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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re SOCIAL MEDIA ADOLESCENT) MDL Case No. 4:22-md-03047-YGR
11 ADDICTION/PERSONAL INJURY)
12 PRODUCTS LIABILITY LITIGATION) Case No. 4:23-cv-5257

13 This Document Relates To:

14 MIAMI-DADE COUNTY PUBLIC
SCHOOLS DISTRICT,

15 Plaintiff,

16 vs.

17 META PLATFORMS, INC., FACEBOOK
HOLDINGS, LLC, FACEBOOK
18 OPERATIONS, LLC, META PAYMENTS
INC., FACEBOOK TECHNOLOGIES, LLC,
19 INSTAGRAM, LLC, SICULUS, INC.
ALPHABET INC., XXVI HOLDINGS INC.,
20 GOOGLE LLC, YOUTUBE, LLC, SNAP
INC., TIKTOK INC., and BYTEDANCE
21 INC.,

22 Defendants.

) COMPLAINT FOR VIOLATIONS OF:
) (1) FLORIDA PUBLIC NUISANCE LAW;
) (2) FLORIDA DECEPTIVE AND UNFAIR
) TRADE PRACTICES; (3) RACKETEER
) INFLUENCED AND CORRUPT
) ORGANIZATIONS ACT;
) (4) NEGLIGENCE; (5) GROSS
) NEGLIGENCE; AND (6) FRAUDULENT
) MISREPRESENTATION AND
) CONCEALMENT

23 DEMAND FOR JURY TRIAL
24
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1 **I. INTRODUCTION**

2 1. American adolescence is undergoing a dramatic change. Today, a staggering number
3 of our nation’s children suffer from mental and behavioral health disorders. In 2019, 13% of
4 adolescents reported having a major depressive episode, a 60% increase from 2007. This quantum
5 change has been fueled in part by a profound technological transformation deliberately designed by
6 some of the country’s most profitable social media giants in ways that exploit for profit the
7 vulnerabilities of children’s brain development.¹ Miami-Dade County schools have borne the
8 consequences of all of this, firsthand, to catastrophic effect. Behavioral issues in Miami-Dade
9 County schools have skyrocketed over the past decade, including increased incidents of youth
10 depression, anxiety, self-harm, cyberbullying, threats to students and teachers made over social
11 media, and property damage on school campuses driven by social-media “pranks.” Teachers have
12 seen a dramatic rise in maladaptive behaviors and in the social-emotional functioning of students.
13 All of this adversely impacts learning.

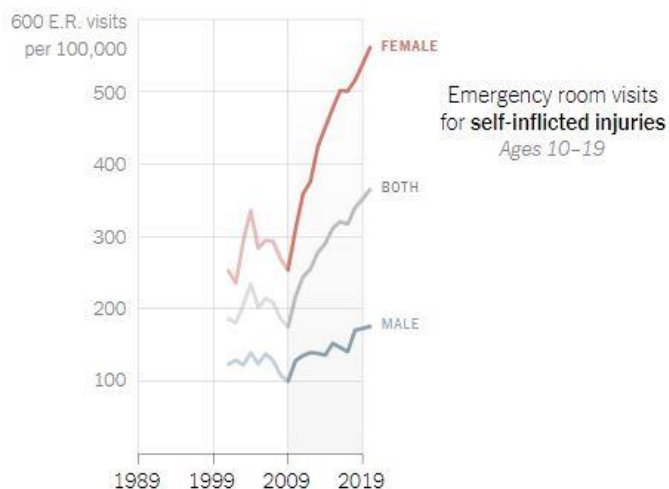
14 2. Three decades ago, the gravest public health threats to teenagers in the United States
15 came from binge drinking, drunk driving, teen pregnancy, and smoking. With increased education,
16 these have since fallen significantly but have been replaced by a new public health concern: soaring
17 rates of mental health disorders, including depression, self-harm, and suicidal ideation.²
18 Twenty percent of American children have a mental, emotional, developmental, or behavioral
19 disorder. The rising rates of emergency room visits for suicide and self-harm leave little doubt that
20 the physical nature of the threat has changed dramatically in the last 15 years:³

21
22
23
24 ¹ Social media can be defined as any form of interactive electronic communication through an
25 internet website or application by which a user creates a service-specific identifying user profile to
26 connect with other users of the internet website or application for the purpose of communicating and
27 sharing information, ideas, news, stories, opinions, images, and other content.

28 ² Matt Richtel, *‘It’s Life or Death’: The Mental Health Crisis Among U.S. Teens*, N.Y. Times
(May 3, 2022), <https://www.nytimes.com/2022/04/23/health/mental-health-crisis-teens.html>.

³ *Id.*

Emergency room visits for self-harm by children and adolescents rose sharply over the last decade, particularly among young women.



By The New York Times | Source: Centers for Disease Control and Prevention

4

3. For people aged 10 to 24, suicide rates, stable from 2000 to 2007, leapt nearly 60% by 2018 according to the Centers for Disease Control and Prevention (“CDC”).⁵ On December 7, 2021, the United States Surgeon General issued an advisory on the youth mental health crisis: “Mental health challenges in children, adolescents, and young adults are real and widespread. Even before the pandemic, an alarming number of young people struggled with feelings of helplessness, depression, and thoughts of suicide – and rates have increased over the past decade.”⁶

4. Youth mental health problems have advanced in lockstep with the growth of social media platforms which are deliberately designed to attract and addict youth by amplifying harmful material, dosing users with dopamine hits, and thereby driving youth engagement and advertising revenue. Defendants Facebook, Instagram, Snap, TikTok, and YouTube (defined below) all design, market, promote, and operate social media platforms for which they have especially cultivated a young audience. They have successfully grown their platforms exponentially over the past decade,

⁴ Matt Richtel, ‘It’s Life or Death’: The Mental Health Crisis Among U.S. Teens, N.Y. Times (Apr. 23, 2022), <https://www.nytimes.com/2022/04/23/health/mental-health-crisis-teens.html>.

⁵ *Id.*

⁶ Press Release, U.S. Dep’t Health & Hum. Servs., *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID 19 Pandemic* (Dec. 7, 2021), <https://www.njsba.org/news-publications/school-board-notes/december-14-2021-vol-xlv-no-18/surgeon-general-warning-mental-health-crisis-for-youth/>.

1 from millions to billions of users, particularly among children and teens. According to an
2 August 30, 2022 World Economic Forum publication, a Pew Research Center Study found that
3 almost half of United States teenagers aged 13 to 17 say they are online “almost constantly.”⁷

4 5. There is a reason America’s youth is online “almost constantly,” which is that social
5 media corporations engineer their platforms to maximize the amount of time users spend online
6 using strategies that deliberately exploit the psychology and neurophysiology of their users to cause
7 addiction. The primary metric of success for these companies is engagement. The higher the
8 engagement, the more these companies reap in advertising revenue. To drive engagement, social
9 media companies employ strategies designed to create habits and ultimately, addiction, including:
10 (a) using algorithms and endless scrolls that create harmful experiences for children and teens; and
11 (b) using Intermittent Variable Rewards (“IVRs”) or dopamine hits to intentionally alter users’
12 behavior. Rather than feeding coins in a slot machine, our youth feed these platforms with their time
13 and attention at the expense of their well-being.

14 6. Defendants have consciously engineered their platforms to exploit the frailties of
15 developing brains with endless feeds of videos that are often unhealthy or outright harmful to
16 children and teens. Defendants use algorithms and other techniques to grow not only their user base,
17 but also the frequency and time users spend on their platforms. In the quest for “engagement,” these
18 platforms suggest, feed, and amplify extreme and sensationalistic content because controversy and
19 confusion keep their users engaged for longer periods of time. As a result, the platforms expose and
20 normalize extreme views, even those held by small groups, by making such extreme content seem
21 popular and trustworthy.

22 7. The algorithms are neither neutral nor benign. Defendants design their algorithms to
23 amplify and promote the most polarizing, titillating, controversial, emotionally charged, sexual,
24 violent and otherwise salacious material created by third parties and by Defendants themselves.

25
26 ⁷ Stefan Ellerbeck, *Half of U.S. teens use the internet ‘almost constantly.’ But where are they*
27 *spending their time online?*, World Economic Forum (Aug. 30, 2022),
28 <https://www.weforum.org/agenda/2022/08/social-media-internet-online-teenagers-screens-us/#:~:text=The%20number%20of%20teens%20using,from%202014%2D15%20to%202022.>

1 Distortions and divisiveness are not only tolerated but embraced.⁸ In 2018, Facebook researchers
 2 warned of the dangers of delivering users ever more divisive content,⁹ wherein a flicker of anger is
 3 amplified to wildfire because people pay attention to fire. Despite the warnings, Defendants
 4 continue to feed users with increasingly extreme content to keep them engaged. The result can, and
 5 often does, create an alternate reality defined by conspiracy and rage.

6 8. Defendants also exploit the weakness of developing minds with the promise of
 7 dopamine hits akin to those used in the gambling industry, only here they come in the form of likes,
 8 comments, and views, to create a “social-validation feedback loop.” As former Napster founder and
 9 Facebook president Sean Parker (“Parker”) explained:

10 ***“The thought process that went into building these applications . . . was all about,***
 11 ***‘How do we consume as much of your time and conscious attention as possible?’”***
 12 To do that, he said, ***“We need to sort of give you a little dopamine hit*** every once in a
 13 while, because someone liked or commented on a photo or a post or whatever. And
 14 that’s going to get you to contribute more content, and that’s going to get you more
 15 likes and comments.¹⁰

16 9. These manipulations were deliberately built into the algorithms from the beginning,
 17 as further noted by Parker:

18 ***I mean, it’s exactly the kind of thing that a hacker like myself would come up with***
 19 ***because you’re exploiting a vulnerability in human psychology.*** [chuckles] And I
 20 . . . I think that we . . . you know, ***the inventors, creators, and it’s me, it’s Mark, it’s***
 21 ***Kevin Systrom at Instagram. It’s all of these people [who] understood this***
 22 ***consciously, and we did it anyway.***¹¹

23 10. The platforms are especially effective and harmful to Defendants’ youth audience,
 24 who are more vulnerable because their brains are still developing. Adolescents have a stronger drive
 25 to socialize than adults, which manifests as heavier use of social networks and a greater sensitivity to
 26 what happens there. Social apps hijack a tween and teen compulsion – to connect – that can be even

27 ⁸ Max Fisher, *The Chaos Machine: The Inside Story of How Social Media Rewired Our Minds and*
 28 *Our World* at 22-23 (2022) (“*Chaos Machine*”).

⁹ Jeff Horwitz & Deepa Seetharaman, *Facebook Executives Shut Down Efforts to Make the Site*
Less Divisive, Wall St. J. (May 26, 2020), <https://www.wsj.com/articles/facebook-knows-it-encourages-division-top-executives-nixed-solutions-11590507499>.

¹⁰ *Chaos Machine* at 25.

¹¹ *The Social Dilemma – 2020 Transcript*, Scraps from the Loft (Oct. 3, 2020), <https://scrapsfromtheloft.com/movies/the-social-dilemma-movie-transcript/>.

1 more powerful than hunger or greed.¹² As noted in a 2018 article in *The Daily Beast* entitled: “Just
 2 How Bad is Kids’ Smartphone Addiction?”, republished by Stanford University’s Wu Tsai
 3 Neurosciences Institute, adolescents are at heightened risk of social media addiction and harm:

4 Anna Lembke is an assistant professor of psychiatry and behavioral sciences
 5 at the Stanford University Medical Center, and she’s studied addiction extensively,
 6 both substance abuse and technology. She said the way we absorb the cool blue
 7 glow of a screen is akin to the electricity a drug user may feel.

8 **“Smartphone screens light up the same area of the brain as opioids and
 9 cannabis,”** she told The Daily Beast. “The rewards pathways mediated by dopamine
 10 respond to screens in a very similar way to opioids.” ***What makes adolescents
 11 especially vulnerable to the addictive nature of smartphones is that they are in a
 12 crucially pliable point of their mental and physical growth. “They’re incredibly
 13 socially sensitive”***

14 * * *

15 “[They] are more vulnerable to risk taking, so the emotion centers of the brain
 16 drive behavior more than the future planning centers of the brain” . . . which is why
 17 teens are impulsive enough to take risks without recognizing future consequences.
 18 Their brains are pliable because adolescence is a time when neurons undergo
 19 pruning, fundamentally altering the shape and structure of the brain from one of a
 20 child’s into that of an adult’s.

21 Online, that can be dangerous: It can lead to slut shaming when kids send and
 22 receive nude photos without thinking about ramifications, for example, or bullying
 23 on anonymous messaging apps Being turned on by peers ***can be devastating
 24 for a teen and in some extreme, tragic cases lead to suicide.***¹³

25 11. The need to fit in and the desire to be popular mean that children this age are
 26 especially vulnerable to falling for the ““social media contagion effect,”” the term Dr. Lembke uses
 27 to describe a child doing something just because a peer is doing it.¹⁴ That reasoning is simply logical
 28 in an adolescent’s brain. Yet there is almost no limit on who could be targeted, or how viciously, on
 social media:

***The Silicon Valley dream of freedom from laws and hierarchies has become,
 online, freedom from social and moral codes as well. The community has created
 its own standards . . . but around the organizing profit-driving incentive of all***

¹² *Id.*

¹³ Tanya Basu, *Just How Bad is Kids’ Smartphone Addiction?*, The Daily Beast (Jan. 9, 2018),
<https://www.thedailybeast.com/just-how-bad-is-kids-smartphone-addiction>.

¹⁴ *Id.*

1 *social media: attention – at significant cost to the mental health of America’s*
 2 *youth.*¹⁵

3 12. Increasingly, experts who study the effects of social media on teenagers report on the
 4 dangers, including: (a) social comparison (when everyone else’s life or body looks better online);
 5 (b) displacement (social media replacing sleep, exercise, and real interaction); and (c) algorithms that
 6 prod children to stay engaged by promoting harmful content. Some of these impacts
 7 disproportionately affect girls. Jean Twenge (“Twenge”), a psychology professor at San Diego State
 8 University and a leading expert on the subject, states: ““There is a substantial link to depression, and
 9 that link tends to be stronger among girls”” and “[t]he same is true for self-harm. . . . ‘The more
 10 hours a day she spends using social media, the more likely she is to engage in self-harm behaviors –
 11 the link is there for boys as well, it’s just not as large.””¹⁶ Twenge further reports: ““Most of the
 12 large studies show that heavy users of social media are about twice as likely to be depressed as light
 13 users.””¹⁷ Similarly, young boys are “especially susceptible” to extremism and radicalization online.
 14 In addressing on-line-mass-shooter-radicalization, Cynthia Miller-Idris, the Director of Online
 15 Research at American University’s Polarization and Extremism Innovation Lab, described how the
 16 “circulation of conspiracy theories and hateful content created a kind of tinderbox” impacting kids
 17 by drawing them “into hateful content as a perpetrator or [by being] victimized.”¹⁸

18 13. Federal research shows that teenagers as a group are getting less sleep and exercise
 19 and spending less in-person time with friends – all crucial for healthy development – at a period in
 20 life when it is typical to test boundaries and explore one’s identity. The combined result for some
 21 adolescents is a kind of cognitive implosion: anxiety, depression, compulsive behaviors, self-harm,
 22 vandalism, violence, and even suicide.

23 ¹⁵ *The Chaos Machine* at 55.

24 ¹⁶ Jennifer A. Kingson, *Social media’s effects on teen mental health comes into focus*, Axios
 25 (Jan. 11, 2023), <https://www.axios.com/2023/01/11/social-media-children-teenagers-mental-health-tiktok-meta-facebook-snapchat>.

26 ¹⁷ *Id.*

27 ¹⁸ *Examining the warning signs of online extremism targeting young people*, YouTube,
 28 <https://www.youtube.com/watch?v=AA4LqDeYQAQ>.

1 14. Like virtually all schools in the United States, Miami-Dade County schools have been
2 forced to address a high degree of distraction, depression, suicidality, and other mental disorders
3 suffered by children, caused or worsened by the overconsumption of social media on a daily basis,
4 which substantially interferes with the District’s paramount mission to educate its students. Indeed,
5 in 2018 Miami-Dade County Public Schools created an entire department to provide mental health
6 services to serve the increasing number of students needing help.¹⁹ The District employs 143 mental
7 health coordinators, 129 social workers, and 222 psychologists – along with over 600 school
8 counselors now trained to identify symptoms of depression and anxiety – to address the growing
9 problem. The need is that great.

10 15. This complaint does not seek to disparage, discipline or discourage technology. By
11 all accounts, social media can be an amazing tool for learning and growth for entrepreneurship and
12 showcasing one’s skills. However, these platforms increasingly define the world around our youth,
13 creating social realities and interactions. Safe and healthy social media use by children and teens lies
14 in stark contrast with the deliberate design of algorithms to: (a) flood children and teens with as
15 much divisive and harmful content as possible, for as long as possible; and (b) ultimately addict
16 them, all for the sake of profit. This is having deep and dangerous ramifications on our youth, our
17 communities, and our schools that simply cannot be ignored. These social media giants can and
18 should take measures to stem the tide of the mental health crisis afflicting America’s social media-
19 addicted youth.

20 **II. JURISDICTION AND VENUE**

21 16. This Court has subject matter jurisdiction over this case under 28 U.S.C. §1332(a)
22 because the amount in controversy exceeds \$75,000 and because Plaintiff and Defendants are
23 residents and citizens of different states.

24 17. This is a judicial district where Defendants are subject to personal jurisdiction in
25 accordance with 28 U.S.C. §1391 and California Code of Civil Procedure §410.10, the California

26 ¹⁹ From 2010 to its peak during the 2018-2019 school year, Miami-Dade Public Schools referred a
27 growing number of students to be assessed for mental health risk in order to connect them to the
28 appropriate services. The number has since leveled off as the District implemented various early
interventions, including mental health education.

1 long-arm statute. Defendants purposefully availed themselves of the benefits, profits, and privileges
2 deriving from their business activities in this state. Defendants Facebook and Instagram (defined
3 below) maintain their principal places of business in Menlo Park, California. Defendants
4 ByteDance Inc., Alphabet Inc., and Google LLC maintain their principal places of business in
5 Mountain View, California. Defendants YouTube, LLC maintains its principal place of business in
6 San Bruno, California.

7 18. The non-resident Defendants regularly engage in business within the State of
8 California and within this District. Defendants have committed tortious acts that have caused injury
9 to Plaintiff. Defendants expect, or should reasonably have expected, those acts to have
10 consequences in the State of California. Moreover, Defendants solicited business within this
11 District, engaged in persistent courses of conduct here, and derived substantial revenue from goods
12 used and services rendered in the State of California and this District through interstate commerce.

13 19. Defendants are regularly engaged in the business of designing, operating, and
14 marketing social network platforms, either directly or indirectly through third-party related entities,
15 in the State of California.

16 20. Venue is proper within this District and this Division pursuant to 28 U.S.C. §1391
17 and Civil L.R. 3-2(c) because a substantial part of the events or omissions giving rise to the claims at
18 issue in this Complaint arose in this District, and Defendants are subject to the Court's personal
19 jurisdiction with respect to this action.

20 **III. THE PARTIES**

21 **A. Plaintiff**

22 21. Miami-Dade County Public Schools District is the largest school district in Florida
23 and the third largest in the United States. During the 2021-2022 school year, Miami-Dade County
24 schools served 328,589 students enrolled in hundreds of schools and education centers district wide.
25 Plaintiff's offices are located at 1450 NE Second Avenue, Unit 912, Miami, Florida, 33132.

1 **B. Defendants**

2 **1. Meta, Facebook, and Instagram Entities**

3 22. Defendant Meta Platforms, Inc. (“Meta”), formerly known as Facebook, Inc., is a
4 Delaware corporation with its principal place of business in Menlo Park, California. Defendant
5 Meta builds and maintains technologies for social media platforms, communication platforms, and
6 electronic devices that are widely available to users throughout the United States. The platforms
7 developed and maintained by Meta include Facebook (including its self-titled application,
8 Marketplace, and Workplace), Messenger (including Messenger Kids), Instagram, and a line of
9 electronic virtual reality devices and services called Meta Quest (formerly Oculus) (collectively,
10 “Meta platforms”).

11 23. Defendant Meta’s subsidiaries include defendants Facebook Holdings, Facebook
12 Operations, Meta Payments, Facebook Technologies, Siculus (all defined below, and collectively,
13 with Meta, “Facebook”), and Instagram.

14 24. Defendant Meta’s platforms, Facebook and Instagram, are among the most popular
15 social networking platforms in the world, with more than 3.6 billion users worldwide.²⁰

16 25. In addition to Meta maintaining its principal place of business within this District,
17 Meta transacts or has transacted business in this District and throughout the United States. At all
18 times material to this Complaint, acting alone or in concert with its subsidiaries, Meta has advertised,
19 marketed, and distributed the Meta platforms to consumers throughout the United States. At all
20 times material to this Complaint, Meta formulated, directed, controlled, had the authority to control,
21 or participated in the acts and practices set forth in this Complaint.

22 26. Defendant Meta’s subsidiary, defendant Facebook Holdings, LLC (“Facebook
23 Holdings”), was organized under the laws of the State of Delaware on March 11, 2020 and is a
24 wholly-owned subsidiary of Meta. Facebook Holdings is primarily a holding company for entities
25 involved in Meta’s supporting and international endeavors, and its principal place of business is in
26 Menlo Park, California. Defendant Meta is the sole member of Facebook Holdings.

