova contends that those who promote eating disorders are moral entrepreneurs in a moral panic pertaining to obesity.[13] Nevertheless, the characterisation of obesity within online pro-eating disorder websites/content has changed over time, as although earlier pro-eating disorder sites stigmatised obesity, content creators in later sites contended that no body type should be stigmatised.[14] The moral relevance of eating disorders is that they inhibit the flourishing of sufferers. It has been argued that UK newspaper responses to pro-eating disorder websites/online content constitute a moral panic.[15] It is feared that if there is a moral panic pertaining to an issue, it may result in a 'knee-jerk reaction' and legal and medical responses which 'drive towards censorship for the protection of vulnerable people'.[16] A popular example of 'hasty and ill-thought-out legislation' in response to pressure from moral entrepreneurs is the Dangerous Dogs Act 1997.[17] This exemplifies what the cultural theorist Steve Redhead termed 'panic law', which he defined as 'the frenzied-but-simulated state of law and justice at the end of the century'.[18] By contrast, incorrect diagnoses of moral panics may inhibit adequate consideration of appropriate legal/policy responses. I consider the development, and criticisms, of the moral panic concept, in the following paragraphs before assessing whether it is applicable to UK newspaper responses to pro-eating disorder websites/online content. I then evaluate legal and policy responses, such as the Online Safety Act 2023, which has established a duty (overseen by Ofcom) for internet companies to tackle content which is harmful to children.

3. Moral panic

In the popular British sitcom '*Dad's Army*', which was first broadcast in the UK on the television channel BBC One in the 1960s and 1970s, the character Lance Corporal Jack Jones (played by Clive Dunn) used to famously exclaim 'don't panic, don't panic', when challenging situations arose, in a hysterical manner which comically belied the instruction being expressed.[19] At around the same time that '*Dad's Army*' was enjoying its first run on British

[10]Peter Conrad and Ashley Rondini, 'The Internet and Medicalisation: Reshaping the Global Body and Illness' in Elizabeth Ettorre (ed), *Culture, Bodies and the Sociology of Health* (Ashgate, 2010).
[11]Ofcom, *Protecting Children from Harms Online Volume 3: The Causes and Impacts of Online Harms to Children* (Ofcom, 2024) 80.
[12]ibid 76.
[13]Oxana Mikhaylova, 'Folk Devils or Moral Entrepreneurs? Gap Bridging in the Social Studies of Pro-ana Communities' (2022) 43 Deviant Behaviour 912.
[14]Conrad and Rondini (n 10) 113.
[15]Cobb (n 1).
[16]Zoe Alderson, *The Aesthetics of Self Harm* (Routledge, 2018) 52.
[17]Paul Lashmar, 'The Journalist, Folk Devil' in Chas Critcher and others (eds), *Moral Panics in the Contemporary World* (Bloomsbury, 2013) 52.
[18]Redhead (n 3) 112.
[19]Dad's Army, BBC One, 1968–1977.

television, the moral panic concept was becoming popular within the disciplines of sociology and criminology and has subsequently been utilised by scholars within many other disciplines. In contrast to Lance Corporal Jones' humorous paradoxical exhortation not to panic, those who utilise the moral panic concept are sincere in their instruction to their audience that the alleged panic relating to the phenomenon that they are considering is misplaced. Although some academics contend that the concept has proven timeless,[20] others regard it as a tired concept.[21] It has been argued that the popularity of the concept has come at the expense of analytical precision.[22]

Stanley Cohen and Jock Young are generally regarded as having created the concept.[23] Cohen used the moral panic concept in his book, '*Folk Devils and Moral Panics*', which concerned reactions to the mods and rockers sub-cultures prominent within the UK in the 1950s and the 1960s.[24] Young's work concerned the social meaning of drugtaking.[25] It has been argued that there were moral panics pertaining to mugging within the UK in the 1970s,[26] day care sexual abuse within the United States (US) in the 1980s,[27] juvenile crime within the UK in the 1990s[28] and internet paedophilia in the UK (and elsewhere) from the late 1990s onwards.[29] Erich Goode and Nachman Ben-Yehuda state that the evidence suggests that some supposed threats which generate moral panics are entirely imaginary, whereas other threats may be genuine, but produce a reaction which is disproportionate to the threat.[30] There is a distinction, within the moral panic literature, between panics which are engineered by elites, interest groups and grassroots campaigners.[31] An alleged moral panic pertaining to British newspaper responses to an issue would be regarded as one potentially engineered by elites, given that ninety per cent of UK-wide print media is owned by and controlled by three companies.[32]

Chas Critcher views the moral panic concept as an ideal type.[33] Critcher distinguishes between Cohen's processual model of moral panics and an attributional model of moral panics developed by Goode and Ben-Yehuda.[34] According to the processual model, a moral panic commences when 'a condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests'.[35] The condition,

[20]Erich Goode and Nachman Ben-Yehuda, 'The Genealogy and Trajectory of the Moral Panic Concept' in Charles Krinsky (ed), *The Ashgate Research Companion to Moral Panics* (Ashgate, 2013) 34.
[21]Simon Winlow and Steve Hall, *Rethinking Social Exclusion: The End of the Social?* (Sage, 2013) 128; Bill Thompson and Andy Williams, *The Myth of Moral Panics: Sex, Snuff and Satan* (Routledge, 2013) 11.
[22]Joel Best, 'The Problem's with Moral Panic: The Concept's Limitations' in Charles Krinsky (ed), *The Ashgate Research Companion to Moral Panics* (Ashgate, 2013).
[23]Erich Goode and Nachman Ben Yehuda, *Moral Panics: The Social Construction of Deviance* (2nd edn Wiley, 2009) 107.
[24]Stanley Cohen, *Folk Devils and Moral Panics* (3rd edn Routledge, 2002).
[25]Jock Young, *The Drugtakers: The Social Meaning of Drug Use* (MacGibbon and Kee, 1971).
[26]Stuart Hall and others, *Policing the Crisis: Mugging, the State and Law and Order* (MacMillan, 1978).
[27]Susan Bandes, 'The Lessons of Capturing the Friedmans: Moral Panic, Institutional Denial and Due Process' (2007) 3 Law, Culture and the Humanities 293.
[28]Colin Hay, 'Mobilization through Interpellation: James Bulger, Juvenile Crime and the Construction of a Moral Panic' (1995) 4 Social & Legal Studies 197.
[29]Mark O'Brien, 'The Witchfinder General and the Will-o'-the-Wisp: The Myth and Reality of Internet Control' (2006) 15 Information & Communications Technology Law 259; Yvonne Jewkes and Maggie Wykes, 'Reconstructing the Sexual Abuse of Children: "Cyber-Paeds", Panic and Power' (2012) 15 Sexualities 934.
[30]Goode and Ben Yehuda (n 23) 2.
[31]ibid 54–69.
[32]Tom Chivers, *Who Owns the UK Media?* (Media Reform Coalition, 2021).
[33]Chas Critcher, *Moral Panics and the Media* (Open University Press, 2003).
[34]ibid 2–3.
[35]Cohen (n 23) 1.

episode, person or group is presented 'in a stylized and stereotypical fashion by the mass media' and 'the moral barricades are manned by editors, bishops, politicians and other right-thinking people'.[36] Subsequently, Cohen states that 'socially accredited experts pronounce their diagnoses and solutions' and that 'ways of coping are evolved or (more often) resorted to'.[37] Ultimately, Cohen states that 'the condition then disappears, submerges or deteriorates and becomes more visible'.[38] A problem that Critcher has identified with Cohen's processual model is that it does not identify how moral panics begin.[39]

According to the attributional model, the following five elements are crucial for moral panics: concern about a phenomenon; hostility towards the phenomenon; a consensus about appropriate responses to the phenomenon; disproportion; and, volatility (the panic pertaining to the phenomenon disappears almost as swiftly as it emerged due to waning interest).[40] Critcher identifies the following problems with the attributional model: sparse evidence of public concern; the requirement for consensus when issues are often contested; and, the vagueness of the volatility element, which renders it difficult to test.[41] Susan Bandes contended that the volatility criterion appears to be 'descriptively inaccurate', as the moral panic concept is often used to describe longstanding phenomena.[42]

In contrast to Critcher, Goode and Ben Yehuda distinguish between two moral panic models: a vertical (hierarchical) model; and, a horizontal (postmodern) model.[43] Those who employ the former model characterise moral panics as erupting on behalf of a dominant moral order.[44] In contrast, those who employ the latter model highlight the fragmented nature of contemporary societies, with society divided into 'disparate cultural entities, each one of which generates its own moral panics'.[45] As individuals may consume different media (such as newspapers) and such media may have different agendas and issues that they tend to focus on, the horizontal model is a potentially relevant consideration for an alleged moral panic concerning pro-eating disorder websites/online content and will be considered further below.