27 ²⁰ Felix Richter, *Meta Reaches 3.6 billion People Each Month*, Statista (Oct. 29, 2021),
28 <https://www.statista.com/chart/2183/facebooks-mobile-users/>.

1 27. Defendant Meta’s subsidiary, defendant Facebook Operations, LLC (“Facebook
2 Operations”), was organized under the laws of the State of Delaware on January 8, 2012 and is
3 wholly owned by Meta. The principal place of business of Facebook Operations is in Menlo Park,
4 California. Defendant Meta is the sole member of Facebook Operations.

5 28. Defendant Meta’s subsidiary, defendant Meta Payments Inc. (“Meta Payments”), was
6 incorporated in the State of Florida on December 10, 2010 as Facebook Payments Inc. In July 2022,
7 the entity’s name was amended to Meta Payments Inc. Meta Payments is a wholly-owned subsidiary
8 of Meta. Meta Payments manages, secures, and processes payments made through Meta, among
9 other activities, and its principal place of business is in Menlo Park, California. Defendant Meta is
10 the sole member of Meta Payments.

11 29. Defendant Meta’s subsidiary, defendant Facebook Technologies, LLC (“Facebook
12 Technologies”), was organized under the laws of the State of Delaware as “Oculus VR, LLC” on
13 March 21, 2014 and acquired by Meta on March 25, 2014. Facebook Technologies develops Meta’s
14 virtual and augmented reality technology, such as the Meta Quest line of services, among other
15 technologies related to Meta’s platforms, and its principal place of business is in Menlo Park,
16 California. Defendant Meta is the sole member of Facebook Technologies.

17 30. Defendant Meta’s subsidiary, defendant Instagram, LLC (“Instagram”), was founded
18 by Kevin Systrom and Mike Krieger in October 2010 and is a social media platform designed for
19 photo and video sharing. In April 2012, Meta purchased the company for approximately \$1 billion.
20 Meta reformed the limited liability company under the laws of the State of Delaware on April 7,
21 2012, and its principal place of business is in Menlo Park, California. Defendant Meta is the sole
22 member of Instagram.

23 31. Defendant Meta’s subsidiary, defendant Siculus, Inc. (“Siculus”), was incorporated in
24 the State of Delaware on October 19, 2011. Siculus is a wholly-owned subsidiary of Meta that
25 supports Meta platforms by constructing data facilities and other projects. Siculus’ principal place of
26 business is in Menlo Park, California. Defendant Meta is the sole member of Siculus.

1 **2. Alphabet, Google, and YouTube Entities**

2 32. Defendant Alphabet Inc. (“Alphabet”) is a Delaware corporation with its principal
3 place of business in Mountain View, California. Alphabet is the sole stockholder of
4 XXVI Holdings (defined below).

5 33. Defendant XXVI Holdings Inc. (“XXVI Holdings”), is a Delaware corporation with
6 its principal place of business in Mountain View, California. XXVI Holdings is a wholly-owned
7 subsidiary of Alphabet and the managing member of Google (defined below).

8 34. Defendant Google LLC (“Google”) is a limited liability company organized under the
9 laws of the State of Delaware, and its principal place of business is in Mountain View, California.
10 Google is a wholly-owned subsidiary of XXVI Holdings and the managing member of
11 YouTube, LLC. Google transacts or has transacted business in this District and throughout the
12 United States. At all times material to this Complaint, acting alone or in concert with others, Google
13 has advertised, marketed, and distributed its YouTube video sharing platform to consumers
14 throughout the United States. At all times material to this Complaint, acting alone or in concert with
15 YouTube, LLC, Google formulated, directed, controlled, had the authority to control, or participated
16 in the acts and practices set forth in this Complaint.

17 35. Defendant YouTube, LLC is a limited liability company organized under the laws of
18 the State of Delaware, and its principal place of business is in San Bruno, California. YouTube,
19 LLC is a wholly owned subsidiary of Google. YouTube, LLC transacts or has transacted business in
20 this District and throughout the United States. At all times material to this Complaint, acting alone
21 or in concert with defendant Google, YouTube, LLC has advertised, marketed, and distributed its
22 YouTube social media platform to consumers throughout the United States. At all times material to
23 this Complaint, acting alone or in concert with Google, YouTube, LLC formulated, directed,
24 controlled, had the authority to control, or participated in the acts and practices set forth in this
25 Complaint.

26 36. Defendants Alphabet, XXVI Holdings, Google, and YouTube, LLC are hereinafter
27 collectively referred to as “YouTube.”

28

1 **3. Snap Inc.**

2 37. Defendant Snap Inc. (“Snap”) is a Delaware corporation with its principal place of
3 business in Santa Monica, California. Snap transacts or has transacted business in this District and
4 throughout the United States. At all times material to this Complaint, acting alone or in concert with
5 others, Snap has advertised, marketed, and distributed the Snapchat social media platform to
6 consumers throughout the United States. At all times material to this Complaint, Snap formulated,
7 directed, controlled, had the authority to control, or participated in the acts and practices set forth in
8 this Complaint.

9 **4. TikTok and ByteDance Entities**

10 38. Defendant TikTok Inc. (“TikTok”) was incorporated in the State of California on
11 April 30, 2015, with its principal place of business in Culver City, California. TikTok Inc. transacts
12 or has transacted business in this District and throughout the United States. At all times material to
13 this Complaint, acting alone or in concert with others, TikTok Inc. has advertised, marketed, and
14 distributed the TikTok Inc. social media platform to consumers throughout the United States. At all
15 times material to this Complaint, acting alone or in concert with ByteDance (defined below), TikTok
16 Inc. formulated, directed, controlled, had the authority to control, or participated in the acts and
17 practices set forth in this Complaint.

18 39. Defendant ByteDance Inc. (“ByteDance”) is a Delaware corporation with its principal
19 place of business in Mountain View, California. ByteDance transacts or has transacted business in
20 this District and throughout the United States. At all times material to this Complaint, acting alone
21 or in concert with others, ByteDance has advertised, marketed, and distributed the TikTok Inc. social
22 media platform to consumers throughout the United States. At all times material to this Complaint,
23 acting alone or in concert with TikTok Inc., ByteDance formulated, directed, controlled, had the
24 authority to control, or participated in the acts and practices set forth in this Complaint. TikTok Inc.
25 and ByteDance are hereinafter collectively referred to as “TikTok.”

26 **IV. FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS**

27 40. The dawn of the social media era is generally considered to be approximately 2006 to
28 2007, when, on the heels of Yahoo’s failed attempt to acquire Facebook for \$1 billion, Facebook

1 revamped its home page to launch a newsfeed that provided each user with a continuous
 2 personalized feed of what that user’s friends were doing.²¹ The newsfeed drove engagement, and
 3 thus advertising revenue, as Facebook membership exploded by nearly 700%, and suddenly
 4 “everyone had total, unblinking visibility into the digital lives of everyone else.” When the
 5 newsfeed launched in 2006, 11% of Americans were on social media (between 2% and 4% used
 6 Facebook).²² By fall 2007, Facebook was valued at \$15 billion. By 2014, nearly two-thirds of
 7 Americans used social media platforms, with Facebook and YouTube being nearly universal.

8 **A. Social Media Addiction Is Prevalent Among America’s Youth**

9 41. Social Media has been likened to a “casino that fits in your pocket,” training us to
 10 “answer any dip in our happiness with a pull at the most ubiquitous slot machine in history.”²³
 11 Researchers studying the effects of social media on the brain have shown that social media exploits
 12 “the same neural circuitry” as “gambling and recreational drugs to keep consumers using their
 13 platforms as much as possible.” All are addictive because of the neurological chemical dopamine,
 14 which is released with the pulsing colorful notification sounds and vibrations associated with a
 15 “reward” – for example, a Snapchat with a friend.²⁴ “But when that dopamine reward system gets
 16 hijacked, it can compel you to repeat self-destructive behaviors. To place one more bet, binge on
 17 alcohol – or spend hours on apps even when they make you unhappy.”²⁵

18 42. Defendants deliberately designed and marketed exploitative and addictive social
 19 media platforms specifically targeting youth. They have been extremely successful in their efforts.
 20 Ninety percent of children aged 13 to 17 use social media.²⁶ Younger children also regularly use

21 _____
 22 ²¹ *Chaos Machine* at 20-21.

23 ²² *Chaos Machine* at 23.

24 ²³ *Chaos Machine* at 27.

25 ²⁴ *Chaos Machine* at 26.

26 ²⁵ *Id.*

27 ²⁶ *Social Media and Teens*, Am. Acad. Child & Adolescent Psych. (Mar. 2018),
 28 https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

1 social media. One study reported 38% of children aged 8 to 12 used social media in 2021.²⁷ Other
2 studies reveal numbers as high as 49% of children aged 10 to 12 use social media and 32% of
3 children aged 7 to 9 use social media.²⁸

4 43. The most popular of these platforms is YouTube. A vast majority – 95% – of
5 children aged 13 to 17 have used YouTube.²⁹

6 44. TikTok has skyrocketed in popularity with teenagers since its merger with Musical.ly
7 in 2018. TikTok is now the second most popular social media platform, with over 67% of children
8 aged 13 to 17 having used the app.³⁰

9 45. Instagram’s numbers are comparable to TikTok, with 62% of children aged 13 to 17
10 reporting they have used the app.³¹

11 46. Snapchat also remains popular with youth, with 59% of children aged 13 to 17
12 reporting they have used the app.³²

13 47. Facebook is the fifth most popular social media platform, with 32% of children aged
14 13 to 17 reporting they have used Facebook’s app or website.³³

15 48. Teenagers who use these social media platforms are also likely to use them
16 continuously. One study estimates that 62% of children aged 13 to 18 use social media every day.³⁴

17 _____
18 ²⁷ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens* at 5,
19 Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

20 ²⁸ *Sharing Too Soon? Children and Social Media Apps*, 39(4) C.S. Mott Child.’s Hosp. Univ.
21 Mich. Health (Oct. 18, 2021), https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

22 ²⁹ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
23 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

24 ³⁰ *Id.*

25 ³¹ *Id.*

26 ³² *Id.*

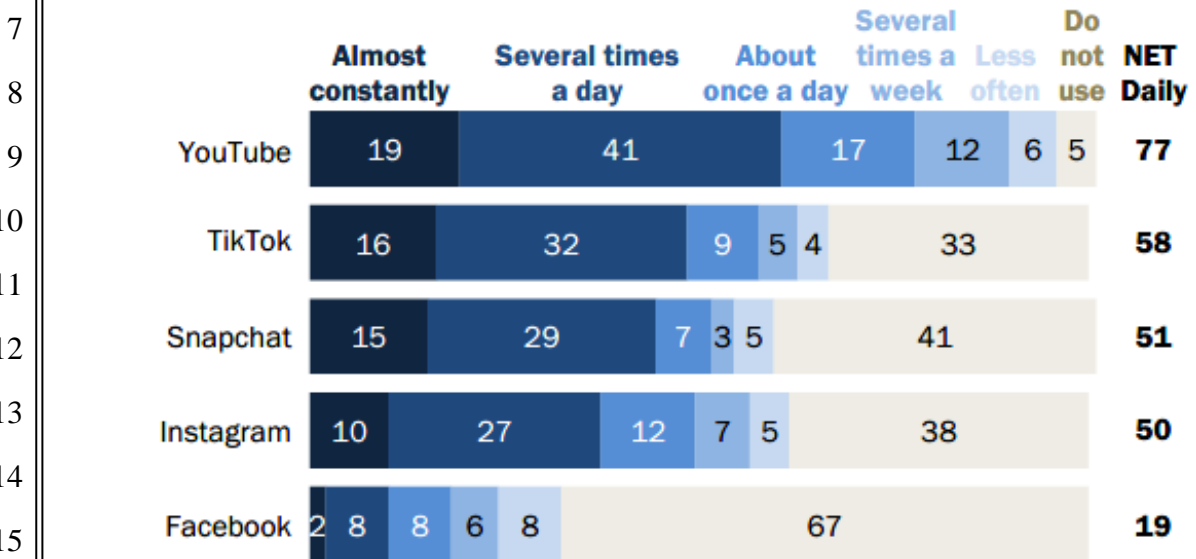
27 ³³ *Id.*

28 ³⁴ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens* at 4,
Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

1 An increasing number of younger children also use social media daily, with 18% of children aged 8
 2 to 12 reporting using a social media site at least once a day.³⁵

3 49. Daily use for many teenagers does not consist of logging onto a platform just once.
 4 Rather, many teenage users check social media repeatedly throughout the day. In one study, teenage
 5 users reported checking Snapchat 30 times a day on average.³⁶

6 50. Even more alarming, some teenagers never stop looking at social media.³⁷



Note: Teens refer to those ages 13 to 17. Those who did not give an answer are not shown.
 Figures may not add up to the NET values due to rounding.
 Source: Survey conducted April 14-May 4, 2022.
 "Teens, Social Media and Technology 2022"

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19 51. Nearly 32% of teens have declared YouTube the app they would not want to live
 20 without almost constantly.³⁸ Nearly 16% and 15% of teens report that they constantly use TikTok
 21

22 ³⁵ *Id.* at 5.

23 ³⁶ Erinn E. Murphy et al., *Taking Stock with Teens: 21 Years of Researching U.S. Teens GenZ*
 24 *Insights* at 13, Piper Sandler (Fall 2021), https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcdb1d4.pdf?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top.
 25

26 ³⁷ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens* at 4,
 27 Common Sense Media (2022), https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.; Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.
 28

1 and Snapchat, respectively.³⁹ Meanwhile, 10% of teens use Instagram almost constantly.⁴⁰ Thirty-
2 two percent of teens report using Facebook.⁴¹

3 52. Teenagers are aware that social media has a significant hold on their lives, yet they
4 still cannot stop using it. Thirty-six percent of teenagers admit they spend too much time on social
5 media.⁴² Over half of teens say that giving up social media would be somewhat hard, with nearly
6 one in five teens saying giving up social media would be very hard.⁴³ Of the subgroup of teenagers
7 who use at least one platform “almost constantly,” 71% said giving up social media would be hard,
8 with 32% saying giving up social media would be very hard.⁴⁴

9 53. Teenagers report symptoms of addiction disorders with regard to social media. For
10 instance, the more teenagers use social media, the harder it is for them to give it up. Teenagers who
11 acknowledge that they spend too much time on social media are almost twice as likely to say that
12 giving up social media would be difficult as teens who see their social media usage as about right.⁴⁵

13 54. Despite using social media frequently, most youth do not enjoy it.⁴⁶ Only 27% of
14 boys and 42% of girls aged 8 to 18 reported enjoying social media “a lot” in 2021.⁴⁷

17 ³⁸ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
18 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

19 ³⁹ *Id.*

20 ⁴⁰ *Id.*

21 ⁴¹ *Id.*

22 ⁴² *Id.*

23 ⁴³ *Id.*

24 ⁴⁴ *Id.*

25 ⁴⁵ *Id.*

26 ⁴⁶ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens at 34*,
27 *Common Sense Media* (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

28 ⁴⁷ *Id.*

1 **B. Social Media Has Widespread, Harmful, and Often Tragic Effects on**
 2 **Youth Mental Health**

3 55. The dimensions of the youth mental health crisis are alarming by all accounts. There
 4 are many severe and broadly negative effects of social media use on youth mental health. Social
 5 media use is linked to increases in mental, emotional, developmental, and behavioral disorders.
 6 They include cyberbullying, eating disorders, cutting, depression, anxiety, sleep disorders,
 7 vandalism, violence, and suicide-related outcomes. These negative impacts have been demonstrated
 8 by both independent research and internal data from the social media platforms themselves.

9 56. In general, electronic screen use causes lower psychological well-being.⁴⁸ This link is
 10 especially apparent among adolescents. Those with high screen time are twice as likely to receive
 11 diagnoses of depression or anxiety or to need treatment for mental or behavioral health conditions
 12 compared to low screen time users.⁴⁹

13 57. Social media specifically has a “detrimental effect on the psychological health of its
 14 users.”⁵⁰ One systematic review of 16 studies on the effects of social media on mental health found
 15 social media use increases levels of anxiety and depression.⁵¹

16 58. Social media also has detrimental effects on the mental health of adolescents
 17 specifically. High social media use increases depressive symptoms, suicide-related outcomes, and
 18 suicide rates among adolescents.⁵²

19
 20 ⁴⁸ Jean M. Twenge & W. Keith Campbell, *Associations between screen time and lower*
 21 *psychological well-being among children and adolescents: Evidence from a population-based study*,
 22 *12 Prev. Med. Rep.* 271-83 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6214874/>; Ariel
 23 Shensa et al., *Social Media Use and Depression and Anxiety Symptoms: A Cluster Analysis*, *42(2)*
Am. J. Health Behav. 116-28 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5904786/>;
Effects of Social Media on Children, Cleveland Clinic (Dec. 3, 2021),
<https://health.clevelandclinic.org/dangers-of-social-media-for-youth/>.

24 ⁴⁹ Jean M. Twenge & W. Keith Campbell, *Associations between screen time and lower*
 25 *psychological well-being among children and adolescents: Evidence from a population-based study*,
12 Prev. Med. Rep. 271-83 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6214874/>.

26 ⁵⁰ Fazida Karim et al., *Social Media Use and Its Connection to Mental Health: A Systemic Review*,
 27 *12(6) Cureus* (June 15, 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/>.

28 ⁵¹ *Id.*

1 59. The harm to youth from social media use increases with the amount of time spent on
2 these platforms. One study found that the investment of time in social media by adolescents is
3 linked to higher levels of depression and lower self-esteem.⁵³ “U.S. teenagers who spend 3 hours a
4 day or more on electronic devices are 35% more likely, and those who spend 5 hours or more are
5 71% more likely, to have a risk factor for suicide than those who spend less than 1 hour.”⁵⁴

6 60. One of the primary reasons the use of social media is associated with depressive
7 symptoms among adolescents is that it encourages unhealthy social comparison and feedback-
8 seeking behaviors.⁵⁵ Because adolescents spend a majority of their time on social media looking at
9 other users’ profiles and photos, they are likely to engage in negative comparisons with their peers.⁵⁶
10 Specifically, adolescents are likely to engage in harmful upward comparisons with others whom they
11 perceive to be more popular.⁵⁷

12 61. Through likes and follows, teens are “getting actual data on how much people like
13 them and their appearance,” says Lindsey Giller, a clinical psychologist at the Child Mind Institute
14
15

16 ⁵² Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and*
17 *Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*,
6(1) *Clinical Psych. Sci.* 3-17 (2017), <https://doi.org/10.1177/2167702617723376>.

18 ⁵³ Corey J. Blomfield Neira & Bonnie L. Barber (2014) *Social networking site use: Linked to*
19 *adolescents’ social self-concept, self-esteem, and depressed mood*, *Australian Journal of Psychology*,
66:1, 56-64, <https://www.tandfonline.com/doi/full/10.1111/ajpy.12034>.

20 ⁵⁴ Anne Sheehan, *Letter from JANA Partners & CalSTRS to Apple, Inc.*, Harvard Law School
21 Forum on Corporate Governance (Jan. 19, 2018), [https://corpgov.law.harvard.edu/2018/01/19/joint-](https://corpgov.law.harvard.edu/2018/01/19/joint-shareholder-letter-to-apple-inc/)
shareholder-letter-to-apple-inc/ (citing Jean M. Twenge, PhD. *iGen*. New York: Atria Books (an
imprint of Simon & Schuster), 2017).

22 ⁵⁵ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and*
23 *Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43(8)
24 *J. Abnormal Child Psych.* 1427-38 (Nov. 2015), [https://www.ncbi.nlm.nih.gov/pmc/articles/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/)
PMC5985443/.

25 ⁵⁶ *Id.*; see also Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a*
26 *moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3,
27 *BMC Psych.* 10, 279 (Nov. 28, 2022), <https://doi.org/10.1186/s40359-022-00990-7> (explaining that
youth are particularly vulnerable because they “use social networking sites for construing their
identity, developing a sense of belonging, and for comparison with others”).

28 ⁵⁷ *Id.*

1 who specializes in youth and young adults with mood disorders.⁵⁸ This leads to teens with “anxiety,
2 poor self-esteem, insecurity, and sadness attributed, at least in part, to constant social media use.”⁵⁹

3 62. Clinicians have also observed a clear relationship between youth social media use and
4 disordered eating behavior.⁶⁰ The more social media accounts an adolescent has, the greater
5 disordered eating behaviors they exhibit. Additionally, research shows the more time young girls
6 spend on social media platforms, such as Instagram and Snapchat, the more likely they are to
7 develop disordered eating behaviors.⁶¹

8 63. Social media has created an environment where self-harm and suicidality is glorified,
9 promoting youth to compete for who can cut the deepest or starve themselves the most.⁶² Experts
10 say that sharing pictures of harmful practices encourages others to harm themselves by, in essence,
11 normalizing the behavior.⁶³

12 64. Social media has also caused an increase in cyberbullying. The more time an
13 individual, especially males, spends on social media, the more likely they are to commit acts of
14 cyberbullying.⁶⁴ Cyberbullying is now so common that most American teens, 59%, have
15

16
17 ⁵⁸ Leah Shafer, *Social Media and Teen Anxiety*, Harv. Grad. Sch. of Educ., Rsch. Stories (Dec. 15,
2017), <https://www.gse.harvard.edu/news/uk/17/12/social-media-and-teen-anxiety>.