Matthew David et al have identified ten areas of dispute about the moral panic concept.[46] I will focus on four areas of dispute that David et al identified, which are relevant for my analysis. One area of dispute, identified by David et al, concerns 'the relationship between the alleged moral panic, regulation, normalization and socialization' and whether 'some moral panics threaten rather than reinforce the hegemonic order'.[47] Eugene McLaughlin notes that, in the early 1980s, proponents of an emergent left realism, within criminology, viewed the moral panic concept as a hindrance to critical analysis and the politics of hard knowledge.[48] Young became critical of new deviance

[36]ibid.
[37]ibid.
[38]ibid.
[39]Critcher (n 33) 152.
[40]Goode and Ben Yehuda (n 23) 37–41.
[41]Critcher (n 33) 150–51.
[42]Bandes (n 27) 299.
[43]Erich Goode and Nachman Ben-Yehuda, 'Grounding and Defending the Sociology of Moral Panic' in Sean Hier (ed), *Moral Panic and the Politics of Anxiety* (Routledge, 2011).
[44]ibid.
[45]ibid 32.
[46]Matthew David and others, 'The Idea of Moral Panic-Ten Dimensions of Dispute' (2011) 7 Crime, Media, Culture 215.
[47]ibid 216.
[48]Eugene McLaughlin, 'See also Young, 1971: Marshall McLuhan, Moral Panics and Moral Indignation' (2014) 18 Theoretical Criminology 422.

theory as he contended that crime was not just conservative manipulation.[49] Young also warned against romanticising illegality as 'the reality of crime in the streets *can be* the reality of human suffering and personal disaster'.[50] Eating disorders are romanticised, within some academic literature, as the creators of pro-eating disorder websites/content resist dominant beauty ideals, by idealising extreme thinness, and medical authority, by redefining eating disorders as lifestyles rather than illnesses.[51] However, as Abigail Richardson and Elizabeth Cherry aver, such content creators ultimately reify and re-create the same structures they are attempting to resist.[52] Cobb is critical of the romanticisation of eating disorders by some scholars, which she argued may obscure the painful lived experiences of sufferers.[53]

Another area of dispute, according to David et al, concerns the possibility that some moral panics can be 'good'.[54] In the introduction to the third edition of his aforementioned book, Cohen distinguished between good moral panics and bad moral panics.[55] Similarly, Goode and Ben-Yehuda describe the multitude of technological disasters and threats (such as global warming and genetic engineering) as amoral panics, which may represent 'a very reasonable concern to a very real and present danger'.[56] The problem, as the critical legal scholar Alan Hunt contends, is that importing normative judgments at the start of an investigation restricts analysis to situations where investigators have already formulated conclusions and amplifies criticisms about the value-laden character of the moral panic concept.[57]

In my view, scholars should not formulate conclusions before assessing potential moral panics, but the concept itself is necessarily value-laden. Although previous scholars have been critical of the misuse of the concept, they have not acknowledged that such misuse exemplifies the dominance of emotivism within contemporary culture, which was identified by the moral philosopher Alasdair MacIntyre.[58] In this culture, the meaning behind moral statements is that one arbitrarily chooses to approve/disapprove of something, but such statements are uttered as though they refer to shared standards of truth.[59] The problem with arbitrary uses of concepts, such as moral panic, is that without shared standards of truth we have difficulty 'unmasking and dethroning arbitrary exercises of power'.[60] Some scholars have contended that the misapplication of the moral panic concept may obscure power relations. For example, feminist scholars have identified how claims of the existence of moral panics in some contexts may invert reality by defending hegemonic

[49] Jock Young, 'Working Class Criminology' in Ian Taylor, Paul Walton and Jock Young (eds), *Critical Criminology* (Routledge and Kegan Paul, 1975).
[50] ibid 89.
[51] Abigail Richardson and Elizabeth Cherry, 'Anorexia as a Choice: Constructing a New Community of Health and Beauty Through Pro Ana Websites' in Chris Bobel and Samantha Kwan (eds), *Embodied Resistance: Challenging the Norms, Breaking the Rules* (Vanderbilt University Press, 2011).
[52] ibid.
[53] Cobb (n 1) 122.
[54] David and others (n 46) 216.
[55] Cohen (n 24) xli–xlii.
[56] Goode and Ben Yehuda (n 23) 127.
[57] Alan Hunt, 'Fractious Rivals? Moral Panics and Moral Regulation' in Sean Hier (ed), *Moral Panic and the Politics of Anxiety* (Routledge, 2011).
[58] Alasdair MacIntyre, *After Virtue: A Study in Moral Theory* (3rd edn University of Notre Dame Press, 2007).
[59] Alasdair MacIntyre, 'What More Needs to Be Said? A Beginning, Although Only a Beginning, at Saying It' in Kelvin Knight and Paul Blackledge (eds), *Revolutionary Aristotelianism: Ethics, Resistance and Utopia* (Lucius & Lucius, 2008).
[60] Alasdair MacIntyre, 'Relativism, Power and Philosophy' (1985) 59 Proceedings and Addresses of the American Philosophical Association 5, 12.

relations.[61] Similarly, the critical realist David Pilgrim argues that the concept has also been used to trivialise child sexual abuse.[62] Drawing on MacIntyre's philosophy, the criminologist, Thomas Raymen, identified the problem of establishing meaningful consensus, within contemporary societies, concerning what is harmful.[63] Such dissensus may inhibit adequate consideration of appropriate legal/policy responses. I assess whether pro-eating disorder websites/online content are harmful later within this article.

A further area of dispute concerns 'the shifting scope of the term moral panic'.[64] David et al state that the concept has been used in relation to issues 'that might not initially seem primarily moral in character – such as health scares and environmental protection'.[65] Some argue that responses to some health issues, such as the discovery of acute immunodeficiency syndrome (AIDS) in the 1980s, do not constitute moral panics.[66] Goode and Ben-Yehuda contend that moral panics hinge on deviance, hence no deviance, no moral panic.[67] Similarly, Critcher contends that it is the moral dimension which makes moral panics distinctive.[68] Critcher states that the following are necessary for phenomena to constitute a moral panic: it must centre on deviance as an inherent condition of a group, condition or activity; it must involve a perceived threat to the moral order as a whole rather than a merely localised problem; and, it must ultimately cast this threat in the most basic terms of good and evil.[69] As mentioned above, the moral aspect of eating disorders is that they inhibit the flourishing of sufferers. The deviant aspect of pro-eating disorder websites/online content is the manner in which eating disorders are characterised, namely, as a lifestyle choice rather than as a disease.

An additional area of dispute, according to David et al, is whether the principle of 'disproportionality' can be used to accurately measure whether reactions to supposed threats are reasonable or unreasonable.[70] David et al note that an issue may not seem like a moral panic if people are underreacting.[71] If the media and other actors can generate moral panics, they may also be complicit in not promulgating issues which are morally significant and require increased attention, thereby perpetuating a hypothetical moral calm. In this respect, Pilgrim, notes that, in his later work, Cohen wrote about states of denial, which refers to suppression of the awareness of oppression and human suffering.[72] Goode and Ben-Yehuda identify indicators of disproportion, namely the exaggeration or fabrication of figures, the invention of rumours (which are believed) in relation to a phenomenon, the response to a phenomenon being disproportionate compared to a similar phenomenon and concern about a phenomenon increases without an increase in the objective seriousness of that phenomenon.[73] I consider such indicators of disproportion within my analysis below.