18 ⁵⁹ *Id.*

19 ⁶⁰ Simon M. Wilksch et al., *The relationship between social media use and disordered eating in*
20 *young adolescents*, 53 *Int’l J. Eating Disorders* 96-106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

21 ⁶¹ *Id.*

22 ⁶² Cindy Krischer Goodman, *Hiding in plain sight: Inside the online world of suicidal teens*
23 *anguished, armed and impulsive*, S. Fla. Sun-Sentinel (Jan. 12, 2020), <https://www.sun-sentinel.com/news/florida/fl-ne-teen-suicide-hidden-online-world-20200110-tj767jdoerh4jpw5zaomv26eum-story.html>.

24
25 ⁶³ Kimberly Leonard, *Is Social Media Making Self-Harm Worse for Teens?*, U.S. News (May 29,
26 2015), <https://www.usnews.com/news/articles/2015/05/29/is-social-media-making-self-harm-worse-for-teens>.

27 ⁶⁴ Amanda Giordano et al., *Understanding Adolescent Cyberbullies: Exploring Social Media*
28 *Addiction and Psychological Factors*, 7(1) *J. Child & Adolescent Counseling* 42-55 (2021),
<https://www.tandfonline.com/doi/abs/10.1080/23727810.2020.1835420?journalCode=ucac20>.

1 experienced some form of the behavior.⁶⁵ This number includes: (a) 42% of teens experiencing
 2 name calling; (b) 32% being subjected to false rumors; (c) 25% receiving an unsolicited explicit
 3 image; (d) 21% being subjected to online stalking; (e) 16% receiving physical threats online; and
 4 (f) 7% having had explicit images of them shared without their consent.⁶⁶ Exposure to cyberbullying
 5 on social media is more prevalent for youth identifying as LGBTQ, and is linked with increased
 6 reporting of depression and suicidality in the LGBTQ youth population.⁶⁷

7 65. Social media has also played a role in perpetuating youth violence by, for example,
 8 amplifying gang communications promoting and calling for violence or promoting fight
 9 compilations to millions of viewers. Continual exposure to such violence can have adverse effects
 10 on youth. Meta-analyses of the unhealthy effects of media violence have shown that youth who
 11 view violent content regularly are more likely to exhibit antisocial behavior, accept violent behavior,
 12 and experience increased feelings of hostility.⁶⁸

13 66. Social media use also contributes to sleep deprivation. Young adults who spend a lot
 14 of time on social media during the day or check it frequently throughout the week are more likely to
 15 suffer sleep disturbances than their peers who use social media infrequently.⁶⁹ In turn, disturbed and
 16 insufficient sleep is associated with poor health outcomes, such as weight gain and high blood
 17 pressure.⁷⁰ Sleep deprivation in youth is also linked to depressive symptoms and mood.⁷¹

18 _____
 19 ⁶⁵ Monica Anderson, *A Majority of Teens Have Experienced Some Form of Cyberbullying*, Pew
 20 Rsch. Ctr. (Sept. 27, 2018), <https://www.pewresearch.org/internet/2018/09/27/a-majority-of-teens-have-experienced-some-form-of-cyberbullying/>.

21 ⁶⁶ *Id.*

22 ⁶⁷ Cesar G. Escobar-Viera, et al., *For Better or for Worse? A Systematic Review of the Evidence on*
 23 *Social Media Use and Depression Among Lesbian, Gay, and Bisexual Minorities*, JMIR Mental
 Health (Mar. 23, 2018), <https://mental.jmir.org/2018/3/e10496>.

24 ⁶⁸ Britany Bostic, *Does Social Media Perpetuate Youth Violence?*, Mich. Youth Violence
 25 Prevention Ctr. (Feb. 20, 2014), <https://yvpc.sph.umich.edu/social-media-perpetuate-youth-violence/>.

26 ⁶⁹ Jessica C. Levenson, et al., *The Association Between Social Media Use and Sleep Disturbance*
 27 *Among Young Adults*, 85 *Preventive Med.* 36-41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

28 ⁷⁰ *Id.*; see also Jean M. Twenge, PhD. *iGen*. New York: Atria Books (an imprint of Simon & Schuster), 2017.

1 67. Teens who spend five or more hours a day on electronic devices are over 50% more
2 likely to experience sleep deprivation than youth who spend less than one hour per day.⁷²

3 68. Defendants exacerbate the disruption of sleep by sending push notifications and
4 emails either at night when children should be sleeping or during school hours when they should be
5 studying, thereby prompting children to reengage with Defendants' platforms at times when using
6 them is harmful to their health and well-being.⁷³

7 69. Children are especially at risk of developing harmful behaviors because their
8 prefrontal cortices are not fully developed.⁷⁴ The prefrontal cortex is the part of the brain implicated
9 in planning complex cognitive behavior, expressing one's personality, making decisions, and
10 moderating social behavior. Consequently, they find it particularly difficult to exercise the self-
11 control required to regulate their own use of Defendants' platforms. In this regard, self-regulation
12 allows people to delay gratification, postponing an immediate reward for a better reward later.
13 Adolescents' undeveloped capacity for self-regulation means they are particularly vulnerable to the
14 immediately pleasurable, but ultimately harmful, effects of the repeated dopamine spikes caused by
15 an external stimulus, such as "likes" that activate the reward system in the brain.⁷⁵

16
17
18 ⁷¹ Lynette Vernon, et al., *Tracking Effects of Problematic Social Networking on Adolescent*
19 *Psychopathy: The Mediating Role of Sleep Disruptions*, *Journal of Clinical Child & Adolescent*
20 *Psychology* (August 2016), https://www.researchgate.net/publication/305925717_Tracking_Effects_of_Problematic_Social_Networking_on_Adolescent_Psychopathology_The_Mediating_Role_of_Sleep_Disruptions.

21 ⁷² Ann Sheehan, *Letter from JANA Partners & CalSTRS to Apple, Inc.*, Harvard Law School Forum
22 on Corporate Governance (Jan. 19, 2018), <https://corpgov.law.harvard.edu/2018/01/19/joint-shareholder-letter-to-apple-inc/> (citing Jean M. Twenge, PhD. *iGen*. New York: Atria Books (an imprint of Simon & Schuster), 2017).

23 ⁷³ See, e.g., Beatrice Nolan, *Kids are waking up in the night to check their notifications and are*
24 *losing about 1 night's worth of sleep a week, study suggests*, *Bus. Insider* (Sept. 19, 2022),
25 <https://www.businessinsider.com/social-media-costing-children-one-night-sleep-study-2022-9>
(approximately 12.5% of children report waking up to check social media notifications).

26 ⁷⁴ Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation*
27 *model of problematic Facebook use, age, neuroticism, and extraversion* at 3, *BMC Psych.* 10, 279
(Nov. 28, 2022), <https://doi.org/10.1186/s40359-022-00990-7>.

28 ⁷⁵ *Id.*

1 70. These reward-based learning systems “contribute to the maintenance of excessive
2 usage patterns.”⁷⁶ Researchers investigating the “directionality between . . . social networking
3 [platforms] and problematic use” have found that “increases in the intensity of use . . . predict[]
4 problematic use.”⁷⁷ Empirical studies have found that problematic use is associated with “insomnia,
5 stress, relationship dissatisfaction, anxiety, social anxiety, and depressive symptoms.”⁷⁸

6 71. In this regard, adolescents are especially vulnerable to long-term harm from
7 Defendants’ platforms because excessive and problematic use can disrupt their brains’ development
8 at a critical stage.

9 72. Indeed, studies have shown that the mental health challenges to emotional regulation
10 and well-being caused by social media use continue on into young adulthood. For example, a
11 nationally-representative sample of over 1,700 U.S. emerging adults (defined as aged 18-29) found
12 that problematic social media use was associated with depressive symptoms in those studied.⁷⁹

13 **C. America’s Youth Are Facing a Mental Health Crisis**

14 73. The number of young people using Defendants’ social media platforms and the
15 intensity with which they use them has increased significantly since 2008, which has contributed to a
16 wide range of negative effects on youth mental health. The incidence of young people experiencing
17 depression, contemplating suicide, seeking emergency room help for mental health issues, and –
18 tragically – committing suicide has skyrocketed.

19 74. On December 7, 2021, these issues led the United States Surgeon General to issue an
20 advisory on the youth mental health crisis.⁸⁰ In issuing the advisory, the Surgeon General noted:

21 _____
22 ⁷⁶ *Id.*

23 ⁷⁷ *Id.*

24 ⁷⁸ *Id.* (collecting sources).

25 ⁷⁹ Ariel Shensam MA, et al., *Problematic Social Media Use and Depressive Symptoms among U.S.*
26 *Young Adults: a Nationally-Representative Study*. Soc Sci Med. (Apr. 24, 2017).
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5476225/>.

27 ⁸⁰ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t Health &
28 Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

1 ““Mental health challenges in children, adolescents, and young adults are real and widespread. Even
2 before the pandemic, an alarming number of young people struggled with feelings of helplessness,
3 depression, and thoughts of suicide – and rates have increased over the past decade.””⁸¹

4 75. While the report highlights ways in which the COVID-19 pandemic has exacerbated
5 mental health issues for American youth, it also highlights the mental health challenges youth faced
6 before the pandemic. Specifically, the report notes that before the pandemic “mental health
7 challenges were the leading cause of disability and poor life outcomes in young people.”⁸²

8 76. Before the pandemic, one in five children aged 3-17 in the United States had a
9 mental, emotional, developmental, or behavioral disorder.⁸³

10 77. “In 2021, 42% of high school students felt so sad or hopeless almost every day for at
11 least two weeks in a row that they stopped doing their usual activities.”⁸⁴ Girls were more likely
12 than boys to experience these “persistent feelings of sadness or hopelessness.”⁸⁵ From 2011 to 2021,
13 the rate of female high-school-age youth who reported persistent feelings of sadness or hopelessness
14 increased from 36% to 51% (to one out of every two female children), and the rate of male high-
15 school-age youths increased from 21% to 29%.⁸⁶

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19 ⁸¹ Press Release, U.S. Dep’t Health & Hum. Servs., *U.S. Surgeon General Issues Advisory on*
20 *Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic* (Dec. 7, 2021),
21 <https://www.njsba.org/news-publications/school-board-notes/december-14-2021-vol-xlv-no-18/surgeon-general-warning-mental-health-crisis-for-youth/>.

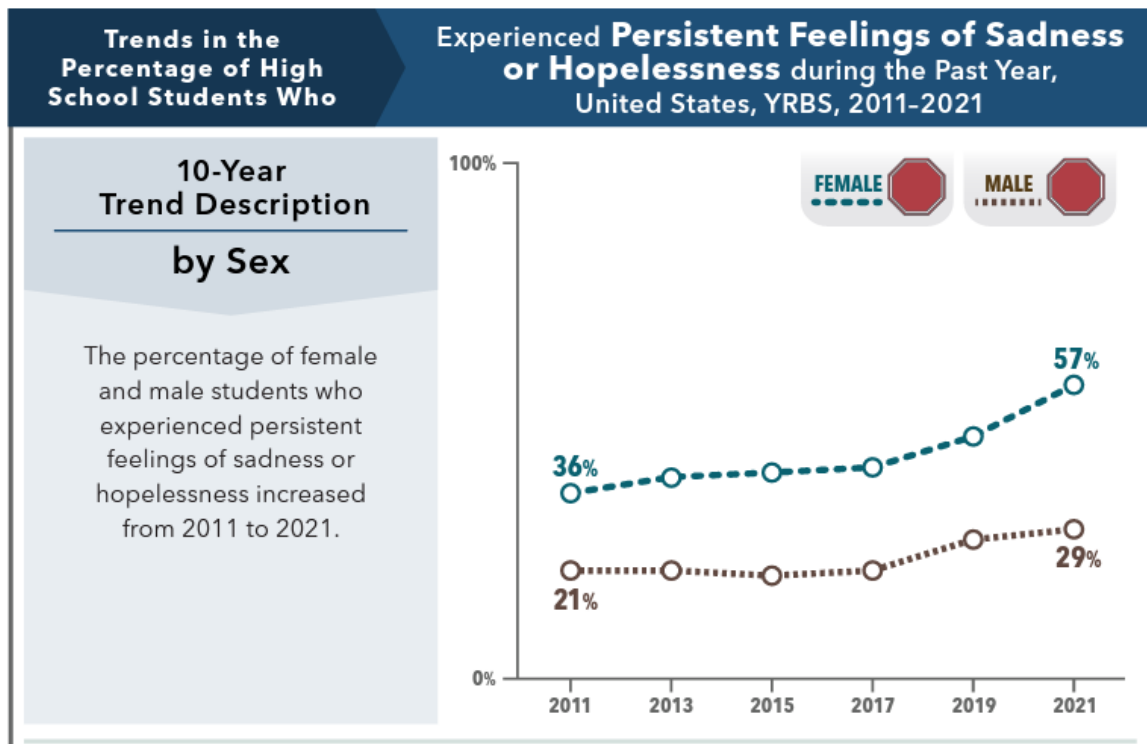
22 ⁸² *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t Health &
23 Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

24 ⁸³ *Id.*

25 ⁸⁴ *Youth Risk Behavior Survey: Data summary & Trends Report* at 60, CDC (Feb. 13, 2023),
26 https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf.

27 ⁸⁵ *Id.*

28 ⁸⁶ *Id.* at 60-66.



78. The share of children seriously considering attempting suicide increased 11% from 2011 to 2021, up to 22% of all high school students. The share who created a suicide plan increased to 18%.⁸⁷

79. From 2007 to 2018, suicide rates among youth aged 10 to 24 in the United States increased by 57%.⁸⁸ By 2018, suicide was the second leading cause of death for youth aged 10 to 24.⁸⁹

80. From 2007 to 2016, emergency room visits for youth aged 5 to 17 rose 117% for anxiety disorders, 44% for mood disorders, and 40% for attention disorders.⁹⁰

⁸⁷ Sandy Cohen, *Suicide rate highest among teens and youth adults*. UCLA Health (Mar. 15, 2022), <https://www.uclahealth.org/news/suicide-rate-highest-among-teens-and-young-adults>.

⁸⁸ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t Health & Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

⁸⁹ *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health*, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>.

1 81. This and other data led the American Academy of Pediatrics, the American Academy
2 of Child and Adolescent Psychiatry, and the Children's Hospital Association to join the Surgeon
3 General and declare a national emergency in child and adolescent mental health.⁹¹

4 82. President Joe Biden also addressed the mental health harms Defendants' platforms
5 have caused to youth in his State of the Union address in 2022, noting that youth were struggling
6 from the harms of social media even before the pandemic.⁹² He called on all to "hold social media
7 platforms accountable for the national experiment they're conducting on our children for profit."⁹³

8 **D. Social Media Has Had a Harmful Effect on Schools**

9 83. School districts are uniquely harmed by the current youth mental health crisis. This is
10 because schools are one of the main providers for mental health services for school-aged children.⁹⁴
11 Indeed, over 3.1 million children aged 12 to 17 received mental health services through an education
12 setting in 2020, more than any other non-specialty mental health service setting.⁹⁵

13 84. Most schools must now offer mental health services to students. In the 2021-2022
14 school year, 96% of public schools reported offering at least one type of mental health service to
15 their students.⁹⁶ However, 88% of public schools did not strongly agree that they could effectively
16

17 ⁹⁰ Matt Richtel, *A Teen's Journey Into the Internet's Darkness and Back Again*, N.Y. Times
18 (Aug. 22, 2022), <https://www.nytimes.com/2022/08/22/health/adolescents-mental-health-technology.html>.

19 ⁹¹ *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental*
20 *Health*, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>.

22 ⁹² President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at
<https://www.whitehouse.gov/state-of-the-union-2022/>).

23 ⁹³ *Id.*

24 ⁹⁴ *National Survey on Drug Use and Health*, SAMHSA (*see* compendium of tables, tables 8.1-8.71
25 for 1Q20 and 4Q20), <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables>.

26 ⁹⁵ *Id.*

27 ⁹⁶ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
28 *Services to All Students In Need*, Nat'l Ctr. Educ. Stat. (May 31, 2022),
https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp.

1 provide mental health services to all students in need.⁹⁷ The most common barriers to providing
 2 effective mental health services are: (a) insufficient number of mental health professionals;
 3 (b) inadequate access to licensed mental health professionals; and (c) inadequate funding.⁹⁸ Student
 4 opinions also reflect that schools are unable to provide adequate mental health services. Less than a
 5 quarter of students in grades 6 through 12 report accessing counseling or psychological services
 6 when they are upset, stressed, or having a problem.⁹⁹ Of the students who access mental health
 7 services, only 41% of middle schoolers and 36% of high schoolers are satisfied with the services
 8 they receive.¹⁰⁰

9 85. In part, schools are struggling to provide adequate mental health services because of
 10 the increase in students seeking these services. More than two-thirds of public schools reported a
 11 recent increase in the percentage of students seeking mental health services from school.¹⁰¹

12 86. Also in the last few years, adolescents increased their social media use, also raising
 13 levels of excessive and problematic use of digital media.¹⁰² These higher rates of social media use
 14 are related to increased rates of “ill-being.”¹⁰³

15 87. That relationship is reflected in reports from public schools. Over 75% of public
 16 schools reported an increase in staff expressing concerns about student depression, anxiety, and other
 17
 18

19 ⁹⁷ *Id.*

20 ⁹⁸ *Id.*

21 ⁹⁹ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2, YouthTruth
 22 (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

23 ¹⁰⁰ *Id.*

24 ¹⁰¹ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
 25 *Services to All Students In Need*, Nat’l Ctr. Educ. Stat. (May 31, 2022),
https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp.

26 ¹⁰² Laura Marciano et al., *Digital Media Use and Adolescents’ Mental Health During the Covid-19*
 27 *Pandemic: A Systematic Review and Meta-Analysis*, *Frontiers Pub. Health* (Feb. 1, 2022),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8848548/>.

28 ¹⁰³ *Id.*

1 disturbances in the last few years.¹⁰⁴ Students receiving mental health services in educational
 2 settings predominantly do so because they “[f]elt depressed,” “[t]hought about killing [themselves]
 3 or tried to,” or “[f]elt very afraid and tense.”¹⁰⁵

4 88. Anxiety disorders are also up, affecting 31.9% of adolescents between the ages of 13
 5 and 18.¹⁰⁶ “Research shows that untreated teenagers with anxiety disorders are at higher risk to
 6 perform poorly in school, miss out on important social experiences, and engage in substance
 7 abuse.”¹⁰⁷

8 89. Schools are struggling not only to provide students with mental health services but
 9 also to deliver an adequate education because of the youth mental health crisis. Students in grades 6
 10 through 12 identify depression, stress, and anxiety as the most prevalent obstacles to learning.¹⁰⁸
 11 Most middle school and high school students also fail to get enough sleep on school nights, which
 12 contributes to poor academic performance.¹⁰⁹ These negative mental health outcomes are the most
 13 common symptoms of excessive social media use.

14 90. The youth mental health crisis has also caused a wide range of other behavioral issues
 15 among students that interfere with schools’ ability to teach. In 2022, 61% of public schools saw an
 16

17
 18 ¹⁰⁴ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
 19 *Services to All Students In Need*, Nat’l Ctr. Educ. Stat. (May 31, 2022),
https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp.

20 ¹⁰⁵ Rachel N. Lipari et al., *Adolescent Mental Health Service Use and Reasons for Using Services in*
 21 *Specialty, Educational, and General Medical Settings*, SAMHSA (May 5, 2016),
[https://www.samhsa.gov/data/sites/default/files/report_1973/ShortReport-1973.html#:~:text=The percent20Substance percent20Abuse percent20and percent20Mental,273 percent20TALK percent20\(8255\)](https://www.samhsa.gov/data/sites/default/files/report_1973/ShortReport-1973.html#:~:text=The percent20Substance percent20Abuse percent20and percent20Mental,273 percent20TALK percent20(8255)).

23 ¹⁰⁶ *Anxiety Disorders: Facts and Statistics*, Anxiety & Depression Ass’n Am.,
<https://adaa.org/understanding-anxiety/facts-statistics> (last visited Feb. 26, 2023).

24 ¹⁰⁷ *Id.*

25 ¹⁰⁸ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2-3, YouthTruth
 26 (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

27 ¹⁰⁹ Anne G. Wheaton et al., *Short Sleep Duration Among Middle School and High School Students-*
 28 *United States, 2015*, 67(3) *Morbidity & Mortality Wkly. Rpt.* 85-90 (Jan. 26, 2018),
<http://dx.doi.org/10.15585/mmwr.mm6703a1>.

1 increase in classroom disruptions from student misconduct compared to prior years.¹¹⁰ Fifty-
2 eight percent of public schools also saw an increase in rowdiness outside of the classroom, 68% saw
3 increases in tardiness, 27% saw increases in students skipping classes, 55% saw increases in the use
4 of electronic devices when not permitted, 37% saw an increase in bullying, 39% saw an increase in
5 physical fights between students, and 46% saw an increase in threats of fights between students.¹¹¹

6 91. Further exacerbating schools' struggles to teach is the fact that students are not
7 showing up to school. Indeed, student absenteeism has greatly increased. In the 2021-2022 school
8 year, 39% of public schools experienced an increase in chronic student absenteeism compared to the
9 2020-2021 school year, and 72% of public schools saw increased chronic student absenteeism
10 compared to school years before the pandemic.¹¹² Following suit, vandalism has increased in 2022,
11 with 36% of public schools reporting increased acts of student vandalism on school property.¹¹³

12 92. School districts have borne increased costs and expenses in response to the youth
13 mental health crisis. These costs include:

- 14 • hiring additional mental health personnel (41% of public schools added staff to focus
15 on student mental health);¹¹⁴
- 16 • developing additional mental health resources (46% of public schools created or
17 expanded mental health programs for students; 27% added student classes on social,
18 emotional, and mental health; and 25% offered guest speakers for students on mental
19 health);¹¹⁵
- 20 • training teachers to help students with their mental health (56% of public schools
21 offered professional development to teachers on helping students with mental
22 health);¹¹⁶

21 ¹¹⁰ 2022 School Pulse Panel, U.S. Dep't Educ., Inst. Educ. Sci. (2022) (collecting information),
22 <https://ies.ed.gov/schoolsurvey/spp/>.

23 ¹¹¹ *Id.*

24 ¹¹² *Id.*

25 ¹¹³ *Id.*

26 ¹¹⁴ *Id.*

27 ¹¹⁵ *Id.*

28 ¹¹⁶ *Id.*

- 1 • increasing disciplinary services and hiring additional personnel for disciplinary
2 services in response to increased bullying and harassment over social media;
- 3 • addressing property damaged as a result of students acting out because of mental,
4 social, and emotional problems caused by Defendants' conduct;
- 5 • diverting time and resources from instructional activities to notify parents and
6 guardians of students' behavioral issues and attendance;
- 7 • investigating and responding to threats made against schools and students over social
8 media;
- 9 • updating student handbooks to address use of Defendants' platforms; and
- 10 • updating school policies to address use of Defendants' platforms.

11 **E. Social Media Has Had a Harmful Effect on Miami-Dade County**
12 **Schools**

13 93. Plaintiff has been directly impacted by the mental health crisis among youth in its
14 community.

15 94. As students' use of Defendants' platforms has increased, students' mental, emotional,
16 and social health has declined.

17 95. There has been a surge in the proportion of youth in Plaintiff's community who say
18 they cannot stop or control their anxiety, who feel so sad and hopeless that they stop doing the
19 activities that they used to love, who are considering suicide, who made plans to commit suicide, and
20 who have attempted to commit suicide.

21 96. According to risk behavior surveys conducted by the Florida Department of Health in
22 2017, students in Miami-Dade County reported the following:

- 23 (a) 29.8% of high school students reported feeling sad or hopeless;
- 24 (b) 17.7% of middle school and 14.8% of high school students reported seriously
25 considering dying by suicide;
- 26 (c) 11.3% of middle school and 11.5% of high school students reported making a
27 plan to die by suicide;
- 28 (d) 7.5% of middle school and 8.5% of high school students reported actually
attempting suicide;

1 (e) 2.4% of high school students reported carrying a weapon on school property;

2 (f) 7.1% of high school students reported being threatened or injured with a
3 weapon on school property;

4 (g) 9.7% of high school students reported not going to school because they felt
5 unsafe; and

6 (h) 14.9% of middle school and 11.8% of high school students reported being
7 electronically bullied.¹¹⁷

8 97. All but one of these survey findings trended upward between the period of
9 2015-2017.¹¹⁸

10 98. This crisis has led to a marked increase in the number of Plaintiff's students in need
11 of mental health services.

12 99. At least 31 teenagers and children died by suicide in Miami-Dade and Broward
13 Counties between 2019 and 2022, some as young as 10 and 11 years old.¹¹⁹ Last year, a student
14 attempted suicide on the campus of one of Plaintiff's schools by jumping from the third floor,
15 resulting in a temporary lockdown. In the aftermath, Plaintiff deployed crisis counselors to the
16 impacted teens.¹²⁰

17 100. In an attempt to address the decline in students' mental, emotional, and social health,
18 Plaintiff has been forced to divert resources and expend additional resources to:

- 19 • create a new division of mental health services to address students' mental,
20 emotional, and social health;

21 ¹¹⁷ *Youth Risk Behavior Survey 2017 Results (High School)*, Miami-Dade Cnty. Pub. Sch.,
22 https://oer.dadeschools.net/YRBS/REPORTS/HS_Handbook_2017.pdf; *Youth Risk Behavior*
23 *Survey 2017 Results (Middle School)*, Miami-Dade Cnty. Pub. Sch.,
https://oer.dadeschools.net/YRBS/REPORTS/MS_Handbook_2017.pdf.

24 ¹¹⁸ *Id.*

25 ¹¹⁹ Ari Odzer, *Miami-Dade Schools Implements Full-Court Press on Mental Health Awareness*
26 (Oct. 10, 2022), <https://www.nbcmiami.com/news/local/miami-dade-schools-implements-full-court-press-on-mental-health-awareness/2879793/>.

27 ¹²⁰ Peter D'Oench, *Students "traumatized" after senior at Palmetto High School jumps from 3rd*
28 *floor* (Aug. 23, 2022), <https://www.cbsnews.com/miami/news/students-traumatized-palmetto-high-school-senior-jumps-3rd-floor/>.

- 1 • hire additional personnel, including counselors, social workers, psychologists, and
2 mental health coordinators, to address students’ mental, emotional, and social health;
- 3 • increase training for teachers and staff to identify students exhibiting symptoms of
4 depression, anxiety, and suicide;
- 5 • create a parent assistance line to help caregivers address their children’s mental
6 health;
- 7 • hire additional personnel to respond to and manage efforts to combat harm caused by
8 Defendants’ platforms, including cyberbullying, violence and vandalism;
- 9 • create and maintain an online system for students, parents, and others to
10 anonymously report bullying;
- 11 • train teachers and staff on bullying intervention strategies;
- 12 • develop awareness and informational campaigns to educate students about the
13 dangers of using Defendants’ platforms;
- 14 • develop trainings, lesson plans, toolkits, flyers, videos and other materials to teach
15 students, teachers, staff, parents, and other members of the community about the
16 dangers of using Defendants’ platforms;
- 17 • update student handbooks to address use of and harm resulting from Defendants’
18 platforms; and
- 19 • update district and school webpages to address use of and harm resulting from
20 Defendants’ platforms.

21 101. Additionally, more students have been acting out as a result of the decline and harm
22 Defendants caused in students’ mental, emotional, and social health.

23 102. In many cases behavioral issues in Miami-Dade County schools are often directly
24 traceable to the impact of Defendants’ social media platforms. For instance, in September 2021,
25 students across south Florida were found destroying school property as a form of participation in the
26 “devious link” challenge on TikTok, a viral trend encouraging students to vandalize and otherwise
27 destroy school property.¹²¹

28 ¹²¹ Veronica Crespo and Eden Checkol, *Superintendent confirms incidents of destructive TikTok trend in Miami-Dade school*, Local 10 (Sept. 17, 2021) <https://www.local10.com/news/local/2021/09/16/social-media-trend-causing-chaos-on-campus-across-south-florida/>.

1 103. The negative trends on TikTok were not just limited to encouraging vandalism at
2 school; some were considerably more dangerous, leading to threats of school shootings and other
3 violence in neighboring Broward County.¹²²

4 104. Miami-Dade County public schools have been forced to address a number of severe
5 and concerning risks to their students as a result of social media threats. In December 2021, at least
6 five Miami-Dade students were arrested in a string of social media threats made against high
7 schools. One 13-year-old was charged with 10 felony counts of written threat to kill or do bodily
8 harm after posting threats on Instagram.¹²³

9 105. As a result, Miami-Dade County Public Schools implemented the “It’s No Joke!”
10 awareness campaign, developing specific tools and programming to support internet safety efforts.¹²⁴

11 106. On February 4, 2020, a 16-year-old freshman at South Dade Senior High School was
12 a victim of bullying that was part of a TikTok prank called the “Skullbreaker Challenge.” Two
13 students asked the victim to jump as high as she could; when she jumped, they swept her legs out
14 from under her, causing her to fall backwards. The students made a video of the incident to post on
15 social media. Aside from humiliation, the episode resulted in injuries requiring her to be taken to the
16 hospital.¹²⁵

17 107. Plaintiff has been forced to divert resources and expend additional resources to:

18 (a) repair property damaged as a result of the exploitative and harmful content
19 Defendants directed at students;

20 (b) increase time spent addressing bullying, harassment, and threats;

21 ¹²² Eileen Kelley, *South Florida students trash school bathrooms as they mimic TikTok ‘devious*
22 *lick’ trend*, S. Fla. Sun-Sentinel (Sept. 21, 2021), <https://www.sun-sentinel.com/news/education/fl-ne-tiktok-bathroom-palm-beach-warning-20210921-a2eklgy74zgmxioln66f4yjzhm-story.html>.

23 ¹²³ *Miami-Dade Student Arrested for Social Media Threat Against Multiple Schools*, NBC 6 (Dec.
24 16, 2021), <https://www.nbcmiami.com/news/local/miami-dade-student-arrested-for-social-media-threat-against-multiple-schools/2642998/>.

25 ¹²⁴ Miami-Dade County Public Schools, *It’s No Joke!*, <https://itsnojoke.dadeschools.net/#!/rightColumn/2641>.

26
27 ¹²⁵ Liane Morejon, *Student injured in social media prank could lead to lawsuit against Miami-Dade*
28 *County school board* (Feb. 11, 2020), <https://www.local10.com/news/local/2020/02/11/student-injured-in-social-media-prank-could-lead-to-lawsuit-against-miami-dade-county-school-board/>.

1 (c) divert time and resources from instructional activities to notify parents and
2 guardians of students’ behavioral issues; and

3 (d) investigate and respond to threats made against schools and students over
4 social media.

5 108. Miami-Dade County Public Schools employs 143 mental health coordinators, 129
6 social workers, and 222 psychologists – along with over 600 school counselors now trained to
7 identify symptoms of depression, anxiety, and suicide.

8 109. And yet, even with these resources, Plaintiff cannot keep up with the increased need
9 for mental health services because of the youth mental health crisis.

10 110. Plaintiff requires significantly greater and long-term funding to address the epidemic
11 Defendants have created. It is time, as President Biden declared, to get “all Americans the mental
12 health services they need.”¹²⁶

13 **F. Defendants Intentionally Design, Operate, and Market Their Social**
14 **Media Platforms to Addict Youth Users**

15 111. This mental health crisis among America’s youth is the result of Defendants’ actions
16 to design and market their social media platforms in such a way as to encourage youth addiction to
17 their platforms, which create harmful experiences for youth.

18 112. Defendants each maintain and operate social media platforms. The interactive
19 features Defendants provide on their platforms are similar in many respects. For example,
20 Facebook, Instagram, Snap, TikTok, and YouTube all offer tailored “feeds” of content curated by
21 complex algorithms intended to learn a user’s interests and ways to publicly express affirmation for
22 such curated content through “likes,” comments, and sharing or reposting the content, which lead to
23 dopamine spikes, which in turn encourage addiction. These methods are so effective in promoting

24
25
26
27 ¹²⁶ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at
28 <https://www.whitehouse.gov/state-of-the-union-2022/>).

1 use that Defendants are known to copy the designs and features of one another.¹²⁷ The salient
2 features of each of Defendants’ social media platforms are described in more detail below.

3 113. Defendants profit from their social media platforms by using them as advertising
4 platforms. Defendants collect data on their youth users’ viewing habits and behaviors and use that
5 data to drive youth user engagement by deluging them with salacious content designed to keep them
6 on the platforms longer and maximize ad revenue. Advertisers pay a premium to target
7 advertisements to specific categories of users, including youth.

8 114. Defendants view young, and even preadolescent, users as one of their most valuable
9 commodities as an audience for their advertisements. Young users are central to Defendants’
10 business model and advertising revenue as children are more likely than adults to use social media.
11 Indeed, 95% of children aged 13 to 17 have cell phones,¹²⁸ 90% use social media,¹²⁹ and 28% buy
12 products and services through social media.¹³⁰

13 115. To profit from these young users, Defendants intentionally market their platforms to
14 children and teens. For children under 13, the Children’s Online Privacy Protection Act of 1998
15 (“COPPA”)¹³¹ regulates the conditions under which platforms like Defendants’ can collect and use
16 their information.

17 116. COPPA requires platforms that either target children under age 13 or have actual
18 knowledge of users under age 13 to obtain “verifiable parental consent” prior to collecting and using

19 _____
20 ¹²⁷ See, e.g., Kevin Hurler, *For Sites Like Instagram and Twitter, Imitation Is the Only Form of*
21 *Flattery*, Gizmodo (Aug. 16, 2022), <https://gizmodo.com/instagram-tiktok-snapchat-facebook-meta-1849395419>.

22 ¹²⁸ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

23 ¹²⁹ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018),
24 https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

25 ¹³⁰ Erinn E. Murphy et al., *Taking Stock with Teens: 21 Years of Researching U.S. Teens GenZ*
26 *Insights at 13*, Piper Sandler (Fall 2021), https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcdbd1d4.pdf?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top.

27
28 ¹³¹ See 15 U.S.C. §§6501-6506.

1 information about them.¹³² Defendants have blatantly violated COPPA or turned a blind eye to
2 younger users on their platforms by leaving users to self-report their age. More recently, Defendants
3 embarked on a bolder strategy and sought to capture preadolescent audiences by offering “kid
4 versions” of their platforms that, while not collecting and using their information, are reportedly
5 “designed to fuel [children’s] interest in the grown-up version.”¹³³

6 117. To maximize revenue, Defendants have intentionally designed and operated their
7 platforms to maximize users’ screen time. Defendants have done so by building features and
8 operating their platforms in a manner intended to exploit human psychology using complex
9 algorithms driven by advanced artificial intelligence (“AI”) and machine-learning systems. As
10 stated by Catheryn O’Neil, Ph.D., Harvard mathematician and data scientist, “algorithms are
11 opinions embedded in code . . . algorithms are not objective. Algorithms are optimized to some
12 definition of success. So, if you can imagine, if . . . a commercial enterprise builds an algorithm to
13 their definition of success, it’s a commercial interest. It’s usually profit.”¹³⁴ In this regard, in the
14 name of profit, Defendants have progressively modified their platforms in ways that promote
15 excessive and problematic use and have done so in ways known to be harmful to children.

16 118. One way Defendants maximize the time users spend on their platforms involves the
17 design of feeds – whether of photos, videos, or sponsored or promoted content. Each uses
18 algorithms to serve users personalized content for them to consume *ad nauseam*. Google’s former
19 design ethicist, Tristan Harris (“Harris”), explained that this never-ending stream is designed to
20 “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or
21 leave.”¹³⁵ Defendants’ feeds take “an experience that was bounded and finite, and turn it into a

22
23 ¹³² *Id.*

24 ¹³³ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. for Fam. Stud. (Mar. 29, 2022),
<https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->

25 ¹³⁴ *The Social Dilemma – 2020 Transcript*, Scraps from the Loft (Oct. 3, 2020),
26 <https://scrapsfromtheloft.com/movies/the-social-dilemma-movie-transcript/>.

27 ¹³⁵ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
28 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

1 bottomless flow that keeps going.”¹³⁶ This “flow state,” as psychologists describe it, “fully
 2 immerse[s]” users, distorts their perception of time, and “has been shown to be associated with
 3 problematic use of social networking sites.”¹³⁷ As Harris further states:

4 *[W]e’ve moved away from having a tools-based technology environment to an*
 5 *addiction- and manipulation-based technology environment. . . . Social media*
 6 *isn’t a tool that’s just waiting to be used. It has its own goals, and it has its own*
 7 *means of pursuing them by using your psychology against you.*¹³⁸

8 119. A second way social media platforms manipulate users, particularly young ones, is
 9 through social reciprocity. “Reciprocity,” from a psychology perspective, refers to the powerful
 10 social phenomenon of how people respond to positive or, conversely, hostile actions. Reciprocity
 11 means that in response to friendly actions, people respond in a friendly manner and vice versa.¹³⁹
 12 Phillip Kunz (“Kunz”) best illustrated the automatic nature of reciprocity through his Christmas card
 13 experiment. In the experiment, Kunz sent a group of complete strangers holiday cards with pictures
 14 of his family and included a brief note.¹⁴⁰ Those people, whom he had never met or communicated
 15 with before, reciprocated, flooding him with holiday cards.¹⁴¹ The majority of the responses did not
 16 even ask Kunz who he was.¹⁴² They simply responded to his initial gesture with a reciprocal action.

17 120. Reciprocity is why Facebook and Snapchat automatically tell a “sender when you
 18 ‘saw’ their message, instead of letting you avoid disclosing whether you read it. As a consequence,

18 ¹³⁶ *Id.*

19 ¹³⁷ Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation*
 20 *model of problematic Facebook use, age, neuroticism, and extraversion* at 3, *BMC Psych.* 10, 279
 (Nov. 28, 2022), <https://doi.org/10.1186/s40359-022-00990-7>.

21 ¹³⁸ *The Social Dilemma – 2020 Transcript*, Scraps from the Loft (Oct. 3, 2020),
 22 <https://scrapsfromtheloft.com/movies/the-social-dilemma-movie-transcript/>.

23 ¹³⁹ Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14(3) *J.*
 24 *Econ. Persps.* 159-81 (Mar. 2000), https://www.researchgate.net/profile/Ernst-Fehr-2/publication/23756527_Fairness_and_Retaliation_The_Economics_of_Reciprocity/links/5eb024e945851592d6b87d3b/Fairness-and-Retaliation-The-Economics-of-Reciprocity.pdf.

25 ¹⁴⁰ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) *Soc.*
 26 *Sci. Rsch.* 269-78 (Sept. 1976), [https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X).

27 ¹⁴¹ *Id.*

28 ¹⁴² *Id.*

1 you feel more obligated to respond” immediately.¹⁴³ That keeps users on the platform longer.
2 Another tactic, push notifications, make users feel psychologically compelled to return to the
3 platform.

4 121. A third way Defendants manipulate users to keep using or coming back to their
5 platforms is through the use of IVRs. Slot machines are a frequent example of how IVRs work.¹⁴⁴
6 Users pull a lever to win a prize. With each pull, the user may or may not win a prize (*i.e.*, an
7 intermittent reward that varies in value).

8 122. IVRs work by spacing out dopamine triggering stimuli with dopamine gaps, allowing
9 for anticipation and craving to develop, which strengthens the desire to engage in the activity with
10 each release of dopamine.

11 123. Defendants bake IVRs into the design and operations of their respective platforms by
12 “link[ing] a user’s action (like pulling a lever) with a variable reward.”¹⁴⁵ For example, when “we
13 swipe down our finger to scroll the Instagram feed, we’re playing a slot machine to see what photo
14 comes next.”¹⁴⁶ Facebook also delays the time it takes to load the feed. “This is because without
15 that three-second delay, Instagram wouldn’t feel variable.”¹⁴⁷ Without that delay, there would be no
16 time for users’ anticipation to build. In slot machine terms, there would be “no sense of *will I win?*
17 because you’d know instantly. So the delay isn’t the app loading. It’s the cogs spinning on the slot
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21 ¹⁴³ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
22 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

23 ¹⁴⁴ See, e.g., Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17,
2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

24 ¹⁴⁵ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
25 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

26 ¹⁴⁶ *Id.*

27 ¹⁴⁷ Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17, 2017),
28 <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

1 machine.”¹⁴⁸ Each of Defendants’ platforms exploits this biochemical reaction among its users,
2 typically using “likes,” “hearts,” or other forms of approval that serve as the reward.

3 124. Youth are especially vulnerable both to the ways in which Defendants manipulate
4 users to maximize their “watch time” and to the resulting harms. Children’s brains undergo a
5 fundamental shift around age 10 that makes “preteens extra sensitive to attention and admiration
6 from others.”¹⁴⁹ Consequently, Defendants’ use of IVRs, reciprocity, and other “rewards” to
7 maximize the time users spend on their platforms exploits a vulnerability unique to youth. This
8 “extra sensitivity” also puts them at greater risk. As Tristan Harris, Google’s former design ethicist
9 acknowledged: “Everyone innately responds to social approval, but some demographics, in
10 particular teenagers, are more vulnerable to it than others.”¹⁵⁰

11 125. In adolescence, the structures of the brain that are “‘closely tied’” to social media
12 activity and that drive instinctual behavior begin to change.¹⁵¹ The ventral striatum is one of those
13 structures. It receives a rush of dopamine and oxytocin, known as the “‘happy hormones,’”
14 whenever we experience social rewards.¹⁵² Between the ages of 10 and 12, the receptors for those
15 happy hormones begin to multiply in this region of the brain, which makes compliments on a new
16 hairstyle, laughter from a classmate, or other social rewards “start to feel a lot more satisfying.”¹⁵³

17 126. Historically, these biological changes incentivized children and teens to develop
18 healthy social skills and connections. “But arriving at school in a new pair of designer jeans, hoping
19 your crush will smile at you in the hallway, is worlds away from posting a video on TikTok that may
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21 ¹⁴⁸ *Id.* (emphasis in original).