[61]Nickie Phillips and Nicholas Chagnon, 'Where's the Panic, Where's the Fire? Why Claims of Moral Panic and Witch Hunts Miss the Mark When It Comes to Campus Rape and MeToo' (2021) 21 Feminist Media Studies 409.
[62]David Pilgrim, *Child Sexual Abuse: Moral Panic or State of Denial?* (Routledge, 2018).
[63]Thomas Raymen, *The Enigma of Social Harm: The Problem of Liberalism* (Routledge, 2023).
[64]David and others (n 46) 216.
[65]ibid.
[66]Sheldon Ungar, 'Moral Panic Versus the Risk Society: The Implications of the Changing Sites of Social Anxiety' (2011) 52 British Journal of Sociology 271.
[67]Goode and Ben Yehuda (n 23) 127.
[68]Critcher (n 33) 144.
[69]ibid.
[70]David and others (n 46) 216.
[71]ibid.
[72]Pilgrim (n 62) 8–9; Stanley Cohen, *States of Denial: Knowing About Atrocities and Suffering* (Polity, 2001).
[73]Goode and Ben Yehuda (n 23) 44–46.

4. Do newspaper responses to pro-eating disorder websites/online content constitute a moral panic?

Cobb cited two newspaper articles to support her claim of a moral panic in relation to pro-eating disorder websites/on-line content.[74] The first was an article published within the left-wing British newspaper '*The Observer*' (which is published weekly on Sundays and is the sister paper of '*The Guardian*', which is published every day of the week except Sundays) in 2001[75] and the second was an article published within the right-wing British newspaper *The Express* (a national daily newspaper with a sister newspaper, the *Sunday Express* published on Sundays), in 2016.[76] According to Cobb, such articles, 'that demand pro-anorexia online spaces receive sustained critical investigation' and display 'cultural understandings of femininity as alternately dangerous and in need of protection' underpin the phenomenon of the alleged moral panic pertaining to pro-eating disorder websites/online content.[77] The websites/online content promoting eating disorders are not homogenous.[78] Consequently, Cobb states that the response, exemplified by the aforementioned articles, 'has been one of moral panic, treating pro-ana spaces as monolithic and calling for deletion, which is simply not constructive'.[79] In contrast, Cobb avers that the way that eating disorders are portrayed on such websites is nuanced and that users may derive benefits from participating within online communities, such as support, which they may not receive offline.[80]

4.1. Methodology

I sought to ascertain whether Cobb's portrayal of the response of British newspapers to pro-eating disorder websites/online content was accurate. In doing so, I selected the following newspapers that I was able to search: the *Daily Mail* (the *Daily Mail* is published daily, except on Sundays, when it's sister newspaper, the *Mail on Sunday,* which was included in the search, is published); the *Guardian/Observer*; the *Times*; the *Sunday Times* (the sister newspaper of the *Times*); the *Financial Times*; the *Telegraph*; the *Independent*; *The Sun;* and, the *Metro*. The *Guardian/Observer, Times/Sunday Times*, *Financial Times, Telegraph,* and *Independent* are regarded as broadsheet newspapers containing more serious news analysis in contrast to tabloid newspapers (such as the *Daily Mail/Mail on Sunday*, *The Sun* and the *Metro*) which focus on more sensational stories and celebrity gossip. All of the selected newspapers are regarded as leaning to the right politically, except the *Guardian/Observer*, which are regarded as left-wing publications, the *Independent* which is regarded as centrist and the *Metro*, which is regarded as non-political.

I was able to search some newspapers (namely, the *Guardian/Observer*, the *Metro* and *The Sun*) via the search functions on the websites of such newspapers. In relation to *The Sun*, as the oldest result my searches generated was an article from the year 2016, it

[74]Cobb (n 1) 1.
[75]A Hill, 'Girls in Danger as Anorexics Give Weight-Loss Tips on the Web' *The Observer* (12 August 2001) 10.
[76]S Delgado, 'Eugenia Cooney: Would You Want YOUR Daughter Idolising This Stick-Thin YouTube Star?' *Express* (29 October 2016) <https://www.express.co.uk/news/world/726539/Youtube-video-anorexia-Eugenia-Cooney-petition-ban-Eugenia-Cooney> accessed 3 September 2024.
[77]Cobb (n 1) 1.
[78]Emma Bond, *Virtually Anorexic – Where's the Harm? A Research Study on the Risks of Pro-Anorexia Websites* (University Campus Suffolk, 2012).
[79]Cobb (n 1) 3.
[80]ibid 2.

appears that articles from years prior to this are not accessible via the search function on the relevant website. I was able to search both an archive and the newspaper website for the *Daily Mail/Mail on Sunday*. I searched relevant archives of the other newspapers selected. I did not consider the *Mirror* within my searches, as I only had access to an historical archive for that newspaper containing articles from 1903 to 2000 and the search function on the website for that newspaper was limited to very recent articles. I also excluded the *Express* and the *Daily Star* from my investigation, as although I had access to an archive (UK Press Online) containing articles from those newspapers, the search function did not generate articles about pro-eating disorder websites, within such newspapers, which I had found independently and thus did not seem reliable. In addition, I excluded regional newspapers, such as the *Evening Standard* and *Daily Record*, from my investigation. I also investigated the consideration of this issue by Parliamentarians (by searching Parliament's website) and Beat (by searching it's website).

I initially typed in various search terms into the *Daily Mail* historical archive 1896–2016 (for older articles) and website (for more contemporary articles). I tried a few relevant searches, such as 'pro-ana anorexia', 'pro-mia bulimia', 'pro-eating disorder website' and 'pro-anorexia website'. However, some of these searches did not produce results or generated too many irrelevant results (for example, articles about celebrities with eating disorders rather than the potential malign influence of websites/online content promoting them). These initial searches indicated that using the search terms 'pro-ana anorexia' was the most precise to ascertain the engagement of *Daily Mail/Mail on Sunday* journalists with the issue of pro-eating disorder websites/online content and is therefore the term that I used when searching the other newspapers that I selected. The search term 'pro-mia bulimia' generated three results on the *Daily Mail* archive and website (two of which were generated by the search term ''pro-ana anorexia'') and eight results on the *Guardian/Observer* website (all of which had been generated by the search term 'pro-ana anorexia'), hence I did not opt to use this search term for the other newspapers.

4.2. Results

The results of my searches are outlined in the Appendix. My content analysis includes a consideration of the frequency of the coverage, the tone of relevant articles and the aforementioned respective moral panic models.

4.2.1. Cohen's processual model

As pro-eating disorder websites/online content only appear to have concerned the journalists employed by the newspapers that I searched rather sporadically since 2001, Cohen's processual model does not seem applicable. The results indicate more consideration of this issue within the *Daily Mail/Mail on Sunday* and *Guardian/Observer* newspapers (with an average of two and three articles with references to pro-ana each year, respectively) than the other newspapers selected. My searches also indicated that the consideration of the issue of pro-eating disorder websites/online content by Parliamentarians has also been meagre. The issue was considered in two early day motions (EDMs) tabled in 2008[81] and 2009,[82]

[81]EDM 973 *Pro-Anorexia Websites*, 2007–08.
[82]EDM 659 *Anorexia Websites*, 2008–09.

seven parliamentary debates[83] and in material promoting the Online Harms Bill.[84] Those who post pro-eating disorder content online do not appear to have been portrayed as folk devils within the newspaper articles that were generated by my search. Rather it was recognised that those creating pro-eating disorder websites/content were themselves unwell.[85] Similarly, Beat and Ofcom note that many of the people who post this content are suffering from eating disorders themselves.[86] As I consider further below, a consensus on potential legal/policy solutions to the potential harms of such websites has not developed and the consideration of the issue within newspapers, although sporadic, has not ceased, as was suggested by Cohen's model.

4.2.2. Goode and Ben-Yehuda's attributional model

Goode and Ben-Yehuda's attributional model also does not appear to be applicable to the engagement with the issue of pro-eating disorder websites within the newspapers that I selected for consideration. I analyse each of the elements of the attributional model, in turn. There is evident concern about such websites within some of the articles published within such newspapers. Such concern was often instigated by others rather than the journalists employed by such newspapers. This is discernible in one *Daily Mail* article in which an AN sufferer suggested that using pro-ana websites had almost killed her.[87] There were also concerns that some websites sought to profit from users[88] and that the users of pro-eating disorder websites were being groomed by porn websites.[89] There is conspicuous hostility towards such websites/online content, given the manner in which they are described within some of the articles, for example, as a 'dark world',[90] 'revolting',[91] 'sick',[92] 'undoubtedly harmful'[93] and 'disturbing'.[94]

[83]Hansard HC vol 558 col327 (14 February 2013); Hansard HC vol 655 col 135 (27 February 2019); Hansard HC vol 663 col 1268 (23 July 2019), Hansard HL vol 827 col 758 (1 February 2023), Hansard HL vol 827 col 928 (3 February 2023), Hansard HL vol 829 col 1703 (9 May 2023), H.L. vol 831 col.1552 (10 July 2023).

[84]Department of Culture, Media and Sport, 'Press Release: World-First Online Safety Laws Introduced in Parliament' (17 March 2022) <https://www.gov.uk/government/news/world-first-online-safety-laws-introduced-in-parliament> accessed 2 November 2022.

[85]K Bevan, 'Unwanted Intervention' *Guardian* (27 February 2008) <https://www.theguardian.com/commentisfree/2008/feb/27/unwantedintervention> accessed 3 September 2024; R Cole-Fletcher and L Thorpe, 'Anorexia is an Illness – NOT Something We Can Blame on Skinny Models or a Lifestyle Choice, Academic Claims' *Daily Mail* (3 June 2015) <https://www.dailymail.co.uk/health/article-3048642/Anorexia-illness-NOT-lifestyle-choice-blame-skinny-models-academic-claims.html> accessed 3 September 2024.

[86]Beat, 'The Dangers of Pro-Ana and Pro-Mia' (2022) <https://www.beateatingdisorders.org.uk/get-information-and-support/about-eating-disorders/dangers-of-pro-ana-and-pro-mia/#:~:text=It%20can%20make%20people%20feel,than%20because%20they%20are%20ill> accessed 2 November 2022; Ofcom (n 11) 76.

[87]——, '"Anorexia Blogs Nearly Killed Me": Even When Grainne, 17, was Starving to Death, "thinspiration" Sites Encouraged Her to Lose More Weight' *Daily Mail* (21 August 2013) <https://www.dailymail.co.uk/health/article-2398749/Pro-ana-Anorexia-blogs-nearly-killed-Starving-girl--17-says-thinspiration-sites-encouraged-her.html> accessed 3 September 2024.

[88]K Gibbons, 'Anorexia Sites "seek to profit from users"' *The Times* (26 March 2014) 16.

[89]N Hobbs, 'Anorexic Women Targeted by "Super-Skinny" Porn Websites', *Guardian* (6 April 2011) <https://www.theguardian.com/society/2011/apr/06/anorexic-women-targeted-by-porn-websites> accessed 3 September 2024.

[90]J Doward and T Reilly, 'How Macabre World of the Web Offers Fresh Insights on Anorexics' *The Observer* (17 August 2003) <https://www.theguardian.com/news/2003/aug/17/medicineandhealth.society#:~:text=For%20a%20moment%20it%20appears,comments%20of%20a%20troubled%20mind> accessed 3 September 2024.

[91]Bevan (n 85).

[92]R Taylor, 'Tragedy of Girl Who Secretly Browsed Anorexia Websites: Mother's Warning After Suicide of Teen with Everything to Live For' *Daily Mail* (3 August 2014) <https://www.dailymail.co.uk/news/article-2714674/Mirror-mirror-killed-little-girl-Haunting-song-lyrics-written-brilliant-schoolgirl-15-died-visiting-eating-disorder-websites.html> accessed 3 September 2024.

[93]Cole-Fletcher and Thorpe (n 85).

[94]B Kemp, 'Self' *The Times* (20 April 2002) 104; T Carey, 'Six Weeks After Instagram Pledged to Block Damaging Posts Blamed for 14-Year-Old's Death, We Reveal the Sickening Proof that Suicide, Self-Harm and Anorexia Material is Still

The articles indicate that there is a general consensus that such websites/online content may have a negative impact on those who observe them. However, the nuances that Cobb stated had been overlooked by British newspapers are captured, for example, within the *Daily Mail*'s publications on this issue. It was notable that some of the *Daily Mail* articles mentioned the sense of community on such websites.[95] In one *Daily Mail* article, a recovered AN sufferer stated that they did not agree with criticism of the website Instagram for hosting pro-ana images, as, in her view, it provided her with the means to talk 'to people online with the same issues', which she described as 'immensely helpful'.[96] In another article, a *Metro* journalist stated that 'online solidarity can, then, be dangerously self-indulgent and yet also the only reassurance many may feel exists, for now … '.[97] Similarly, Beat acknowledges that:

> some pro-ana and pro-mia social media profiles and sites may at the same time contain content that acknowledges the destructive reality of eating disorders, or even shows a desire to recover.[98]

In addition, even if there appears to be concern that such websites/online content are harmful, there does not appear to be a consensus among newspaper journalists and relevant charities, in relation to appropriate policy responses. The problems with attempts to ban such websites/content were noted by journalists.[99] Beat also states that it does not believe that making pro-ana content illegal is the best approach.[100]

The criterion of disproportion does not seem to effectively portray the sporadic engagement with the issue of pro-eating disorder websites by the newspapers that I searched. As mentioned above, the incidence of eating disorders has increased in recent years and pro-eating disorder websites/online content may play a role in this rise. However, although the issue may be seen to be more important, as more people are suffering from eating disorders, there does not appear to have been a correlative rise in the consideration of this issue within the newspapers. Rather than a moral panic, this could be regarded as a moral calm or state of denial. None of the indicators of disproportion that Goode and Ben-Yehuda identified appear relevant.[101] There is no evidence of the exaggeration or fabrication of figures or rumours concerning the increased prevalence of eating disorders. The response to the phenomenon of pro-eating disorder websites/online content does not appear disproportionate to other websites/online content which may cause harm. Although the objective seriousness of eating disorders may be argued to have increased (due to the increased prevalence of such

Widespread' *Daily Mail* (30 March 2019) <https://www.dailymail.co.uk/news/article-6866801/Harmful-Instagram-posts-available-six-weeks-14-year-old-Molly-Russells-suicide.html> accessed 3 September 2024.

[95]D Dumas, '"I'm Ready to Risk for Perfection": Anorexia Sufferers Behind "thinspiration" Diaries Explain Their Worrying Motivations' *Daily Mail* (14 February 2012) <https://www.dailymail.co.uk/femail/article-2099638/Anorexia-sufferers-thinspiration-diaries-explain-worrying-motivations.html> accessed 3 September 2024; B London, '"I Knew My Time Was Running Out": Recovering Anorexic Hid Food in Her Ears and Smeared Butter in Her Hair Leaving Her Blood Pressure so Low She'd Faint Several Times a Day' *Daily Mail* (3 October 2017) <https://www.dailymail.co.uk/femail/article-4943646/Recovering-anorexic-hid-food-ears-thinnest.html> accessed 3 September 2024.

[96]London (n 95).

[97]A Radnedge, 'Websites "Glorifying" Anorexia or Self-Harm Can Seem More Symptom than Cause' *Metro* (31 January 2014) <https://metro.co.uk/2014/01/31/websites-glorifying-anorexia-or-self-harm-can-seem-more-symptom-than-cause-4284619/> accessed 3 September 2024.

[98]Beat (n 86).

[99]Bevan (n 85).

[100]Beat (n 86).

[101]Goode and Ben Yehuda (n 23) 44–46.

disorders) the consideration of the websites/online content, which may have played a role in the aetiology of such disorders, does not appear to have increased within the newspapers.

In terms of volatility, as mentioned above, one problem with this criterion is that the moral panic concept is often applied to longstanding issues.[102] The issue of pro-eating disorder websites/online content has been considered sporadically within the selected newspapers over several years. The engagement with the issue within the newspapers cannot be described as fleeting. The coverage of the issue within the newspapers suggests that it is likely that such newspapers will continue to consider the issue intermittently.