22 ¹⁴⁹ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
23 (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

24 ¹⁵⁰ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
25 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

26 ¹⁵¹ *Id.*

27 ¹⁵² *Id.*

28 ¹⁵³ *Id.*

1 get thousands of views and likes,” according to Mitch Prinstein (“Prinstein”), Chief Science Officer
2 for the American Psychology Association.¹⁵⁴

3 127. Part of what makes the “interactions so different” is that they are often permanent and
4 public in nature.¹⁵⁵ There is no public ledger tracking the number of consecutive days you have
5 spoken to someone like there is for Snap “streaks.” Similarly, “[a]fter you walk away from a
6 regular conversation, you don’t know if the other person liked it, or if anyone else liked it.”¹⁵⁶
7 Conversely, on Defendants’ platforms, children, their friends, and even complete strangers can
8 publicly deliver or withhold social rewards in the form of likes, comments, views, and follows.¹⁵⁷

9 128. These social rewards release dopamine and oxytocin in the brains of youth and adults
10 alike; but there are two key differences, as Prinstein explained: “First, adults tend to have a fixed
11 sense of self that relies less on feedback from peers. Second, adults have a more mature prefrontal
12 cortex, an area that can help regulate emotional responses to social rewards.”¹⁵⁸

13 129. Adolescents, by contrast, are in a “period of personal and social identity formation,”
14 much of which “is now reliant on social media.”¹⁵⁹ “Due to their limited capacity for self-regulation
15 and their vulnerability to peer pressure,” adolescents “are at greater risk of developing mental
16 disorder.”¹⁶⁰

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19 ¹⁵⁴ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
(Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

20 ¹⁵⁵ *Id.*

21 ¹⁵⁶ *Id.*

22 ¹⁵⁷ *Id.*

23 ¹⁵⁸ *Id.*

24 ¹⁵⁹ Betul Keles et al., *A systematic review: the influence of social media on depression, anxiety and*
25 *psychological distress in adolescents*, Int’l J. Adolescence & Youth (2019) 25:1, 79-93 (Mar. 3,
2019), [https://www.researchgate.net/publication/331947590;_A_systematic_review_the_influence_](https://www.researchgate.net/publication/331947590;_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-anxiety-and-psychological-distress-in-adolescents.pdf)
26 [of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/](https://www.researchgate.net/publication/331947590;_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-anxiety-and-psychological-distress-in-adolescents.pdf)
27 [5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-](https://www.researchgate.net/publication/331947590;_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-anxiety-and-psychological-distress-in-adolescents.pdf)
[anxiety-and-psychological-distress-in-adolescents.pdf](https://www.researchgate.net/publication/331947590;_A_systematic_review_the_influence_of_social_media_on_depression_anxiety_and_psychological_distress_in_adolescents/fulltext/5c94432345851506d7223822/A-systematic-review-the-influence-of-social-media-on-depression-anxiety-and-psychological-distress-in-adolescents.pdf).

28 ¹⁶⁰ *Id.*

1 130. Together, Defendants have designed, refined, marketed, and operated their social
2 media platforms to maximize the number of youth who use their platforms and the time they spend
3 on those platforms. Despite knowing that social media inflicts harm on youth, Defendants have
4 continued to create more sophisticated versions of their platforms with features designed to keep
5 users more engaged and maximize the amount of time that they spend using social media.

6 131. Defendants' efforts have proven wildly successful. Defendants' conduct in designing
7 and marketing exploitative and manipulative platforms has resulted in youth spending excessive
8 amounts of time on Defendants' platforms.

9 132. The majority of teenagers use the same five social media platforms: YouTube,
10 TikTok, Instagram, Snapchat, and Facebook.¹⁶¹ Each of these platforms individually boasts high
11 numbers of teenage users.

12 **G. Facebook and Instagram Have Substantially Contributed to the**
13 **Youth Mental Health Crisis**

14 **1. The Facebook Platform**

15 133. Facebook is a social networking platform owned by Meta.

16 134. Facebook was founded in 2004 and has become the largest social network in the
17 world. As of October 2021, Facebook had approximately 2.9 billion monthly active users,
18 approximately 2 billion of whom use Facebook every day.¹⁶²

19 135. When Facebook was founded in 2004, only students at certain colleges and
20 universities could use the social media platform, and verification of college enrollment was required
21 to access Facebook.

22 136. In 2005, Facebook expanded and became accessible to students at more universities
23 around the world, after which Facebook launched a high school version that also required an
24 invitation to join.

25 ¹⁶¹ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
26 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

27 ¹⁶² *See id.*; Stacy Jo Dixon, *Number of Daily Active Facebook Users Worldwide as of 4th Quarter*
28 *2022 (in Millions)*, Statista (Feb. 13, 2023), <https://www.statista.com/statistics/346167/facebook-global-dau/>.

1 137. Facebook later expanded eligibility to employees of several companies, including
2 Apple and Microsoft, and also added more universities to its network.

3 138. In September 2006, Facebook became available to all internet users. At the time,
4 Facebook claimed that it was open only to persons aged 13 and older with a valid email address;
5 however, on information and belief, Facebook did not in fact require verification of a user's age or
6 identity and did not actually verify users' email addresses, such that underage users could easily
7 register an account with and access Facebook.

8 139. Facebook then underwent a series of changes aimed at increasing user engagement
9 and platform growth, without regard to user safety, including the following changes:

- 10 • In 2009, Facebook launched the "like" button;
- 11 • In 2011, Facebook launched Messenger, its direct messaging service, and started
12 allowing people to subscribe to non-friends;
- 13 • In 2012, Facebook started showing advertisements in its newsfeed and launched a
14 real-time bidding system through which advertisers could bid on users based on their
15 visits to third-party websites;
- 16 • In 2014, Facebook's facial recognition algorithm (DeepFace) reached near-human
17 accuracy in identifying faces;
- 18 • In 2015, Facebook made significant changes to its newsfeed algorithm to determine
19 what content to show users and launched its live-streaming service;
- 20 • In 2016, Facebook launched games for its social media platform so that users could
21 play games without having to install new apps; and
- 22 • In 2017, Facebook launched Facebook Creator, an app for mobile video posts that
23 assists with content creation.

22 **2. The Instagram Platform**

23 140. Instagram is a social media platform that launched in 2010, which Meta acquired for
24 \$1 billion in April 2012.

25 141. Instagram enables users to share photos and videos with other users and view other
26 users' photos and videos. These photos and videos appear on users' Instagram "feeds," which are
27 virtually bottomless, scrollable lists of content.
28

1 142. After being acquired by Meta, Instagram experienced exponential user growth,
 2 expanding from approximately ten million monthly active users in September 2012 to more than
 3 one billion monthly active users worldwide today, including approximately 160 million users in the
 4 United States.¹⁶³

5 143. Instagram's user growth was driven by design and development changes to the
 6 Instagram platform that increased engagement at the expense of the health and well-being of
 7 Instagram's users – especially the children using the platform.

8 144. For example, in August 2020, Instagram began hosting and recommending short
 9 videos to users, called Reels.¹⁶⁴ Like TikTok, Instagram allows users to view an endless feed of
 10 Reels that are recommended and curated to users by Instagram's algorithm.

11 145. Instagram has become the most popular photo-sharing social media platform among
 12 children in the United States – approximately 72% of children aged 13 to 17 in the United States use
 13 Instagram.¹⁶⁵

14 **3. Facebook and Instagram Design and Market Their Platforms** 15 **to Appeal to a Youth Audience**

16 146. Facebook and Instagram have expended significant effort to attract youth, including
 17 teens and preteens, to their platforms, including designing features that appeal to them. They do this
 18 to maximize the revenue generated from relationships with advertisers and also because they view
 19 teenagers as a way to attract other potential users, such as by using teenagers to recruit parents who
 20 want to participate in their children's lives, as well as younger siblings who look to older siblings as
 21 models for which social media platforms to use and how to use them.¹⁶⁶

22 _____
 23 ¹⁶³ Stacy Jo Dixon, *Number of Instagram Users Worldwide from 2020 to 2025 (in Billions)*, Statista
 (Feb. 15, 2023), <https://www.statista.com/statistics/183585/instagram-number-of-global-users/>.

24 ¹⁶⁴ *Introducing Instagram Reels*, Instagram (Aug. 5, 2020), <https://about.instagram.com/blog/announcements/introducing-instagram-reels-announcement>.

25 ¹⁶⁵ Katherine Schaeffer, *7 Facts About Americans and Instagram*, Pew Rsch. Ctr. (Oct. 7, 2021),
 26 <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/>.

27 ¹⁶⁶ Sheera Frenkel et al., *Instagram Struggles with Fears of Losing Its 'Pipeline': Young Users*,
 28 N.Y. Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

1 147. Facebook and Instagram explicitly target teenagers. An internal Instagram marketing
2 plan reveals that it knows “[i]f we lose the teen foothold in the U.S. we lose the pipeline” for
3 growth.¹⁶⁷ To ensure that did not happen, Instagram devoted almost all of its \$390 million annual
4 marketing budget for 2018 to target teenagers.¹⁶⁸

5 148. Facebook also views preteens or “tweens” as a “valuable but untapped audience,”
6 even contemplating “[e]xploring playdates as a growth lever.”¹⁶⁹ Facebook formed a team to study
7 preteens, endeavored to create more products designed for them, and commissioned strategy papers
8 regarding the “business opportunities” created.¹⁷⁰

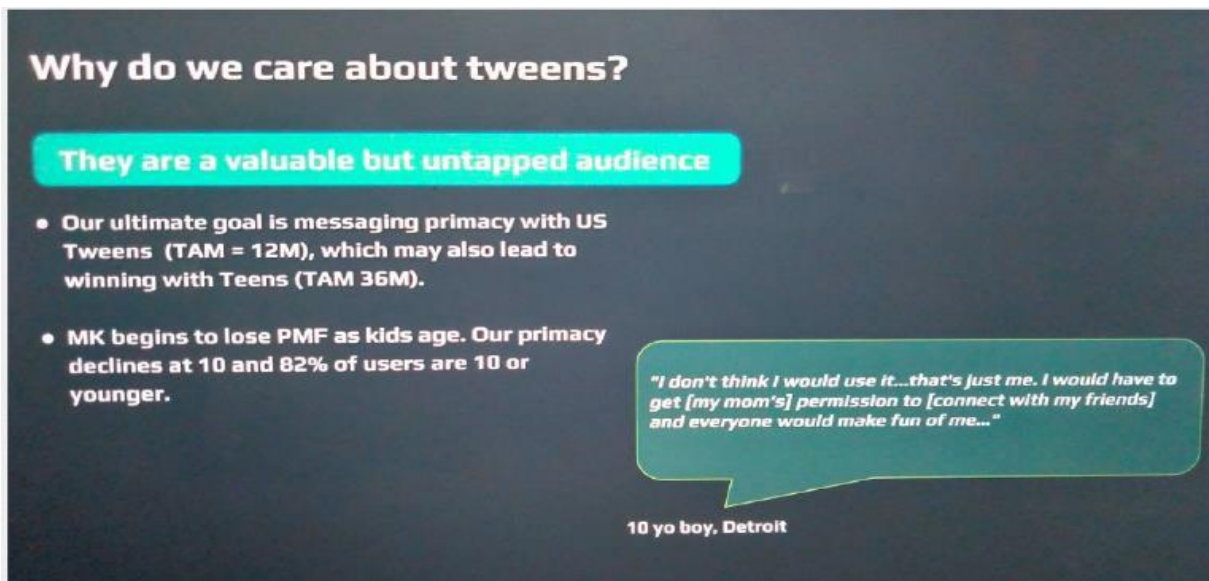
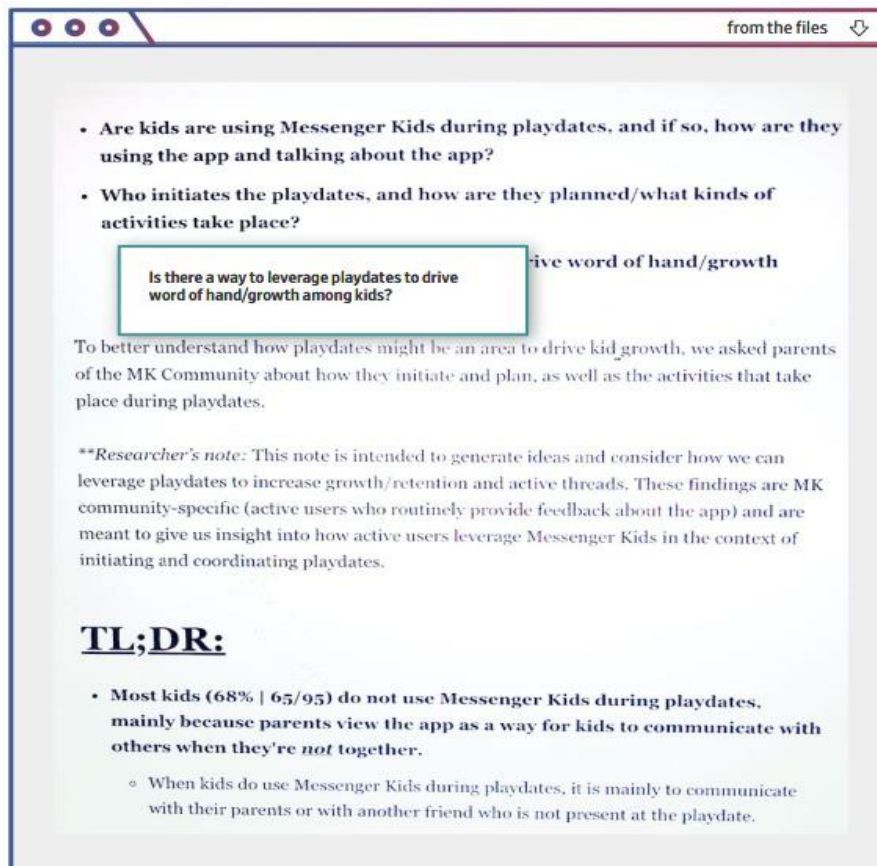
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¹⁶⁷ *Id.*

24 ¹⁶⁸ *Id.*

25 ¹⁶⁹ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
26 *Kids, Documents Show; It has investigated how to engage young users in response to competition*
27 *from Snapchat, TikTok; ‘Exploring playdates as a growth lever,’* Wall St. J. (Sept. 28, 2021),
<https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

28 ¹⁷⁰ *Id.*

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149. For these reasons, Facebook and Instagram are designed to be used by children and are actively marketed to children throughout their markets in the United States. Facebook and Instagram both advertise to children through their own efforts, as well as through advertisers that create and target advertisements to children. Internal company documents establish that Facebook

1 spends hundreds of millions of dollars researching, analyzing, and marketing to children to find
2 ways to make its platforms more appealing to these age groups and to maximize the time they spend
3 on its platforms as these age groups are seen as essential to Facebook’s long-term profitability and
4 market dominance.¹⁷¹ For instance, after Instagram’s founders left in September 2018, “Facebook
5 went all out to turn Instagram into a main attraction for young audiences” and “began concentrating
6 on the ‘teen time spent’ data point” in order to “drive up the amount of time that teenagers were on
7 the app with features including Instagram Live, a broadcasting tool, and Instagram TV, where people
8 upload videos that run as long as an hour.”¹⁷²

9 150. Similarly, Instagram’s popularity among young people is the result of its deliberate
10 efforts to target children, which in turn is driven by the desire of advertisers and marketers to target
11 children on the Facebook and Instagram platforms. In fact, Facebook’s acquisition of Instagram was
12 primarily motivated by its desire to make up for declines in the use of Facebook by children and its
13 view of Instagram as central to its ability to attract and retain young audiences. A 2018 internal
14 Facebook marketing report is indicative of this, lamenting the loss of teenage users to competitors’
15 platforms as ““an existential threat.””¹⁷³ In contrast, a Facebook presentation from 2019 indicated
16 that ““Instagram is well positioned to resonate and win with young people,”” and ““[t]here is a path
17 to growth if Instagram can continue their trajectory.””¹⁷⁴

18 151. With respect to preteens, Facebook’s policy is that they cannot register an account on
19 either Facebook or Instagram, but it knowingly lacks effective age-verification protocols. Since at
20 least 2011, Facebook has known that its age-verification protocols are largely inadequate,
21 acknowledging that at least tens of thousands of children under age 13 were using Facebook every

22
23 ¹⁷¹ *Id.*

24 ¹⁷² Sheera Frenkel et al., *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*,
N.Y. Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

25 ¹⁷³ *Id.*

26 ¹⁷⁴ Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents*
27 *Show; Its own in-depth research shows a significant teen mental-health issue that Facebook plays*
28 *down in public*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

1 day.¹⁷⁵ In 2021, Adam Mosseri, the executive in charge of Instagram, acknowledged users under 13
 2 can still “lie about [their] age now” to register an account.¹⁷⁶

3 152. Facebook has yet to implement protocols to verify a user’s age, presumably because it
 4 has strong business incentives not to do so or to laxly enforce its policy. Facebook also has
 5 agreements with cell phone manufacturers and/or providers and/or retailers, who often preinstall its
 6 platforms on mobile devices prior to sale without regard to the age of the intended user of each such
 7 device. That is, even though Facebook is prohibited from providing its platforms to users under the
 8 age of 13, Facebook actively promotes and provides underage users access to its platforms by
 9 encouraging and allowing cell phone manufacturers to preinstall the platforms on mobile devices
 10 indiscriminately. Consequently, in a recent Pew Research study, approximately 11% of United
 11 States parents of children between the ages of 9 and 11 said their children used Instagram in 2020
 12 despite Facebook claiming to remove approximately 600,000 underage users per quarter.¹⁷⁷

13 153. Facebook’s efforts to attract young users have been successful. In a recent study,
 14 62% of children aged 13 to 17 reported they have used Instagram’s app, and 32% of children aged
 15 13 to 17 reported they have used Facebook’s app or website.¹⁷⁸

16 **4. Facebook and Instagram Intentionally Design Exploitative**
 17 **Features Aimed at Keeping Users on the Platforms for as Long**
 18 **as Possible**

19 154. The Facebook platforms are designed to maximize user engagement, using features
 20 that exploit the natural human desire for social interaction and the neurophysiology of the brain’s

21 ¹⁷⁵ Austin Carr, *Facebook Booting “20,000” Underage Users Per Day: Reaction to Growing*
 22 *Privacy Concerns?*, Fast Co. (Mar. 22, 2011), <https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-growing-privacy-concerns>.

23 ¹⁷⁶ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
 24 *Kids, Documents Show; It has investigated how to engage young users in response to competition*
 25 *from Snapchat, TikTok; ‘Exploring playdates as a growth lever,’* Wall St. J. (Sept. 28, 2021),
 26 <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

27 ¹⁷⁷ Brooke Auxier et al., *Parenting Children in the Age of Screens*, Pew Rsch. Ctr. (July 28, 2020),
 28 <https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/>.

¹⁷⁸ Heather Kelly, *Teens have fled Facebook but are loyal to YouTube, poll shows*, Wash. Post
 (Aug. 10, 2022), <https://www.washingtonpost.com/technology/2022/08/10/teens-social-pew/>.

1 reward systems to keep users endlessly scrolling, posting, “liking,” commenting, and counting the
2 number of “likes” and comments to their own posts. The developing brains of children are
3 particularly vulnerable to such exploitation.

4 155. One of the ways in which Facebook and Instagram employ IVRs is through push
5 notifications and emails, which encourage habitual use and are designed to prompt users to open and
6 be exposed to content selected to maximize the use of Facebook’s platforms and the ads run on
7 them. In particular, Facebook and Instagram space out notifications of likes and comments into
8 multiple bursts rather than notifying users in real time so as to create dopamine gaps that leave users
9 craving in anticipation for more. In this regard, Facebook’s push notifications and emails are
10 specifically designed to manipulate users into reengaging with the Facebook platforms to increase
11 user engagement regardless of a user’s health or well-being.

12 156. Facebook also exploits IVRs to manipulate users with one of its most defining
13 features: the “Like” button. Facebook knows “Likes” are a source of social comparison harm for
14 many users as detailed below. Several Facebook employees involved in creating the Like button
15 have since left Facebook and have spoken publicly about the manipulative nature of the Facebook
16 platforms and the harm they cause users.¹⁷⁹

17 157. Additionally, Facebook designed other features of its platforms on principles of IVRs,
18 such as posts, comments, tagging, and the “pull to refresh” feature (which is similar to the way that
19 slot machines work).

20 158. Other design decisions were motivated by reciprocity, such as the use of visual cues
21 to reflect that someone is currently writing a message (a feature designed to keep a user on the
22 platform until they receive the message) and alerting users when a recipient has read their message
23 (which encourages the recipient to respond and return to the platform to check for a response).

24 159. Facebook and Instagram are designed to encourage users to post content and to like,
25 comment, and interact with other users’ posts. Each new post that appears on a user’s feed functions

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27 ¹⁷⁹ See, e.g., Paul Lewis, *‘Our minds can be hijacked’: the tech insiders who fear a smartphone dystopia*, Guardian (Oct. 6, 2017), <https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>.
28

1 as a dopamine-producing social interaction in the user’s brain. Similarly, likes, comments, and other
2 interactions with users’ posts function as an even stronger dopamine-producing stimulus than does
3 seeing new posts from other users. This in turn drives users to generate content they expect will
4 generate many likes and comments. In this regard, Facebook has designed its platforms to function
5 in concert as popular content posted by other users psychologically compels users to post similar
6 content themselves, trapping users – especially youth – in endless cycles of “‘little dopamine
7 loops.’”¹⁸⁰

8 **5. Facebook’s and Instagram’s Algorithms Are Manipulative and** 9 **Harmful**

10 160. Facebook and Instagram also employ advanced computer algorithms and AI to make
11 the platforms as engaging and habit forming as possible for users. For example, Facebook and
12 Instagram display curated content and employ recommendations that are customized to each user by
13 using sophisticated algorithms. The proprietary services developed through such algorithms include
14 Facebook’s Feed (a newsfeed of stories and posts published on the platform, some of which are
15 posted by connections and others that are suggested by Facebook’s algorithms), People You May
16 Know (algorithm-based suggestions of persons with common connections or background),
17 Suggested for You, Groups You Should Join, and Discover (algorithm-based recommendations of
18 groups). Such algorithm-based content and recommendations are pushed to each user in a steady
19 stream as the user navigates the platform, as well as through notifications sent to the user’s
20 smartphone and email addresses when the user is disengaged with the platform.

21 161. These algorithms are not based exclusively on user requests or even user inputs. The
22 algorithms combine information entered or posted by the user on the platform with the user’s
23 demographics and other data points collected and synthesized by Facebook, make assumptions about
24 that user’s interests and preferences, make predictions about what else might appeal to the user, and
25 then make very specific recommendations of posts and pages to view and groups to visit and join

26
27 ¹⁸⁰ Allison Slater Tate, *Facebook whistleblower Frances Haugen says parents make 1 big mistake*
28 *with social media*, Today (Feb. 7, 2022), <https://www.today.com/parents/teens/facebook-whistleblower-frances-haugen-rcna15256>.

1 based on rankings that will optimize Facebook’s key performance indicators. In this regard,
2 Facebook’s design dictates the way content is presented, such as its ranking and prioritization.¹⁸¹

3 162. Facebook’s and Instagram’s current use of algorithms in their platforms is driven and
4 designed to maximize user engagement. Over time, Facebook and Instagram have gradually
5 transitioned away from chronological ranking, which organized the interfaces according to when
6 content was posted or sent, to prioritize Meaningful Social Interactions (“MSI”), which emphasizes
7 users’ connections and interactions such as likes and comments and gives greater significance to the
8 interactions of connections that appeared to be the closest to users. Facebook thus developed and
9 employed an “amplification algorithm” to execute engagement-based ranking, which considers a
10 post’s likes, shares, and comments, as well as a respective user’s past interactions with similar
11 content, and exhibits the post in the user’s newsfeed if it otherwise meets certain benchmarks.

12 163. Facebook’s algorithms covertly operate on the principle that intense reactions
13 invariably compel attention. Because these algorithms measure reactions and contemporaneously
14 immerse users in the most reactive content, these algorithms effectively work to steer users toward
15 the most negative content because negative content routinely elicits passionate reactions.

16 164. Due to its focus on user engagement, Facebook’s algorithms promote content that is
17 objectionable and harmful to many users. As set forth in greater detail below, Facebook was well
18 aware of the harmful content it was promoting but failed to change its algorithms because the
19 inflammatory content its algorithms were feeding to users fueled their return to the platforms and led
20 to more engagement, which in turn helped Facebook and Instagram sell more advertisements that
21 generate most of their revenue. As such, Facebook’s algorithms promote harmful content because
22 such content increases user engagement, which thereby increases its appeal to advertisers and
23 increases its overall value and profitability.

24 165. Facebook’s and Instagram’s shift from chronological ranking to algorithm-driven
25 content and recommendations has changed the platforms in ways that are profoundly dangerous and

26 _____
27 ¹⁸¹ See, e.g., Adam Mosseri, *Shedding More Light on How Instagram Works*, Instagram (June 8,
28 2021), <https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works>.

1 harmful to children, whose psychological susceptibility to habit-forming platforms put them at great
 2 risk of harm from the platforms' exploitative and harmful features. In this regard, the algorithms
 3 used by these platforms exploit child users' diminished decision-making capacity, impulse control,
 4 emotional maturity, and psychological resiliency caused by users' incomplete brain development,
 5 and Facebook and Instagram specifically design their platforms with these vulnerabilities in mind.

6 **6. Facebook and Instagram "Feeds" Are Designed to Enable**
 7 **Users to Scroll Endlessly**

8 166. Both Facebook and Instagram show each user a "feed" that is generated by an
 9 algorithm for that user, which consists of a series of photos and videos posted by accounts that the
 10 user follows, along with advertising and content specifically selected and promoted by the company.

11 167. These feeds are virtually bottomless lists of content that enable users to scroll
 12 endlessly without any natural end points that would otherwise encourage them to move on to other
 13 activities. In this regard, "[u]nlike a magazine, television show, or video game," the Facebook and
 14 Instagram platforms only rarely prompt their users to take a break by using "'stopping cues.'"¹⁸²
 15 The "bottomless scrolling" feature is designed to encourages users to use its platforms for unlimited
 16 periods of time.

17 168. Facebook and Instagram also exert control over a user's feed through certain ranking
 18 mechanisms, escalation loops, and promotion of advertising and content specifically selected and
 19 promoted based on, among other things, its ongoing planning, assessment, and prioritization of the
 20 types of information most likely to increase user engagement.

21 169. As described above, the algorithms generating a user's feed encourage excessive use
 22 and promote harmful content, particularly where the algorithm is designed to prioritize the number
 23 of interactions rather than the quality of interactions.

24 170. In this regard, Facebook and Instagram use private information of their child users to
 25 "precisely target [them] with content and recommendations, assessing . . . what will provoke a

26 ¹⁸² See Zara Abrams, *How Can We Minimize Instagram's Harmful Effects?; Psychologists'*
 27 *research has shown that Instagram use is associated both with beneficial and detrimental effects –*
 28 *depending on how it's used*, Am. Psych. Ass'n (Dec. 2, 2021), <https://www.apa.org/monitor/2022/03/feature-minimize-instagram-effects>.

1 reaction,” including encouragement of “destructive and dangerous behaviors,” which is how they
2 “can push teens into darker and darker places.”¹⁸³ As such, Facebook’s “amplification algorithms,
3 things like engagement based ranking . . . can lead children . . . all the way from just something
4 innocent like healthy recipes to anorexia promoting content over a very short period of time.”¹⁸⁴
5 Facebook and Instagram thus specifically select and push this harmful content on their platforms, for
6 which they are then paid, and do so both for direct profit and also to increase user engagement,
7 resulting in additional profits down the road.

8 171. As one example, in 2021, Senators Richard Blumenthal, Marsha Blackburn, and Mike
9 Lee tested and confirmed the fact that the Facebook and Instagram platforms’ recommendation-
10 based feeds and features promote harmful content by opening test accounts purporting to be teenage
11 girls. Senator Blumenthal stated: “Within an hour all of our recommendations promoted pro-
12 anorexia and eating disorder content.”¹⁸⁵ Likewise, Senator Lee found that an account for a fake
13 13-year-old girl was quickly “flooded with content about diets, plastic surgery and other damaging
14 material for an adolescent girl.”¹⁸⁶

15 172. Instagram features a feed of “Stories,” which are short-lived photo or video posts that
16 are accessible only for 24 hours. This feature encourages constant, repeated, and compulsive use of
17 Instagram so that users do not miss out on content before it disappears. As with other feeds, the
18 presentation of content in a user’s Stories is generated by an algorithm designed by Instagram to
19 maximize the amount of time a user spends on the app.

20 173. Instagram also features a feed called “Explore,” which displays content posted by
21 users not previously “followed.” The content in “Explore” is selected and presented by an algorithm

22 ¹⁸³ See *Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use: Full*
23 *Senate Hearing Transcript* at 09:02, Rev (Oct. 5, 2021), <https://www.rev.com/blog/transcripts/facebook-whistleblower-frances-haugen-testifies-on-children-social-media-use-full-senate-hearing-transcript> (statement by Chairman Richard Blumenthal).

24 ¹⁸⁴ *Id.* at 37:34 (statement by Frances Haugen (“Haugen”).)

25 ¹⁸⁵ Vanessa Romo, *4 Takeaways from Senators’ Grilling of Instagram’s CEO About Kids and*
26 *Safety*, NPR (Dec. 8, 2021), <https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli>.

27 ¹⁸⁶ *Id.*

1 designed to maximize the amount of time a user spends on the app. As with other feeds, the Explore
 2 feature may be scrolled endlessly; and its algorithm will continually generate new recommendations,
 3 encouraging users to use the app for unlimited periods of time.

4 174. Instagram also features a feed called “Reels,” which presents short video posts by
 5 users not previously followed. These videos play automatically, without input from the user,
 6 encouraging the user to stay on the app for indefinite periods of time. As with other feeds, Reels
 7 content is selected and presented by an algorithm designed to maximize the amount of time a user
 8 spends on the app.

9 **7. For Years, Facebook and Instagram Have Been Aware that**
 10 **Their Platforms Harm Children**

11 175. Social media platforms like Facebook – and Instagram in particular – can cause
 12 serious harm to the mental and physical health of children. Moreover, this capacity for harm is by
 13 design – what makes these platforms profitable is precisely what harms its young users.

14 176. In an internal slide presentation in 2019, Facebook’s own researchers studying
 15 Instagram’s effects on children concluded: “We make body image issues worse for one in three teen
 16 girls.”¹⁸⁷ This presentation was one of many documents leaked by former employee Haugen to
 17 journalists at *The Wall Street Journal* and federal regulators in 2021.¹⁸⁸*The Wall Street Journal*’s
 18 reporting on the documents began in September 2021 and caused a national and international uproar.

19 177. Upon information and belief, at least as far back as 2019, Facebook initiated a
 20 Proactive Incident Response experiment, which began researching the effect of Facebook and

21 _____
 22 ¹⁸⁷ Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents*
 23 *Show; Its own in-depth research shows a significant teen mental-health issue that Facebook plays*
down in public, Wall St. J. (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739)
[instagram-is-toxic-for-teen-girls-company-documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739).

24 ¹⁸⁸ *The Wall Street Journal* and *Digital Wellbeing* published several of these documents in
 25 November 2021. See, e.g., Paul Marsden, *The ‘Facebook Files’ on Instagram harms – all leaked*
 26 *slides on a single page*, Digit. Wellbeing (Oct. 20, 2021), [https://digitalwellbeing.org/the-facebook-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/)
 27 [files-on-instagram-harms-all-leaked-slides-on-a-single-page/](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/). Gizmodo also started publishing these
 28 documents in November 2021. See Dell Cameron et al., *Read the Facebook Papers for Yourself; Hundreds of internal documents formed the basis of dozen of news stories. They have not been made public. Until now*, Gizmodo (Feb. 14, 2023), [https://gizmodo.com/facebook-papers-how-to-read-](https://gizmodo.com/facebook-papers-how-to-read-1848702919)
[1848702919](https://gizmodo.com/facebook-papers-how-to-read-1848702919).

1 Instagram on the mental health of today’s children.¹⁸⁹ Facebook’s own in-depth analyses show
 2 significant mental-health issues stemming from the use of Instagram among teenage girls, many of
 3 whom linked suicidal thoughts and eating disorders to their experiences on the app.¹⁹⁰ In this regard,
 4 the companies’ own researchers have repeatedly found that Instagram is harmful for a sizable
 5 percentage of teens who use the platform.¹⁹¹

6 178. In particular, the researchers found that “[s]ocial comparison,” or peoples’
 7 assessment of their own value relative to that of others, is “worse on Instagram” for teens than on
 8 other social media platforms.¹⁹² One in five teens reported that Instagram makes “them feel worse
 9 about themselves.”¹⁹³ Roughly two in five teen users reported feeling “unattractive,” while one in
 10 ten teen users reporting suicidal thoughts traced them to Instagram.¹⁹⁴ Teens “consistently” and
 11 without prompting blamed Instagram “for increases in the rate of anxiety and depression.”¹⁹⁵
 12 Although teenagers identify Instagram as a source of psychological harm, they often lack the self-
 13 control to use Instagram less. Also, according to their own researchers, young users are not capable
 14 of controlling their Instagram use to protect their own health.¹⁹⁶ Such users “often feel “addicted”
 15 and know that what they’re seeing is bad for their mental health but feel unable to stop
 16 themselves.”¹⁹⁷

17 _____
 18 ¹⁸⁹ See *Facebook Whistleblower Testifies on Protecting Children Online*, C-SPAN (Oct. 5, 2021),
 19 [https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-
 facebook](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook).

20 ¹⁹⁰ See Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
 21 *Documents Show*, Wall St. J. (Sept. 14, 2021), [https://www.wsj.com/articles/facebook-knows-
 instagram-is-toxic-for-teen-girls-company-documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739).

22 ¹⁹¹ *Id.*

23 ¹⁹² *Id.*

24 ¹⁹³ *Id.*

25 ¹⁹⁴ *Id.*

26 ¹⁹⁵ *Id.*

27 ¹⁹⁶ *Id.*

28 ¹⁹⁷ *Id.*

1 179. Similarly, in a March 2020 presentation posted to Facebook’s internal message board,
 2 researchers found that “[t]hirty-two percent of teen girls said that when they felt bad about their
 3 bodies, Instagram made them feel worse.”¹⁹⁸ Sixty-six percent of teen girls and 40% of teen boys
 4 have experienced negative social comparison harms on Instagram.¹⁹⁹ Further, approximately 13% of
 5 teen girl Instagram users say the platform makes thoughts of “suicide and self-harm” worse, and
 6 17% of teen girl Instagram users say the platform makes “[e]ating issues” worse.²⁰⁰ Internal
 7 researchers also acknowledged that “[m]ental health outcomes” related to the use of Instagram “can
 8 be severe,” including: (i) “Body Dissatisfaction”; (ii) “Body Dysmorphia”; (iii) “Eating Disorders”;
 9 (iv) “Loneliness”; and (v) “Depression.”²⁰¹

10 180. Not only is Facebook aware of the harmful nature of the Facebook and Instagram
 11 platforms, the leaked documents reveal that Facebook is aware of the specific design features that
 12 lead to excessive use and harm to children. For instance, Facebook and Instagram know that their
 13 “[r]anking can promote problematic content” to children “[i]nsofar as problematic content is often
 14 more engaging than unproblematic content, ranking-by-engagement runs the risk of favoring the
 15
 16

17 ¹⁹⁸ *Id.*; see also *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory*
 18 *Study in the U.S.*, Wall St. J. (Sept. 29, 2021), [https://digitalwellbeing.org/wp-content/](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
 19 [uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf);
 20 *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019),
 21 <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf>
 at 14; Paul Marsden, *The ‘Facebook Files’ on Instagram harms – all leaked slides on a single page*
 at slide 14, Digit. Wellbeing (Oct. 20, 2021), [https://digitalwellbeing.org/the-facebook-files-on-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page)
[instagram-harms-all-leaked-slides-on-a-single-page](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page) (hard life moment – mental health deep dive).

22 ¹⁹⁹ *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*
 23 at slide 9, Wall St. J. (Sept. 29, 2021), [https://digitalwellbeing.org/wp-content/uploads/](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
[2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf).

24 ²⁰⁰ *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019),
 25 <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf>;
 26 Paul Marsden, *The ‘Facebook Files’ on Instagram harms – all leaked slides on a single page* at slide
 14, Digit. Wellbeing (Oct. 20, 2021), [https://digitalwellbeing.org/the-facebook-files-on-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page)
[instagram-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page)
[harms-all-leaked-slides-on-a-single-page](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page).

27 ²⁰¹ *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*
 28 at slide 34, Wall St. J. (Sept. 29, 2021), [https://digitalwellbeing.org/wp-content/uploads/](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
[2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf).

1 problematic.”²⁰² They also know that Instagram’s Explore, Feed, and Stories features contribute to
 2 social comparison harms “in different ways.”²⁰³ Moreover, specific “[a]spects of Instagram
 3 exacerbate each other to create a perfect storm” of harm to users, and the “[s]ocial [c]omparison
 4 [s]weet [s]pot” – a place of considerable harm to users, particularly teenagers and teen girls – lies at
 5 the center of Meta’s model and platforms’ features.²⁰⁴ Internal researchers wrote that “social
 6 comparison and perfectionism are nothing new, but young people are dealing with this on an
 7 unprecedented scale” and “constant comparison on Instagram is contributing to higher levels of
 8 anxiety and depression.”²⁰⁵

9 **H. YouTube’s Social Media Platform Has Substantially Contributed to**
 10 **the Youth Mental Health Crisis**

11 181. YouTube is a platform where users can post, share, view, and comment on videos
 12 related to a vast range of topics. The platform became available publicly in December 2005 and was
 13 acquired by Google in 2006.

14 182. YouTube reports that it has over 2 billion monthly logged-in users.²⁰⁶ Even more
 15 people use YouTube each month because consumers do not have to register an account to view a
 16 video on YouTube. As a result, anyone can view most content on YouTube regardless of age.

17 183. Users, whether logged in or not, watch *billions of hours of videos every day*.²⁰⁷

18 184. Users with accounts can post their own videos, comment on others, and since 2010,
 19 express their approval of videos through “likes.”²⁰⁸

20 ²⁰² *Is Ranking Good?*, (May 6, 2018), [https://s3.documentcloud.org/documents](https://s3.documentcloud.org/documents/21600996/tier2_rank_exp_0518.pdf)
 21 [/21600996/tier2_rank_exp_0518.pdf](https://s3.documentcloud.org/documents/21600996/tier2_rank_exp_0518.pdf).

22 ²⁰³ *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.*
 23 at slide 31, Wall St. J. (Sept. 29, 2021), [https://digitalwellbeing.org/wp-content/uploads/](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
[2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf).

24 ²⁰⁴ *Id.* at 33.

25 ²⁰⁵ See *The Facebook Files, Part 2: ‘We Make Body Image Issues Worse’*, Wall St. J. (Sept. 14,
 26 2021), [https://www.wsj.com/podcasts/the-journal/the-facebook-files-part-2-we-make-body-image-](https://www.wsj.com/podcasts/the-journal/the-facebook-files-part-2-we-make-body-image-issues-worse/c2c4d7ba-f261-4343-8d18-d4de177cf973)
[issues-worse/c2c4d7ba-f261-4343-8d18-d4de177cf973](https://www.wsj.com/podcasts/the-journal/the-facebook-files-part-2-we-make-body-image-issues-worse/c2c4d7ba-f261-4343-8d18-d4de177cf973).

27 ²⁰⁶ *YouTube for Press*, YouTube, <https://blog.youtube/press/> (last visited Feb. 27, 2023).

28 ²⁰⁷ *Id.*

1 185. Beginning in 2008 and through today, YouTube has recommended videos to users.²⁰⁹
2 Early on, the videos YouTube recommended to users were the most popular videos across the
3 platform.²¹⁰ YouTube admits “[n]ot a lot of people watched those videos,” at least not based on its
4 recommendation.²¹¹

5 186. Since then, YouTube has designed and refined its recommendation system using
6 machine-learning algorithms that today take into account a user’s “likes,” time spent watching a
7 video, and other behaviors to tailor its recommendations to each user.²¹²

8 187. YouTube automatically plays those recommendations for a user after they finish
9 watching a video. This feature, known as “autoplay,” was implemented in 2015. YouTube turns the
10 feature on by default, which means videos automatically and continuously play for users unless they
11 turn it off.²¹³

12 188. YouTube purports to disable by default its autoplay feature for users aged 13 to
13 17.²¹⁴ However, as mentioned above, YouTube does not require users to log in or even have an
14 account to watch videos. For them or anyone who does not self-report an age between 13 and 17,
15 YouTube defaults to automatically playing the videos its algorithm recommends to the user.

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17
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20 ²⁰⁸ Josh Lowensohn, *YouTube’s big redesign goes live to everyone*, CNET (Mar. 31, 2010),
<https://www.cnet.com/culture/youtubes-big-redesign-goes-live-to-everyone/>.

21 ²⁰⁹ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
22 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

23 ²¹⁰ *Id.*

24 ²¹¹ *Id.*

25 ²¹² *Id.*

26 ²¹³ *Autoplay videos*, YouTube Help, <https://support.google.com/youtube/answer/6327615?hl=en#:~:text=For%20users%20aged%2013%2D17,turned%20off%20Autoplay%20for%20you> (last
27 visited Feb. 27, 2023).

28 ²¹⁴ *Id.*

1 **1. YouTube Designs and Markets Its Platform to Appeal to a**
2 **Youth Audience**

3 189. The primary way YouTube makes money is through advertising. It made \$19 billion
4 in advertising revenue in 2021 alone.²¹⁵ Consequently, Google has designed YouTube to maximize
5 user engagement, predominantly through the amount of time users spend watching videos.

6 190. “In 2012, YouTube concluded that the more people watched, the more ads it could
7 run So YouTube . . . set a company-wide objective to reach one billion hours of viewing a day
8”²¹⁶

9 191. “[T]he best way to keep eyes on the site,” YouTube realized, was “recommending
10 videos, alongside a clip or after one was finished.”²¹⁷ That is what led to the development of its
11 recommendation algorithm and autoplay feature described above.

12 192. YouTube has long known youth use its platforms in greater proportion than older
13 demographics.

14 193. However, YouTube has not implemented even rudimentary protocols to verify the
15 age of users. Anyone can watch a video on YouTube without registering an account or reporting
16 their age.

17 194. Instead, YouTube leveraged its popularity among youth to increase its revenue from
18 advertisements by marketing its platform to popular brands of children’s products. For example,
19 Google pitched Mattel, the maker of Barbie and other popular children’s toys, by telling its
20 executives: “YouTube is today’s leader in reaching children age 6-11 against top TV channels.”²¹⁸
21 When presenting to Hasbro, Google touted: “YouTube is unanimously voted as the favorite website

22 ²¹⁵ Alphabet Inc.’s 2021 Annual Report on SEC Form 10-K at 60 (Feb 1, 2022),
23 <https://www.sec.gov/ix?doc=/Archives/edgar/data/1652044/000165204422000019/goog-20211231.htm>.