4.2.3. Vertical and horizontal models

As mentioned above, Goode and Ben Yehuda distinguished between a vertical and a horizontal model of moral panics.[103] The former does not seem relevant, as the limited frequency of consideration of such websites/online content does not suggest a concerted effort by UK newspapers to publish articles on this issue in an effort to maintain hegemonic relations. Rather, many articles within the publications which considered the phenomenon with greater frequency, namely the *Daily Mail/Mail on Sunday* and the *Guardian/Observer*, seemed concerned with holding powerful actors (digital capitalists) to account for the potential harms of their platforms. Additionally, the horizontal model does not appear relevant, as although those newspapers that considered the phenomenon the most have different agendas and readerships, the journalists working for such publications agreed that pro-eating disorder websites/online content were concerning.

4.2.4. Summary and limitations

My analysis suggests that British newspapers have not been involved in the construction of a moral panic pertaining to pro-eating disorder websites/online content. The articles within British newspapers about such websites/online content do appear to capture the nuances of such websites/online content which Cobb identified. The limits of my investigation are that it focussed on UK newspapers (there may be different results within other jurisdictions and for different media), I excluded some newspapers from my searches (for the reasons outlined above) and although the search terms that I used appeared to be the most precise, they may not have generated every relevant article from the selected newspapers.

5. Online harms

In this section, I explore whether pro-eating disorder websites/online content is harmful and requires legal and policy interventions. I note that Cobb drew on postmodern philosophy, within her book, to critique binary thinking and complicate the boundaries between what is deemed to be normal and pathological.[104] However, Cobb appears to slip into binary thinking in the distinction that she makes between health sciences and

[102]Bandes (n 27) 299.
[103]Goode and Ben Yehuda (n 23) 44–46.
[104]Cobb (n 1).

socio-cultural perspectives within the existent literature concerning pro-eating disorder websites.[105] Cobb avers that research undertaken by those adopting the health sciences position is that pro-eating disorder online spaces are potentially hazardous.[106] Cobb therefore claims that the health sciences perspective coincides with the alleged media panic concerning the phenomenon of pro-eating disorder websites.[107] This simplifies the consideration of such websites from those adopting a health sciences perspective. Antonio Casilli et al note that scholars adopting the health sciences perspective recognise the nuances of such websites.[108]

A pilot study, published in 2006, indicated 'that viewing pro-anorexia websites has negative affective and cognitive effects on women'.[109] Cobb notes that the design of the pilot study was replicated within a different study, eight years later, and that a different conclusion was arrived at, namely that 'viewing a pro-ana website might not have detrimental effects on body satisfaction, positive and negative affect, or appearance self-efficacy in young, normal weight women'.[110] Nevertheless, a more recent systematic review of the relevant literature determined that pro-eating disorder websites/online content do play an important role in the aetiology of eating disorders.[111] Additionally, a longitudinal study has detailed the harmful effects of such websites/online content and revealed that they induced loss of weight and reductions in desired weight and that higher activity levels led to greater weight loss.[112] Ofcom commissioned in-depth research into children's experiences of encountering suicide, self-harm and eating disorder content.[113] Ofcom contends that the evidence indicates several risks of harm to children from eating disorder content, such as the exacerbation and glamourisation of disordered eating, a range of negative emotions such as guilt, shame and fear, and increased vulnerability to sexual exploitation.[114] Ofcom states that children seeking out eating disorder content are particularly vulnerable and that the characteristics of children (such as age, gender, sexual orientation and socio-economic status) could lead to increased risk.[115] The studies suggest that it is not inaccurate to describe pro-eating disorder websites/online content as potentially harmful and that therefore considering appropriate legal/policy responses is necessary.

In my view, those who downplay potential online harms may serve as unwitting apologists for those entities which have developed, and are benefiting from, surveillance/digital capitalism. Shoshana Zuboff defines surveillance capitalism as an economic system, which was pioneered by the companies Google and Facebook (now known as Meta), in which

[105]ibid 3.
[106]ibid.
[107]ibid.
[108]Antonio Casilli, Paola Tubaro and Pedro Araya, 'Ten Years of Ana: Lessons from a Transdisciplinary Body of Literature on Online Pro-Eating Disorder Websites' (2012) 51 Social Science Information Sur Les Sciences Sociales 120.
[109]Anna Bardone-Cone and Kamila Cass, 'Investigating the Impact of Pro-Anorexia Websites: A Pilot Study' (2006) 14 European Eating Disorders Review 256, 259.
[110]Cobb (n 1) 4; Monique Delforterie and others, 'Effects of Viewing a Pro-Ana Website: An Experimental Study on Body Satisfaction, Affect, and Appearance Self-Efficacy' (2014) 22 Eating Disorders 321, 334.
[111]Carmela Mento and others, 'Psychological Impact of Pro-Anorexia and Pro-Eating Disorder Websites on Adolescent Females: A Systematic Review' (2021) 18 International Journal of Environmental Research and Public Health 2186.
[112]Johannes Feldhege, Markus Moessner and Stephanie Bauer, 'Detrimental Effects of Pro-Eating Disorder Communities on Weight Loss and Desired Weight: Longitudinal Observational Study' (2021) 23 Journal of Medical Internet Research e27153.
[113]Ofcom (n 11) 79.
[114]ibid 81.
[115]ibid 84 and 100.

reality is captured and transformed into behavioural data for analysis and sales.[116] The Marxist sociologist Christian Fuchs prefers the term digital capitalism to surveillance capitalism as 'surveillance is not the only and not the primary feature of capitalism and digital capitalism', which also includes, for example, the exploitation of digital labour.[117] There is evidence that Meta derives an estimated $2 million revenue a year from a pro-eating disorder bubble on the website Instagram and $227.9 million from all those who follow this bubble.[118] In the US, a number of personal injury cases against social media companies for online harms have been consolidated into multidistrict litigation in the Northern District of California.[119] I mentioned above that a problem which MacIntyre identified with the dominance of emotivism within contemporary culture is that, without shared standards of truth, the ability to critique power relations within society is weakened.[120] As I noted above, the use of the moral panic concept to obscure power relations within societies has been identified within previous academic literature and it may also inhibit adequate consideration of appropriate legal/policy responses.

6. Legal/policy responses to pro-eating disorder websites

I have demonstrated, in the preceding sections, that UK newspapers have not generated a moral panic pertaining to pro-eating disorder websites/online content and that such websites/online content are potentially harmful, thereby necessitating consideration of appropriate legal and policy responses. The appropriate legal and policy responses are contested. I note that the approaches that policymakers have adopted in relation to the internet have tended to be piecemeal. Some scholars have argued that various forms of policy, such as antitrust, data, content and harm, are interdependent in complex ways, and must be coordinated.[121] I assess efforts to ban pro-eating disorder websites/online content and the regulatory approach adopted within the Online Safety Act 2023 before considering the advancement of the digital commons. I also contend that the increase in the number of people afflicted with eating disorders necessitates further investment for research into, and the prevention and treatment of, such disorders.

6.1. Censorship

There have been legislative efforts to censor pro-eating disorder websites/content within some jurisdictions. Internet censorship can take place via several means, for example, via legislation, administrative regulations and voluntary agreements. In France, the socialist politicians Maud Olivier and Catherine Coutelle tabled a legislative amendment, in 2015, which proposed to make it illegal (with a punishment of one year's imprisonment and a €10,000.00 fine) to provoke a person to seek excessive thinness by encouraging prolonged dietary restrictions thereby compromising their health or life.[122] Although the

[116]Shoshana Zuboff, *The Age of Surveillance Capitalism* (Profile Books, 2019).
[117]Christian Fuchs, *Digital Capitalism: Media, Communication and Society Volume 3* (Routledge, 2022) 33.
[118]Fairplay, *Designing for Disorder: Instagram's Pro-Eating Disorder Bubble* (Fairplay, 2022).
[119]In *Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, Case no.4:24-cv-2554 MDL no:347.
[120]MacIntyre (n 60).
[121]Daniel Tambini and Martin Moore, 'Introduction' in Daniel Tambini and Martin Moore (eds), *Regulating Big Tech: Policy Responses to Digital Dominance* (Oxford University Press, 2022).
[122]National Assembly, 27 March 2015, Health (No.2673) Amendment No.1052.

amendment was adopted by the National Assembly (the lower house of the French Parliament), it was ultimately rejected by the Senate (the upper house of the French Parliament).[123] It has been argued that this was due to a recognition that punishment could further harm individuals suffering with eating disorders who post such content.[124]