24 ²¹⁶ Mark Bergen, *YouTube Executive Ignores Warnings, Letting Toxic Videos Run Rampant*,
25 *Bloomberg* (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant?leadSource=verify%20wall>.

26 ²¹⁷ *Id.*

27 ²¹⁸ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, Exhibits A-C,
28 *FTC v. Google LLC, et al.*, No. 1-19-cv-02642-BAH, ECF 1-1 (D.D.C. Sept. 4, 2019).

1 of kids 2-12” and “93% of tweens visit YouTube to watch videos.”²¹⁹ In a different presentation to
 2 Hasbro, YouTube was referred to as “[t]he new ‘Saturday Morning Cartoons’” and claimed
 3 YouTube was the “#1 website regularly visited by kids” and “the #1 source where children discover
 4 new toys + games.”²²⁰

5 195. In addition to turning a blind eye toward underage users of its platform, YouTube
 6 developed and marketed a version of YouTube specifically for children under the age of 13.

7 196. YouTube’s efforts to attract young users have been successful. A vast majority, 95%,
 8 of children aged 13 to 17 have used YouTube.²²¹

9 **2. YouTube Intentionally Designs Features to Keep Its Users on**
 10 **Its Platform for as Long as Possible**

11 197. Google employs design features and complex algorithms to create a never-ending
 12 stream of videos intended to grip users’ attention.

13 198. Like the other Defendants’ social media platforms, Google developed features that
 14 exploit psychological phenomena such as IVRs to maximize the time users spend on YouTube.

15 199. YouTube uses design elements that operate on principles of IVRs to drive both
 16 YouTube content creators and YouTube viewers into habitual, excessive use. Google designed
 17 YouTube to allow users to like, comment, and share videos and to subscribe to content creators’
 18 channels. These features serve as rewards for users who create and upload videos to YouTube. As
 19 described above, receiving a like indicates others’ approval and activates the reward region of the
 20 brain.²²² The use of likes therefore encourages users to use YouTube over and over, seeking future
 21 pleasurable experiences.

22 200. YouTube also uses IVRs to encourage users to view others’ content. One of the ways
 23 Google employs IVRs into YouTube’s design is through subscriber push notifications and emails,

24 ²¹⁹ *Id.*

25 ²²⁰ *Id.*

26 ²²¹ *Id.*

27 ²²² See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer*
 28 *Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027-35
 (July 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/>.

1 which are designed to prompt users to watch YouTube content and encourages excessive use of the
2 platform. When a user “subscribe[s]” to another user’s channel, the subscriber receives notifications
3 every time that user uploads new content, prompting the subscriber to open YouTube and watch the
4 video.²²³

5 201. One of YouTube’s defining features is its panel of recommended videos. YouTube
6 recommends videos to users on both the YouTube home page and on every individual video page in
7 an “Up Next” panel.²²⁴ This list automatically populates next to the video a user is currently
8 watching. This recommended video list is a never-ending feed of videos intended to keep users on
9 the app watching videos without having to affirmatively click or search for other videos. This
10 constant video stream, comprised of videos recommended by YouTube’s algorithms, is the primary
11 way Google increases the time users spend on YouTube.

12 3. YouTube’s Algorithms Are Manipulative and Harmful, 13 Especially to a Youth Audience

14 202. Google uses complex algorithms throughout YouTube to recommend videos to users.
15 These algorithms select videos that populate the YouTube homepage, rank results in user searches,
16 and suggest videos for viewers to watch next. These algorithms are manipulative because they are
17 designed to increase the amount of time users spend on YouTube.

18 203. Google began building the YouTube recommendation system in 2008.²²⁵ When
19 Google initially developed its recommendation algorithms, the end goal was to maximize the amount
20 of time users spend watching YouTube videos. A YouTube spokesperson admitted as much, saying
21
22
23

24 ²²³ *Manage YouTube Notifications*, YouTube, <https://support.google.com/youtube/answer/3382248?hl=en&co=GENIE.Platform%3DDesktop> (last visited Feb. 27, 2023).

25
26 ²²⁴ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/> (last visited Feb. 27, 2023).

27 ²²⁵ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
28 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

1 YouTube’s recommendation system was initially set up to “optimize” the amount of time users
2 watch videos.²²⁶

3 204. Former YouTube engineer Guillaume Chaslot (“Chaslot”) has stated that when he
4 worked for YouTube designing its recommendation algorithm, the priority was to keep viewers on
5 the site for as long as possible to maximize “watch time.”²²⁷ Chaslot further stated: “Increasing
6 users’ watch time is good for YouTube’s business model” because the more that people watch
7 videos, the more ads they see, and the more ads that people see, the more YouTube’s advertising
8 revenue increases.²²⁸

9 205. Early on, one of the primary metrics behind YouTube’s recommendation algorithm
10 was clicks. As YouTube describes: “Clicking on a video provides a strong indication that you will
11 also find it satisfying.”²²⁹ However, as YouTube learned, clicking on a video does not mean a user
12 actually watched it. Thus, in 2012, YouTube also started tracking watch time – the amount of time a
13 user spends watching a video.²³⁰ YouTube made this switch to keep people watching for as long as
14 possible.²³¹ In YouTube’s own words, this switch was successful. “These changes have so far
15 proved very positive – primarily less clicking, more watching. We saw the amount of time viewers
16 spend watching videos across the site increase immediately”²³² In 2016, YouTube started

17 _____
18 ²²⁶ Ben Popken, *As algorithms take over, YouTube’s recommendations highlight a human problem*,
19 NBC (Apr. 19, 2018), <https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596>.

20 ²²⁷ William Turton, *How YouTube’s algorithm prioritizes conspiracy theories*, Vice (Mar. 5, 2018),
<https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories>.

21 ²²⁸ Jesselyn Cook & Sebastian Murdock, *YouTube is a Pedophile’s Paradise*, Huffington Post
22 (Mar. 21, 2020), https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db.

23 ²²⁹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
24 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

25 ²³⁰ *Id.*

26 ²³¹ Dave Davies, *How YouTube became one of the planet’s most influential media businesses*, NPR
27 (Sept. 8, 2022), <https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses>.

28 ²³² Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012),
<https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>.

1 measuring “valued watchtime” via user surveys to ensure that viewers are satisfied with their time
 2 spent watching videos on YouTube.²³³ All of these changes to YouTube’s algorithms were made to
 3 ensure that users spend more time watching videos and ads.

4 206. YouTube’s current recommendation algorithm is based on deep-learning neural
 5 networks that retune its recommendations based on the data fed into it.²³⁴ While this algorithm is
 6 incredibly complex, its process can be broken down into two general steps. First, the algorithm
 7 compiles a shortlist of several hundred videos by finding videos that match the topic and other
 8 features of the video a user is currently watching.²³⁵ Then the algorithm ranks the list according to
 9 the user’s preferences, which the algorithm learns by tracking a user’s clicks, likes, and other
 10 interactions.²³⁶ In short, the algorithms track and measure a user’s previous viewing habits and then
 11 finds and recommends other videos the algorithm thinks will hold the consumer’s attention.

12 207. YouTube’s recommendation system is “constantly evolving, learning every day from
 13 over 80 billion pieces of information.”²³⁷ Some of the information on which the recommendation
 14 algorithm relies to deliver recommended videos to users includes users’ watch and search history,
 15 channel subscriptions, clicks, watch time, survey responses, shares, likes, dislikes, users’ location
 16 (country), and time of day.²³⁸

17 _____
 18 ²³³ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

19 ²³⁴ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atl. (Nov. 8, 2018),
 20 <https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/>;
 Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*, Google (2016),
 21 <https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf>.

22 ²³⁵ Karen Hao, *YouTube is experimenting with ways to make its algorithm even more addictive*, MIT
 Tech. Rev. (Sept. 27, 2019), <https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/>;
 Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*, Google (2016),
 23 <https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf>.

24 ²³⁶ *Id.*

25 ²³⁷ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
 26 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

27 ²³⁸ *Recommended Videos; Signals Used to Recommend Content*, YouTube,
 28 <https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content>
 (last visited Feb. 27, 2023).

1 208. The recommendation algorithm can determine which “signals” or factors are more
2 important to individual users.²³⁹ For example, if a user shares every video they watch, including
3 videos the user gives a low rating, the algorithm learns not to heavily factor the user’s shares when
4 recommending content.²⁴⁰ Thus, the recommendation algorithm “develops dynamically” to an
5 individual user’s viewing habits and makes highly specific recommendations to keep individual
6 users watching videos.²⁴¹

7 209. In addition to the algorithm’s self-learning, Google engineers consistently update
8 YouTube’s recommendation and ranking algorithms, making several updates every month,
9 according to YouTube Chief Product Officer Neal Mohan (“Mohan”).²⁴² The end goal is to increase
10 the amount of time users spend watching content on YouTube.

11 210. Because Google has designed and refined its algorithms to be manipulative, these
12 algorithms are incredibly successful at getting users to view content based on the algorithm’s
13 recommendation. Mohan stated in 2018 that YouTube’s AI-driven recommendations are responsible
14 for 70% of the time users spend on YouTube.²⁴³ In other words, 70% of all YouTube content that
15 users watch was recommended to users by YouTube’s algorithms as opposed to users purposely
16 searching for and identifying the content they watch.

17 211. Mohan also stated that recommendations keep mobile device users watching
18 YouTube for more than 60 minutes at a time on average.²⁴⁴

21 ²³⁹ *Id.*

22 ²⁴⁰ *Id.*

23 ²⁴¹ *Id.*

24 ²⁴² Nilay Patel, *YouTube Chief Product Officer Neal Mohan on The Algorithm, Monetization, and*
25 *the Future for Creators*, The Verge (Aug. 3, 2021), <https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview>.

26 ²⁴³ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET
27 (Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

28 ²⁴⁴ *Id.*

1 212. Given that people watch more than one billion hours of YouTube videos daily,²⁴⁵
2 YouTube’s recommendation algorithms are responsible for hundreds of millions of hours that users
3 spend watching videos on YouTube.

4 **4. YouTube’s Conduct Has Harmed Youth Mental Health**

5 213. YouTube’s conduct harms youth mental health through its features designed to
6 maximize the amount of time users spend watching videos and by recommending harmful content to youth
7 through its algorithms.

8 214. YouTube’s algorithms push its young users down rabbit holes where they are likely
9 to encounter content that is divisive, extreme, violent, sexual, or encourages self-harm, among other
10 types of harmful content.

11 215. Research by the Tech Transparency Project (“TTP”) shows that YouTube Kids fed
12 children content involving drug culture, guns, and beauty and diet tips that could lead to harmful
13 body image issues.²⁴⁶ Among the videos TTP found were step-by-step instructions on how to
14 conceal a gun.²⁴⁷ The research shows that YouTube Kids not only lets inappropriate content slip
15 through its algorithmic filters but actively directed the content to children through its
16 recommendation engine.

17 216. Similar examples abound. Amanda Kloer, a campaign director with the child safety
18 group ParentsTogether, spent an hour on her child’s YouTube Kids profile and found videos
19 “encouraging kids how to make their shirts sexier, a video in which a little boy pranks a girl over her
20 weight, and a video in which an animated dog pulls objects out of an unconscious animated hippo’s
21
22

23 ²⁴⁵ Shira Ovide, *The YouTube Rabbit Hole is Nuanced*, N.Y. Times (Apr. 21, 2022),
24 <https://www.nytimes.com/2022/04/21/technology/youtube-rabbit-hole.html>.

25 ²⁴⁶ Alex Hern, *YouTube Kids shows videos promoting drug culture and firearms to toddlers*,
26 *Guardian* (May 5, 2022), <https://www.theguardian.com/technology/2022/may/05/youtube-kids-shows-videos-promoting-drug-culture-firearms-toddlers>.

27 ²⁴⁷ *Guns, Drugs, and Skin Bleaching: YouTube Kids Poses Risks to Children*, Tech Transparency
28 Project (May 5, 2022), <https://www.techtransparencyproject.org/articles/guns-drugs-and-skin-bleaching-youtube-kids-still-poses-risks-children>.

1 butt.”²⁴⁸ Another parent recounted that YouTube Kids’ autoplay function led her six-year-old
2 daughter to an animated video that encouraged suicide.²⁴⁹

3 217. YouTube’s algorithms promote content encouraging self-harm to older youth as well.
4 As reported by PBS Newshour, a middle schooler named Olivia regularly watched YouTube videos
5 every day after she came home from school.²⁵⁰ Over time she became depressed and started
6 watching videos on how to commit suicide. Similar videos then gave her the idea of overdosing.
7 Weeks later she was in the hospital after “downing a bottle of Tylenol.”²⁵¹ Ultimately, she was
8 admitted into rehab for digital addiction because of her compulsive YouTube watching.²⁵²

9 218. According to the Pew Research Center, 46% of parents say their child has
10 encountered inappropriate videos on YouTube.²⁵³ Children are not encountering these videos on
11 their own volition. Rather, YouTube’s algorithm is feeding them harmful and inappropriate videos.
12 Again, YouTube’s AI-driven recommendations are responsible for 70% of the time users spend on
13 YouTube.²⁵⁴

14 219. Other reports have also found that YouTube’s recommendation algorithm suggests a
15 wide array of harmful content, including videos that feature misinformation, violence, and hate
16 speech, along with other content that violates YouTube’s policies.²⁵⁵ A 2021 crowdsourced

17
18 ²⁴⁸ Rebecca Heilweil, *YouTube’s kids app has a rabbit hole problem*, Vox (May 12, 2021),
<https://www.vox.com/recode/22412232/youtube-kids-autoplay>.

19 ²⁴⁹ *Id.*

20 ²⁵⁰ Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for ‘digital
21 addiction’*, PBS (May 16, 2017), [https://www.pbs.org/newshour/health/compulsively-watching-
youtube-teenage-girl-lands-rehab-digital-addiction](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction).

22 ²⁵¹ *Id.*

23 ²⁵² *Id.*

24 ²⁵³ Brooke Auxier et al., *Parenting Children in The Age of Screens*, Pew Rsch. Ctr. (July 28, 2020),
25 <https://www.pewresearch.org/internet/2020/07/28/parental-views-about-youtube/>.

26 ²⁵⁴ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET
(Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

27 ²⁵⁵ Brandy Zadrozny, *YouTube’s recommendations still push harmful videos, crowdsourced study
28 finds*, NBC News (July 17, 2021), [https://www.nbcnews.com/tech/tech-news/youtubes-
recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355](https://www.nbcnews.com/tech/tech-news/youtubes-recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355).

1 investigation from the Mozilla Foundation involving 37,000 YouTube users revealed that 71% of all
2 reported negative user experiences came from videos recommended by YouTube to users.²⁵⁶
3 Additionally, users were 40% more likely to report a negative experience with a video recommended
4 by YouTube’s algorithm than with a video for which they had searched.²⁵⁷

5 220. The inappropriate and disturbing content to which YouTube’s algorithms expose
6 children have adverse effects on mental health. Mental health experts have warned that YouTube is
7 a growing source of anxiety and inappropriate sexual behavior among children under the age of
8 13.²⁵⁸

9 221. Further the harmful content to which YouTube’s algorithms expose children harm
10 brain development. “Children who repeatedly experience stressful and/or fearful emotions may
11 under-develop parts of their brain’s prefrontal cortex and frontal lobe, the parts of the brain
12 responsible for executive functions, like making conscious choices and planning ahead,” according
13 to Donna Volpitta, Ed.D., founder of The Center for Resilient Leadership.²⁵⁹

14 222. Even though much of the content YouTube’s algorithms feed to youth is harmful, it
15 triggers chemical reactions that encourage youth to spend more time watching videos on YouTube.
16 According to Dr. Volpitta, watching “fear-inducing videos cause the brain to receive a small amount
17 of dopamine,” which acts as a reward and creates a desire to do something over and over.²⁶⁰ This
18 dopaminergic response is in addition to the reward stimulus YouTube provides users through IVRs.

19 223. Mental health professionals across the country have seen an increase in children
20 experiencing mental health issues because of YouTube. Natasha Daniels, a child psychotherapist in
21 Arizona, has said she has seen a rise in cases of children suffering from anxiety because of videos

22
23 ²⁵⁶ *Id.*

24 ²⁵⁷ *Id.*

25 ²⁵⁸ Josephine Bila, *YouTube’s dark side could be affecting your child’s mental health*, CNBC
26 (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

27 ²⁵⁹ *Id.*

28 ²⁶⁰ *Id.*

1 they watched on YouTube.²⁶¹ Because of their anxiety, these children “exhibit loss of appetite,
2 sleeplessness, crying fits and fear.”²⁶²

3 224. In addition to causing anxiety, watching YouTube is also associated with insufficient
4 sleep.²⁶³ In one study on the effect of app use and sleep, YouTube was the only app consistently
5 associated with negative sleep outcomes.²⁶⁴ For every 15 minutes teens spent watching YouTube,
6 they had a 24% greater chance of getting fewer than seven hours of sleep.²⁶⁵ YouTube is
7 particularly problematic on this front because YouTube’s recommendation and autoplay feature
8 make it “so easy to finish one video” and watch the next, said Dr. Alon Avidan, director of the
9 UCLA Sleep Disorders Center.²⁶⁶ In turn, insufficient sleep is associated with poor health
10 outcomes.²⁶⁷ Thus, YouTube exacerbates an array of youth mental health issues by contributing to
11 sleep deprivation.

12 225. Despite the vast evidence that YouTube’s design and algorithms harm millions of
13 youth, Google continues to manipulate them into staying on the platform and watching more and
14 more videos so it can increase its ad revenue.

15 **I. Snapchat’s Social Media Platform Has Substantially Contributed to**
16 **the Youth Mental Health Crisis**

17 226. Snapchat originated as a photo-sharing platform that allows users to form groups and
18 share photos, known as “snaps,” that disappear after being viewed by the recipients. It was created

19 ²⁶¹ *Id.*

20 ²⁶² *Id.*

21 ²⁶³ Meg Pillion et al., *What’s ‘app’-ning to adolescent sleep? Links between device, app use, and*
22 *sleep outcomes*, 100 *Sleep Med.* 174-82 (Dec. 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1389945722010991?via%3Dihub>.

23 ²⁶⁴ *Id.*

24 ²⁶⁵ *Id.*

25 ²⁶⁶ Cara Murez, *One App is Especially Bad for Teens’ Sleep*, U.S. News (Sept. 13, 2022),
26 <https://www.usnews.com/news/health-news/articles/2022-09-13/one-app-is-especially-bad-for-teens-sleep>.

27 ²⁶⁷ Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance*
28 *Among Young Adults*, 85 *Preventive Med.* 36-41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

1 in 2011 by Stanford University students Evan Spiegel and Bobby Murphy, who serve as Snap’s
2 Chief Executive Officer (“CEO”) and Chief Technical Officer (“CTO”), respectively.²⁶⁸

3 227. Snapchat quickly evolved from a simple photo-sharing app as Snap made design
4 changes and rapidly developed new features aimed at, and ultimately succeeding at increasing
5 Snapchat’s popularity among, teenage users. Snapchat now includes an artificial intelligence chatbot
6 developed to further increase engagement by acting like a friend.

7 228. Today, Snapchat is one of the largest social media platforms in the world. By its own
8 estimates, Snapchat has 363 million daily users, including 100 million daily users in North
9 America.²⁶⁹ Snapchat reaches 90% of people aged 13 to 24 in over 20 countries and reaches nearly
10 half of all smartphone users in the United States.²⁷⁰

11 229. Snapchat initially became well known for its self-destructing content feature. In
12 2012, Snap added video-sharing capabilities, pushing the number of “snaps” to 50 million per day.²⁷¹
13 A year later, Snap added the “Stories” function, which allows users to upload a rolling compilation
14 of snaps that the user’s friends can view for 24 hours.²⁷² The following year, Snap added a feature
15 that enabled users to communicate with one another in real time via text or video.²⁷³ It also added
16 the “Our Story” feature, expanding on the original stories function by allowing users in the same

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19 ²⁶⁸ Katie Benner, *How Snapchat is Shaping Social Media*, N.Y. Times (Nov. 30, 2016),
20 <https://www.nytimes.com/2016/11/30/technology/how-snapchat-works.html>.

21 ²⁶⁹ *October 2022 Investor Presentation* at 5, Snap Inc. (Oct. 20, 2022), [https://investor.snap.com/
events-and-presentations/presentations/default.aspx](https://investor.snap.com/events-and-presentations/presentations/default.aspx).

22 ²⁷⁰ *Id.* at 6-7.

23 ²⁷¹ J.J. Colao, *Snapchat Adds Video, Now Seeing 50 million Photos A Day*, Forbes (Dec. 14, 2012),
24 [https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-
photos-a-day/?sh=55425197631b](https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-a-day/?sh=55425197631b).

25 ²⁷² Ellis Hamburger, *Snapchat’s Next Big Thing: ‘Stories’ That Don’t Just Disappear*, Verge
26 (Oct. 3, 2013), [https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-that-
dont-just-disappear](https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-that-dont-just-disappear).