The efficacy of web censorship has been questioned. For example, Casilli contends that, due to a toothpaste tube effect, bans only relocate content onto other platforms, rendering eating disorder communities more inward-oriented and thereby making it harder to provide information and support.[125] Cobb contends that the threat of censorship and deletion leads to pro-eating disorder users endeavouring to safeguard their spaces by adopting dissimulating discourses, for example about health and beauty, which, she argues, is hastening the absorption of pro-eating disorder culture into mainstream culture.[126] As censorship may have the effects that Casili and Cobb identify, I agree that it is not an efficacious solution to the potential harms that pro-eating disorder websites/online content pose. An alternative is endeavouring to deter internet users from accessing such websites/content via warnings and public service announcements. There is evidence that placing warning texts before pro-ana websites is a promising strategy in deterring people from visiting such websites.[127] However, feminists have critiqued the patriarchal and corporate nature of some of the public service announcements that have been utilised.[128] In research undertaken for Ofcom, young people were generally positive about trigger warnings and sensitive content markers but felt that they were not always effective.[129]

6.2. Online Safety Act 2023

As the internet researchers Lorna Woods and William Perrin contend, social media platforms, through their design choices, are not neutral as to the flow of information and play a role in the creation or exacerbation of problems arising, for example, vulnerable individuals seeing pro-eating disorder content.[130] In the view of Woods and Perrin, while social media platforms could have done something about the concerns relating to online harms, 'in the main they have not done so but have sought to ignore the problem'.[131] Woods and Perrin therefore recommended the creation of a legal duty which 'would be owed to their users but also to those people who might be affected by the operation of the platform, such as victims of revenge pornography'.[132] In the

[123]Gaetan Guerlin, 'Chronique de droit des patients n.3 (3e partie)' (2017) 158 Petites Affiches 5.
[124]Connor Bildfell, 'Legislating Away Illness: Examining Efforts to Curb the Development of Eating Disorders Through Law' (2018) 26 Dalhousie Journal of Legal Studies 37.
[125]Antonio Casilli, 'Banning Pro-Ana Websites? Not a Good Idea, as Web Censorship Might Have a "Toothpaste Tube Effect"' (4 April 2012) <http://www.casilli.fr/2012/04/04/the-toothpaste-effect-of-web-censorship-the-case-of-pro-ana-websites/> accessed 2 November 2022.
[126]Cobb (n 1) 1–2.
[127]Carolien Martijn and others, 'Don't Get the Message: The Effect of a Warning Text Before Visiting a Proanorexia Website' (2009) 42 The International Journal of Eating Disorders 139.
[128]Nicole Schott and Debra Langan, 'Pro-Anorexia/Bulimia Censorship and Public Service Announcements: The Price of Controlling Women' (2015) 37 Media, Culture & Society 1158.
[129]IPSOS UK and TONIC Research, *Online Content: Qualitative Research Experiences of Children Encountering Online Content Relating to Eating Disorders, Self-Harm and Suicide* (IPSOS UK, 2024).
[130]Lorna Woods and William Perrin, 'Obliging Platforms to Accept a Duty of Care' in Daniel Tambini and Martin Moore (eds), *Regulating Big Tech: Policy Responses to Digital Dominance* (Oxford University Press, 2022).
[131]ibid 93.
[132]ibid 98.

UK, the aforementioned Online Safety Act 2023 imposes duties on providers of user-to-user (U2U) services to identify, mitigate and manage risks of harm from illegal content and activity and content and activity that is harmful to children.[133] The legislation also initially included adult safety duties, but these were subsequently removed.[134]

The Online Safety Act 2023 imposes risk assessment duties and safety duties on U2U service providers in relation to illegal content and protecting children.[135] Concerns have been expressed about the powers that the statute has assigned to the regulator Ofcom and the potential impact of the legislation on free speech.[136] Ofcom has adopted a phased approach to bringing the duties within the statute into effect and has published draft codes of practice and guidance for consultation regarding illegal content, content harmful to children and the duties for categorised services. In relation to the latter, it is proposed that U2U service providers will fall into different categories (1, 2A and 2B) with different duties.[137] For example, category 1 service providers will be required to give adult users more control over certain types of content.[138] Woods worries that, if user empowerment tools constitute the sole means of defence against all non-criminal content, then too great a burden is placed on adult users, especially vulnerable users, such as those with eating disorders.[139]

The statute introduces several new criminal offences, including the offence of encouraging or assisting serious self-harm by means of verbal or electronic communications, publications or correspondence.[140] A person who commits the offence will be liable, on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both).[141] The guidance compiled by Ofcom indicates that, in some instances, the offence will be committed where people are encouraged or assisted 'to carry out behaviours linked to eating disorders that amount to serious acts of self-harm'.[142] A Criminal Justice Bill proposed to repeal this offence and replace it with a broader offence which would cover encouraging or assisting serious self-harm, both by means of communication and in any other way.[143] However, the Bill failed to progress before Parliament was prorogued for the general election in May 2024 and was not carried over to the subsequent Parliamentary session (2024–2025). It remains to be seen whether anyone will be convicted of the offence of encouraging or assisting serious self-harm by means of verbal or electronic communications by encouraging or assisting another to develop an eating disorder. This may be controversial where potential defendants are themselves suffering from eating disorders.

The Online Safety Act 2023 separates content which is harmful to children into three categories: primary priority content (PPC), priority content (PC) and non-designated content

[133]S.1(2)(A)(I) and (II).
[134]Lorna Woods, 'Regulating to Minimise Harm to Children and Young People' in Emily Setty, Faith Gordon and Emma Nottingham (eds), *Children, Young People and Online Harms* (Palgrave Macmillan, 2024) 159.
[135]S.9, 10, 11 and 12.
[136]Markus Trengove and others, 'A Critical Review of the Online Safety Bill' (2022) 3 Patterns 100544.
[137]Ofcom, *Categorisation: Research and Advice: Call for Evidence* (Ofcom, 2023).
[138]ibid 8.
[139]Woods (n 134) 163.
[140]S.184.
[141]S.184(14)(a).
[142]Ofcom (n 11) 315.
[143]Criminal Justice H.C. Bill (2023–2024) [155].

(NDC).[144] Primary priority content includes 'content which encourages, promotes or provides instructions for an eating disorder or behaviours associated with an eating disorder'.[145] Ofcom has described the following as eating disorder content which meets the definition, of harmful to children, within the statute: 'content which glamourises eating disorders, including images or videos of emaciation with aspirational commentary, or presented in a way which presents emaciation as aspirational'; 'content which includes instructions for carrying out methods or accessories for eating disorders or behaviours associated with eating disorders';[146] 'content which promotes or encourages eating disorders or behaviours associated with eating disorders' (which may include competition or challenges); 'content which encourages interactive behaviours associated with eating disorders' (including in pro-eating disorder or recovery spaces);[147] 'content which describes behaviours associated with eating disorders in sufficient detail as to provide instructions for eating disorders, including when inadvertent or presented in a recovery context'; and, 'extreme or excessive dieting, weight loss, nutritional or fitness content'.[148]

Ofcom has also provided examples of the kind of eating disorder content which would not meet the definition, of harmful to children, within the statute: 'safety promoting resources which provide healthy coping mechanisms or signpost to services for recovery'; 'content focused on research, awareness, advocacy and support related to eating disorder prevention'; 'content which includes descriptions of eating disorders and/or associated behaviours, including recovery content, without sufficient detail to provide instructions, and which do not otherwise encourage or promote'; 'academic articles or studies that examine eating disorders'; 'journalistic content that does not promote, encourage, or provide instructions for eating disorders';[149] 'content involving eating behaviours which are due to religious or other culturally sanctioned practices'; and, 'content involving images of people with low body weight which do not glamourise or otherwise promote eating disorders'.[150]

The statute requires U2U service providers to use age verification to prevent children accessing certain content.[151] While some worry that the requirements may place personal data at risk and may deter adults from accessing lawful content, others believe that new systems may not be effective, as children determined to view content may be able to circumvent relevant controls.[152] A problem with the requirement that recovery content should not delve into sufficient detail is that it may inhibit sufferers/former sufferers from promulgating their lived experiences, and consequently hinder wider comprehension of such hardship. Nonetheless, I recognise that accounts of such lived experiences may have inadvertent effects and that endeavouring to confine certain details to adult audiences may thus be justified. A problem with the final example of eating disorder content, which meets the definition of harmful to children, is determining which dieting, weight loss, nutritional or fitness content is extreme or excessive.

[144]S.11(6)(b)(i), (ii) and (iii).
[145]S.61(5).
[146]Ofcom (n 11) 319.
[147]ibid 320.
[148]ibid 321.
[149]ibid 322.
[150]ibid 323.
[151]S.12(4).
[152]Jacob Rowbottom, *Media Law* (2nd edn Bloomsbury, 2024).

Before the statute was passed, Beat contended that not enough attention had been given to the algorithms which promote harmful content to vulnerable users.[153] The statute requires all U2U service providers to take measures, if it is proportionate to do so, with regard to the 'design of functionalities, algorithms and other features' in delivering the safety duties protecting children.[154] In addition, U2U service providers are required to consider algorithms when undertaking the duties stipulated within the legislation (such as completing risk assessments).[155] Ofcom states that 'while central to the functioning of many services, recommender systems emerge as a key route for children to encounter many categories of harmful content'.[156] Ofcom has devised three recommendations to target the design and operation of recommend systems: that content likely to be PPC is excluded (Measure RS1); that content likely to be PC is limited in prominence (Measure RS2); and, that children are offered more control on large risky services by indicating that they do not want to continue to see certain types of content (Measure RS3).[157] An issue is whether there may be a potentially harmful increase in the dissimulating discourses that Cobb identified in an effort to evade the exclusion of content.[158] Ultimately, Woods avers that 'while the regime has some weaknesses, it is an improvement from voluntary initiatives and the unenforced rules that preceded it'.[159] Further research will be required to assess the impact of the regime on pro-eating disorder content once the statute has fully come into effect.

6.3. Digital commons

Many legal and policy responses do not challenge the dominance of commercial culture within the internet and social media, but as Fuchs argues, this 'is not a necessity'.[160] Fuchs has drawn on the work of Aristotle, MacIntyre and Karl Marx, in particular, their arguments about common goods, to argue for the advancement of 'the digital commons and the common good in digital society'.[161] Fuchs contends that this would mean common ownership and control of digital platforms.[162] The advancement of the digital commons could be beneficial in increasing online spaces where internet users are not targeted with harmful content via means of algorithms which serve commercial imperatives. Fuchs has proposed the introduction of an online advertising tax to support the creation of public service and civil society internet platforms and co-operatives as alternatives to the dominance of for-profit monopoly platforms.[163] Public service and civil society internet platforms and co-operatives may face challenges, such as who participates (as some groups tend to be underrepresented). Fuchs therefore recommends that:

[153]Beat, 'The Online Safety Bill and Eating Disorders' (2023) <https://www.beateatingdisorders.org.uk/support-our-work/campaign-for-beat/current/the-online-safety-bill-and-eating-disorders/> accessed 17 May 2023.
[154]S.12(3)(a) and (b) and S.12(8)(b) and (f).
[155]S.14(5)(C), S.28(5) and S.29(4)(B).
[156]Ofcom (n 11) 8.
[157]Ofcom, *Protecting Children from Harms Online Volume 5: What Should Services Do to Mitigate the Risks of Online Harms to Children?* (Ofcom, 2024).
[158]Cobb (n 1) 1–2.
[159]Woods (n 134) 168.
[160]Christian Fuchs, *Social Media: An Introduction* (Sage, 2014) 24.
[161]Christian Fuchs, *Digital Ethics: Media, Communication and Society, Volume 5* (Routledge, 2023) 14.
[162]ibid 72.
[163]Christian Fuchs, *The Online Advertising Tax – a Digital Policy Innovation* (University of Westminster Press, 2018).

> Public space and time must be organised and managed in an intelligent way, so that the right people participate, the atmosphere is appropriate, the right discussion questions are asked, and it is ensured that all guests have their say, listen to each other, and that the discussion can proceed undisturbed, etc.[164]

Fuchs provides the example of Wikipedia, which he describes as 'the only successful WWW platform thus far that is not based on a capital accumulation model'.[165] Fuchs notes that users co-operate to co-author articles on Wikipedia and that if disagreements arise, users engage in discussion and endeavour to find a solution.[166] Consequently, digital commons platforms provide a means for users to engage in discussions about potential harms and to endeavour to arrive at a consensus. At this stage, it is only envisaged that such platforms can challenge, rather than replace, dominant for-profit monopoly platforms, hence regulation of the latter is also required.

6.4. Research, prevention and treatment

The previous legal/policy responses that I have assessed specifically relate to pro-eating disorder websites/online content, but a broader consideration of laws/policies pertaining to eating disorders is also necessary. I contend that the increase in the number of people afflicted with eating disorders necessitates further investment for research into, and the prevention and treatment of, such disorders. Although eating disorders account for around nine per cent of UK mental health conditions, concern has been expressed that only one per cent of UK mental health research funding was devoted to researching them, between 2015 and 2019.[167] The lack of investment for preventive services has also stimulated concern.[168] Research into the prevention of eating disorders has developed over the last few decades. In their review of relevant literature, the psychologists Michael Levine and Linda Smolak concluded that 'some forms of prevention are effective in reducing risk factors; a few are effective in preventing ED onset. Prevention works!'[169] Levine and Smolak provided examples of programmes which have demonstrated effectiveness, such as the Body Project, Student Bodies and the Healthy Weight Intervention.[170] Nonetheless, Levine and Smolak aver that more research is required, for example, regarding 'what makes dissemination and maintenance efforts successful'.[171] Further research is also required into school-based programmes and media literacy approaches. In respect of the former, although there have been developments, complete effectiveness and dissemination has not been achieved.[172] In respect of the latter, the

[164]Christian Fuchs, 'The Digital Commons and the Digital Public Sphere: How to Advance Digital Democracy Today' (2021) 16 Westminster Papers in Communication and Culture 9.
[165]Fuchs (n 160) 48.
[166]ibid 244.
[167]All-Party Parliamentary Group on Eating Disorders, *Breaking the Cycle: An Inquiry into Eating Disorder Research Funding in the UK* (Beat, 2021).
[168]ibid 6; NHS Confederation, *Extra Investment Needed to Tackle Surge in Children and Young People Seeking Support for Eating Disorders* (2 March 2023) <https://www.nhsconfed.org/news/extra-investment-needed-tackle-surge-children-and-young-people-seeking-support-eating> accessed 9 May 2023.
[169]Michael Levine and Linda Smolak, *The Prevention of Eating Problems and Eating Disorders: Theories Research and Applications* (2nd edn Routledge, 2021) 361.
[170]ibid 366.
[171]ibid 53.
[172]Zali Yager and Jennifer O'Dea, 'School-Based Prevention' in Linda Smolak and Michael Levine (eds), *The Wiley Handbook of Eating Disorders: Vol. 2* (John Wiley & Sons, 2015).

impact of media literacy approaches to preventing clinical and subclinical cases of eating disorders has not been adequately investigated.[173]

Although prevention works, there have been no coordinated efforts at eating disorder prevention and early intervention.[174] The psychologist Susan Paxton has lamented that where governments have acted, their actions have tended to be limited to particular social policy spheres and have been sporadic across time.[175] The importance of prevention in health policies has been recognised by the two main political parties within the UK: Labour and the Conservatives. For example, in a 2023 policy paper published prior to the planned publication of a major conditions strategy, the then Conservative government stated that there should be a rebalancing of the health and care system, over time, towards a personalised approach to prevention through the management of risk factors.[176] Similarly, in a policy document published prior to their election in July 2024, the Labour party stated that 'to make our health and care services sustainable, we must deliver a "prevention first" revolution'.[177]

However, government policy in relation to prevention has primarily focussed on other issues, such as obesity. For example, a series of childhood obesity plans/strategies have been published.[178] Schools were encouraged to help pupils eat more healthily and exercise more frequently and a voluntary healthy rating scheme for primary schools was introduced.[179] In addition, measures (which are due to come into force in 2025) have been adopted regarding the promotion of foods high in fat, salt or sugar,[180] a soft drinks industry levy has been introduced (to influence soft drink manufacturers to reformulate their products),[181] advertising restrictions (including a prohibition on advertising unhealthy food/drink products online) have been adopted (and are set to come into force in 2025)[182] and calorie information requirements have been imposed on certain businesses.[183] Beat has expressed concern that measures aimed at reducing obesity do not inadvertently undermine efforts to encourage healthy body image and cause harm to people with eating disorders and those who may be vulnerable to developing one.[184] Andrew Radford (Beat Chief Executive) has critiqued the calorie information requirements stating that:

[173]Simon Wilksch and Tracey Wade, 'Media Literacy in the Prevention of Eating Disorders' in Linda Smolak and Michael Levine (eds), *The Wiley Handbook of Eating Disorders: Vol.2* (John Wiley & Sons, 2015).
[174]Amelia Hemmings and others, 'EDIFY (Eating Disorders: Delineating Illness and Recovery Trajectories to Inform Personalised Prevention and Early Intervention in Young People): Project Outline' (2023) 47 BJPsych Bulletin 328.
[175]Susan Paxton, 'Social Policy and Prevention' in Linda Smolak and Michael Levine (eds), *The Wiley Handbook of Eating Disorders: Vol.2* (John Wiley & Sons, 2015) 665.
[176]Department of Health and Social Care, 'Major Conditions Strategy: Case for Change and Our Strategic Framework' (21 August 2023) <https://www.gov.uk/government/publications/major-conditions-strategy-case-for-change-and-our-strategic-framework/major-conditions-strategy-case-for-change-and-our-strategic-framework--2> accessed 15 August 2023.
[177]Labour Party, *Build an NHS Fit for the Future* (Labour Party, 2023) 4.
[178]Department of Health and Social Care (DHSC), *Childhood Obesity: A Plan for Action* (DHSC, 2016); DHSC, *Childhood Obesity: A Plan for Action*, *Chapter 2* (DHSC, 2018); DHSC, *Childhood Obesity: A Plan for Action, Chapter 3* (DHSC, 2019); DHSC, *Tackling Obesity: Empowering Adults and Children to Live Healthier Lives* (DHSC, 2020).
[179]DHSC (2016) (n 178).
[180]The Food (Promotion and Placement) (England) Regulations 2021/1368.
[181]Finance Act 2017.
[182]Health and Care Act 2022, Schedule 18.
[183]Calorie Labelling (Out of Home Sector) (England) Regulations 2021/909.
[184]Beat, 'Written Evidence Submitted by Beat (MISS0020)' (June 2020) <https://committees.parliament.uk/writtenevidence/7710/pdf/> accessed 15 August 2024.

> requiring calorie counts on menus risks causing great distress for people suffering from or vulnerable to eating disorders, since evidence shows that calorie labelling exacerbates eating disorders of all kinds.[185]

As it has been demonstrated that eating disorder prevention works, there needs to be more concerted efforts to adopt successful strategies within the UK and for government action to reflect the rhetoric on prevention.

In terms of treatment, patients face stigma in accessing or endeavouring to access services within the UK.[186] In addition, there is a lack of parity between adult eating disorder services and child and adolescent services and a lack of co-ordination between staff treating patients.[187] The National Audit Office has identified staff shortages as the major constraint to improving and expanding relevant services.[188] These issues urgently need to be addressed to improve the treatment of those with eating disorders. The current deficiencies that I have outlined in relation to research, prevention and treatment is suggestive of a state of denial or moral calm, as there should be more public concern to address such deficiencies to address the suffering that eating disorders cause. As Agnes Ayton et al argue 'significant investments in training, prevention, treatment and research on eating disorders will yield substantial benefits for individuals and reduce societal costs'.[189] The efforts to increase awareness of the harms of eating disorders are growing. For example, the first ever eating disorders march through London took place in May 2023.[190] The campaigner, Hope Virgo, stated that the march was organised as 'inaction is killing people' and 'eating disorders aren't being taken seriously'.[191]

7. Conclusion

I assessed, within this article, whether it is accurate to describe the responses of British newspapers to pro-eating disorder websites/online content as a moral panic. My analysis of the consideration of this issue by relevant British newspapers, Parliamentarians and the charity Beat, indicates that the use of the moral panic concept in this context is unwarranted. My analysis fits within broader scholarship which is critical of the inexact manner with which the moral panic concept is used by some scholars. I augmented such broader scholarship by drawing on the work of MacIntyre to explain such imprecision as stemming from the dominance of emotivism within contemporary culture.

As the prevalence of eating disorders is increasing within the UK, and websites/online content which promote such disorders may play a role in their aetiology, the response, of

[185]Beat, 'Beat's Response to Government Plan for Calorie Counts on Menus' (2018) <https://www.beateatingdisorders.org.uk/news/beats-response-government-plan-calorie-count/> accessed 16 August 2024.
[186]House of Commons Health and Social Care Committee, *The Impact of Body Image on Mental and Physical Health. Second Report of Session 2022–2023* (House of Commons, 2022).
[187]Parliamentary and Health Service Ombudsman, *Ignoring the Alarms: How NHS Eating Disorder Services are Failing Patients* (House of Commons, 2017) 5.
[188]ibid 9.
[189]Agnes Ayton and others, 'From Awareness to Action: An Urgent Call to Reduce Mortality and Improve Outcomes in Eating Disorders' (2024) 224 The British Journal of Psychiatry 3.
[190]A Milan, 'Why I'm Leading the First Ever Eating Disorders March Through London This Weekend' *Metro* (19 May 2023) <https://metro.co.uk/2023/05/19/why-im-leading-the-first-ever-eating-disorders-march-through-london-18807739/> accessed 3 September 2024.
[191]ibid.

relevant newspapers and Parliament, appears to indicate an unjustified moral calm, or state of denial, pertaining to an issue which requires more consideration. I argued that pro-eating disorder websites/online content are potentially harmful and that scholars should be circumspect before downplaying online harms which surveillance/digital capitalists generate and profit from, as they be the unwitting apologists for this new logic of accumulation. I assessed different legal and policy responses to address the potential harms of pro-eating disorder websites/online content. I argued against censorship and evaluated the Online Safety Act 2023 and the advancement of the digital commons. I also recommended that more resources should be allocated for research into, and the prevention and treatment of, eating disorders.

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ORCID

David I. Benbow http://orcid.org/0000-0002-2266-0611

Appendix

Daily Mail historical archive (1896–2016) and newspaper website search terms 'pro-ana anorexia'.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014
Results	1	1	0	2	0	2	4	5	4

Year	2015	2016	2017	2018	2019	2020	2021	2022	2023
Results	4	2	2	1	2	1	1	2	2

Guardian/Observer newspaper website search terms 'pro-ana anorexia'.

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
Results	2	1	1	0	0	2	2	5	3	2

Year	2011	2012	2013	2014	2015	2016	2017	2018	2019
Results	4	2	2	5	5	2	4	1	4

Year	2020	2021	2022	2023
Results	3	5	1	4

Times Digital Archive (1785–2019) search terms 'pro-ana anorexia'.

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Results	0	1	0	0	0	0	0	1	1	0	0

Year	2012	2013	2014	2015	2016	2017	2018	2019
Results	0	0	1	3	0	0	0	0

Sunday Times Archive (1822–2016) search terms 'pro-ana anorexia'.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014
Results	2	0	0	1	0	1	0	0	1

Year	2015	2016
Results	0	0

Telegraph Historical Archive (1855–2016) search terms 'pro-ana anorexia'.

Year	2006	2007	2008	2009	2010	2011	2012	2013	2014
Results	1	0	0	2	0	0	0	0	0

Year	2015	2016
Results	1	0

Financial Times archive (1888–2021) search terms 'pro-ana anorexia'.

Year	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Results	0	0	0	0	0	0	0	0	0	0
Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Results	0	0	0	0	0	1	0	0	0	0

Independent historical archive (1986–2016) search terms 'pro-ana anorexia'.

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Results	0	0	0	0	0	1	0	0	1	0	0

Year	2012	2013	2014	2015	2016
Results	0	0	0	0	0

Metro website search terms 'pro-ana anorexia'.

Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
Results	2	1	1	6	0	1	1	0	1	0

The Sun website search terms 'pro-ana anorexia'.

Year	2016	2017	2018	2019	2020	2021	2022	2023
Results	1	2	1	5	2	1	0	0