27 ²⁷³ Romain Dillet, *Snapchat Adds Ephemeral Text Chat and Video Calls*, TechCrunch (May 1,
28 2014), <https://techcrunch.com/2014/05/01/snapchat-adds-text-chat-and-video-calls/>.

1 location to add their photos and videos to a single publicly viewable content stream.²⁷⁴ At the same
 2 time, Snap gave users the capability to add filters and graphic stickers onto photos indicating a user's
 3 location through a feature it refers to as "Geofilters."²⁷⁵

4 230. In 2015, Snap added a "Discover" feature that promotes videos from news outlets and
 5 other content creators.²⁷⁶ Users can watch that content by scrolling through the Discover feed. After
 6 the selected video ends, Snapchat automatically plays other video content in a continuous stream
 7 unless or until a user manually exits the stream.

8 231. In 2020, Snap added the "Spotlight" feature, through which it serves users "an endless
 9 feed of user-generated content" Snap curates from the 249 million daily Snapchat users.²⁷⁷

10 232. In 2023, Snap added to its feed "My AI," an artificial intelligence chatbot that
 11 engages with users, including children, in on-demand, original conversation composed by the app
 12 itself.

13 1. Snap Designs and Markets Its Platform to Appeal to a Youth 14 Audience

15 233. Snap specifically markets Snapchat to children aged 13 to 17 because they are a key
 16 demographic for Snap's advertisers. Advertising is Snap's primary source of revenue and is
 17 essential to its business model.

18 234. Snap began running advertisements on Snapchat in 2014.²⁷⁸ Since then, Snapchat's
 19 business model has revolved around its advertising revenue, which has boomed. Snap now expects
 20 to generate \$4.86 billion in Snapchat advertising revenue for 2022.²⁷⁹

21 ²⁷⁴ Laura Stampler, *Snapchat Just Unveiled a New Feature*, Time (June 17, 2014),
 22 <https://time.com/2890073/snapchat-new-feature/>.

23 ²⁷⁵ Angela Moscaritolo, *Snapchat Adds 'Geofilters' in LA, New York*, PC Mag. (July 15, 2014),
<https://www.pcmag.com/news/snapchat-adds-geofilters-in-la-new-york>.

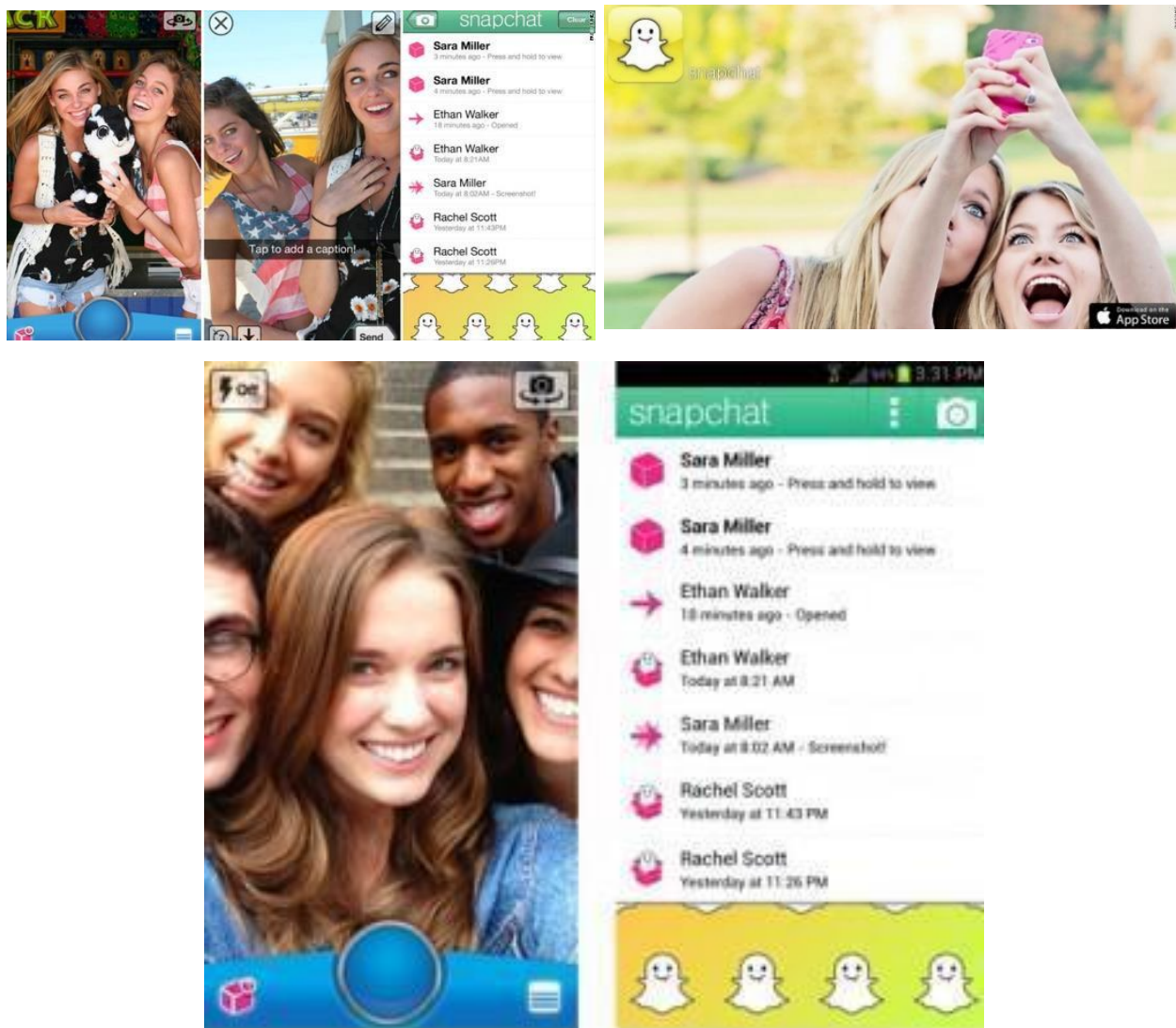
24 ²⁷⁶ Steven Tweedie, *How to Use Snapchat's New 'Discover' Feature*, Bus. Insider (Jan. 27, 2015),
 25 <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

26 ²⁷⁷ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC
 27 (Nov. 23, 2020), <https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html>.

28 ²⁷⁸ Sara Fischer, *A timeline of Snap's advertising, from launch to IPO*, Axios (Feb. 3, 2017),
<https://www.axios.com/2017/12/15/a-timeline-of-snaps-advertising-from-launch-to-ipo-1513300279>.

1 235. Internal documents describe users between the ages of 13 and 34 as “critical” to
2 Snap’s advertising success because of the common milestones achieved within that age range.²⁸⁰

3 236. While Snap lumps teenagers in with younger adults in its investor materials, Snap’s
4 marketing materials featuring young models reveal its priority market:



25 ²⁷⁹ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters
26 (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/>.

27 ²⁸⁰ *October 2022 Investor Presentation* at 27, Snap Inc. (Oct. 20, 2022),
28 <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

1 237. In addition to its marketing, Snap has targeted a younger audience by designing
2 Snapchat in a manner that older individuals find hard to use.²⁸¹ The effect of this design is that
3 Snapchat is a platform where its young users are insulated from older users, including their parents.
4 As Snap’s CEO explained, “[w]e’ve made it very hard for parents to embarrass their children.”²⁸²

5 238. Snap also designed Snapchat as a haven for young users to hide content from their
6 parents by ensuring that photos, videos, and chat messages quickly disappear. This design further
7 insulates children from adult oversight.

8 239. Moreover, Snap added as a feature the ability for users to create cartoon avatars
9 modeled after themselves.²⁸³ By using an art form generally associated with and directed at younger
10 audiences, Snap further designed Snapchat to entice teenagers and younger children.

11 240. In 2013, Snap also marketed Snapchat specifically to children under 13 through a
12 feature it branded “SnapKidz.”²⁸⁴ This feature – part of the Snapchat platform – allowed children
13 under 13 to take photos, draw on them, and save them locally on the device.²⁸⁵ Children could also
14 send these images to others or upload them to other social media sites.²⁸⁶

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20 ²⁸¹ See Hannah Kuchler & Tim Bradshaw, *Snapchat’s Youth Appeal Puts Pressure on Facebook*,
Fin. Times (Aug. 21, 2017), <https://www.ft.com/content/07e4dc9e-86c4-11e7-bf50-e1c239b45787>.

21 ²⁸² Max Chafkin & Sarah Frier, *How Snapchat Built a Business by Confusing Olds*, Bloomberg
22 (Mar. 3, 2016), <https://www.bloomberg.com/features/2016-how-snapchat-built-a-business/>.

23 ²⁸³ Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Bus. Insider
24 (July 19, 2016), <https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7>.

25 ²⁸⁴ Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23,
26 2013), <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>.

27 ²⁸⁵ *Id.*

28 ²⁸⁶ *Id.*

1 241. While the SnapKidz feature was later discontinued, and Snap purports to now prohibit
2 users under the age of 13, its executives have admitted that its age verification “is effectively useless
3 in stopping underage users from signing up to the Snapchat app.”²⁸⁷

4 242. Snap’s efforts to attract young users have been successful. Teenagers consistently
5 name Snapchat as a favorite social media platform. The latest figures show that 13% of children
6 aged 8 to 12 used Snapchat in 2021,²⁸⁸ and almost 60% of children aged 13 to 17 use Snapchat.²⁸⁹

7 **2. Snap Intentionally Designs Exploitative Features to Keep**
8 **Users on Its Platform for as Long as Possible**

9 243. Snap has implemented inherently and intentionally exploitative features into Snapchat
10 that are designed to keep users on its platform for as long as possible. These features include
11 “Snapstreaks,” various trophies and reward systems, quickly disappearing (“ephemeral”) messages,
12 and filters. Snap designed these features, along with others, to maximize the amount of time users
13 spend on Snapchat.

14 244. Snaps are intended to manipulate users by activating the rule of reciprocity.²⁹⁰
15 Whenever a user gets a snap, they feel obligated to send a snap back. In addition, Snapchat tells
16 users each time they receive a snap by pushing a notification to the recipient’s cellphone. These
17 notifications are designed to prompt users to open Snapchat and view content, increasing the amount
18 of time users spend on Snapchat. Further, because snaps disappear within ten seconds of being
19 viewed, users feel compelled to reply immediately. This disappearing nature of snaps is a defining
20 characteristic of Snapchat and is intended to keep users on the platform.

21 _____
22 ²⁸⁷ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*,
23 *Bus. Insider* (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

24 ²⁸⁸ Victoria Rideout et al., *The Common Sense Census: Media use by tweens and teens at 5*,
25 *Common Sense Media* (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

26 ²⁸⁹ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
27 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

28 ²⁹⁰ Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015),
<https://www.nirandfar.com/psychology-of-snapchat/>.

1 245. Snap also keeps users coming back to the Snapchat platform through the
 2 “Snapstreaks” feature.²⁹¹ A “streak” is a counter within Snapchat that tracks how many consecutive
 3 days two users have sent each other snaps. If a user fails to snap the other user within 24 hours, the
 4 streak ends. Snap adds extra urgency by putting an hourglass emoji next to a friend’s name if a
 5 Snapchat streak is about to end.²⁹² This design implements a system where a user must ““check
 6 constantly or risk missing out.””²⁹³ This feature is particularly effective on teenage users. “For *teens*
 7 *in particular*, streaks are a vital part of using the app, and of their social lives as a whole.”²⁹⁴ Some
 8 children become so obsessed with maintaining a Snapstreak that they give their friends access to
 9 their accounts when they may be away from their phone for a day or more, such as on vacation.²⁹⁵

10 246. Snap also designed features that operate on IVR principles to maximize the time users
 11 are on its platform. The “rewards” come in the form of a user’s “Snapscore” and other signals of
 12 recognition similar to “likes” used in other platforms. For example, a Snapscore increases with each
 13 snap a user sends and receives. The increase in score and other trophies and charms users can earn
 14

15 ²⁹¹ See Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you*
 16 *in and get you ‘addicted’*, Bus. Insider (Feb. 17, 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>; see generally Virginia Smart & Tyana Grundig, *‘We’re designing minds’: Industry insider reveals secrets of addictive app trade*, CBC (Nov. 3, 2017),
 17 <https://www.cbc.ca/news/science/marketplace-phones-1.4384876>; Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17, 2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

18 ²⁹² Lizette Chapman, *Inside the Mind of a Snapchat Streaker*, Bloomberg (Jan. 30, 2017),
 19 <https://www.bloomberg.com/news/features/2017-01-30/inside-the-mind-of-a-snapchat-streaker>.

20 ²⁹³ *Id.*

21 ²⁹⁴ Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in*
 22 *and get you ‘addicted’*, Bus. Insider (Feb. 17, 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>; see generally Cathy Becker, *Experts warn parents how Snapchat can hook in teens with streaks*, ABC News (July 27, 2017), <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>.

23 ²⁹⁵ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017),
 24 <https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>; Jon Brooks,
 25 *7 Specific Tactics Social Media Companies Use to Keep You Hooked*, KQED (June 9, 2017),
 26 <https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked>.

1 by using the app operate on variable reward patterns. Like Snapstreaks, these features are designed
2 to incentivize sending snaps and increase the amount of time users spend on Snapchat.

3 247. Snap also designs photo and video filters and lenses, which are central to Snapchat's
4 function as a photo- and video-sharing social media platform. Snap designed its filters and lenses in
5 a way to further maximize the amount of time users spend on Snapchat. One way Snap uses its
6 filters to hook young users is by creating temporary filters that impose a sense of urgency to use
7 them before they disappear. Another way Snap designed its filters to increase screen use is by
8 gamification. Many filters include games,²⁹⁶ creating competition between users by sending each
9 other snaps with scores. Further, Snap tracks data on the most commonly used filters and develops
10 new filters based on this data.²⁹⁷ Snap also personalizes filters to further entice individuals to use
11 Snapchat more.²⁹⁸ Snap designs and modifies these filters to maximize the amount of time users
12 spend on Snapchat.

13 248. Snap also uses complex algorithms to keep users engaged with Snapchat by
14 suggesting friends to users and recommending new content.

15 249. Snap notifies users based on an equation Snap uses to determine whether someone
16 should add another user as a friend on Snapchat. This is known as "Quick Add." By using an
17 algorithm to suggest friends to users, Snapchat increases the odds users will add additional friends,
18 send additional snaps, and spend more time on the app.

19 250. Snapchat also contains "Discover" and "Spotlight" features that use algorithms to
20 recommend content to users. The Discover feature includes content from news and other media
21 outlets.²⁹⁹ A user's Discover page is populated by an algorithm and constantly changes depending
22

23 ²⁹⁶ Josh Constine, *Now Snapchat Has 'Filter Games'*, TechCrunch (Dec. 23, 2016),
24 <https://techcrunch.com/2016/12/23/snapchat-games/>.

25 ²⁹⁷ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
(last visited Feb. 27, 2023).

26 ²⁹⁸ *Id.*

27 ²⁹⁹ Steven Tweedie, *How to Use Snapchat's New 'Discover' Feature*, Bus. Insider (Jan. 27, 2015),
28 <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

1 on how a user interacts with the content.³⁰⁰ Similarly, the Spotlight feature promotes popular videos
2 from other Snapchat users and is based on an algorithm that determines whether a user has positively
3 or negatively engaged with similar content.³⁰¹ Snap programs its algorithms to push content to users
4 that will keep them engaged on Snapchat and thereby increases the amount of time users spend on
5 Snapchat, worsening their mental health.

6 251. Snap’s new AI chat bot, My AI, is also designed to keep users on the app and
7 engaged. Unlike its human counterparts, users can chat with My AI on demand.

8 **3. Snap’s Conduct in Designing and Operating Its Platform Has**
9 **Harmed Youth Mental Health**

10 252. The way in which Snap has designed and operated Snapchat has caused youth to
11 suffer increased anxiety, depression, disordered eating, cyberbullying, and sleep deprivation.

12 253. Snap knows Snapchat is harming youth because, as alleged above, Snap intentionally
13 designed Snapchat to maximize engagement by preying on the psychology of children through its
14 use of algorithms and other features including Snapstreaks, various trophies and reward systems,
15 quickly disappearing messages, filters, and games.

16 254. Snap should know that its conduct has negatively affected youth. Snap’s conduct has
17 been the subject of inquiries by the United States Senate regarding Snapchat’s use “to promote
18 bullying, worsen eating disorders and help teens buy dangerous drugs or engage in reckless
19 behavior.”³⁰² Further, Senators from across the ideological spectrum have introduced bills that

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23 ³⁰⁰ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
(last visited Feb. 27, 2023).

24 ³⁰¹ Sara Fischer, *Snapchat launches Spotlight, a TikTok competitor*, Axios (Nov. 23, 2020),
25 <https://www.axios.com/2020/11/23/snapchat-launches-spotlight-tiktok-competitor>; *How We Use*
26 *Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information> (last visited Feb. 27,
2023).

27 ³⁰² Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and*
28 *TikTok*, Nat’l Pub. Radio (Oct. 26, 2021), <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

1 would ban many of the features Snapchat uses, including badges and other awards recognizing a
2 user’s level of engagement with the platform.³⁰³

3 255. In fact, in anticipation of a hearing with Snapchat before the Senate Subcommittee on
4 Consumer Protection, Product Safety, and Data Security on the subject of “protecting kids online,”
5 Senator Michael Lee had his staff create a Snapchat account for a 15-year-old child. The staff did
6 not select any content preferences for the account and simply entered a name, birth year, and email
7 address. When they opened the Discover page, “they were immediately bombarded with content
8 that was . . . wildly inappropriate for a child, including recommendations for, among other things, an
9 invite to play an online sexualized video game that is marketed itself to people who are 18 and up,
10 tips on why ‘you shouldn’t go to bars alone,’ notices for video games that are rated for ages 17 and
11 up, and articles about porn stars.”³⁰⁴ Despite these calls for oversight from Congress, Snap has failed
12 to curtail its use of streaks, badges, and other awards that recognize users’ level of engagement with
13 Snapchat.

14 256. Snap also knows or should know of Snapchat’s other negative effects on youth
15 because of published research findings. For instance, the *Journal of the American Medical*
16 *Association* has recognized that Snapchat’s effect on how young people view themselves is so severe
17 that it named a new disorder, “Snapchat dysmorphia,” after the platform.³⁰⁵ This disorder describes
18 people, usually young women, seeking plastic surgery to make themselves look the way they do
19 through Snapchat filters.³⁰⁶ The rationale underlying this disorder is that beauty filters on social
20 media, like Snapchat, create a “sense of unattainable perfection” that is alienating and damaging to a

21 ³⁰³ See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, Nat’l Pub.
22 Radio (Aug. 3, 2019), <https://www.npr.org/2019/08/03/747086462/lawmaker-aims-to-curb-social-media-addiction-with-new-bill>; *Social Media Addiction Reduction Technology Act*, S. 2314, 116th
23 Cong. (2019); *Kids Internet Design and Safety Act*, S. 2918, 117th Cong. (2021).

24 ³⁰⁴ *Protecting Kids Online: Snapchat, TikTok, and YouTube*, Hearing Before the Subcommittee on
25 Consumer Protection, Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021),
<https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>.

26 ³⁰⁵ ‘*Snapchat Dysmorphia*’: *When People Get Plastic Surgery To Look Like A Social Media Filter*,
27 WBUR (Aug. 29, 2018), <https://www.wbur.org/hereandnow/2018/08/29/snapchat-dysmorphia-plastic-surgery>.

28 ³⁰⁶ *Id.*

1 person’s self-esteem.³⁰⁷ One social psychologist summed up the effect this way: “[T]he pressure to
 2 present a certain filtered image on social media can certainly play into [depression and anxiety] for
 3 younger people who are just developing their identities.”³⁰⁸

4 257. Snap knows or should know that its AI bot, My AI, is not child friendly and responds
 5 to children with inappropriate and harmful content. For example, one user told My AI that he was
 6 15 and wanted to have an “epic birthday party.” The Snapchat bot responded by giving the user
 7 advice on how to mask the smell of alcohol and pot.³⁰⁹ When the same user said that he had an
 8 essay due for school, My AI offered to help and wrote him a complete essay. In another
 9 conversation, a test by the Center for Humane Technology, Snapchat’s bot gave a supposed 13-year-
 10 old advice on having sex for the first time with a partner who was 31.³¹⁰ Snap users and their parents
 11 have no way of removing My AI from their feeds unless they purchase a paid subscription to
 12 Snapchat+ for \$3.99 per month.³¹¹

13 258. Despite knowing Snapchat harms its young users, Snap continues to update and add
 14 features intentionally designed to maximize the amount of time users spend on Snapchat. Snap
 15 continues its harmful conduct because its advertising revenue relies on Snapchat’s users consuming
 16 large volumes of content on its platform.

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 22 ³⁰⁷ Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty*
 23 *through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

24 ³⁰⁸ *Id.*

25 ³⁰⁹ Geoffrey A. Fowler, *Snapchat tried to make a safe AI. It chats with me about booze and sex.*
 (Mar. 14, 2023), <https://www.washingtonpost.com/technology/2023/03/14/snapchat-myai/>.

26 ³¹⁰ *Id.*

27 ³¹¹ [https://help.snapchat.com/hc/en-us/articles/13387249333780-How-do-I-unpin-or-remove-My-](https://help.snapchat.com/hc/en-us/articles/13387249333780-How-do-I-unpin-or-remove-My-AI-from-my-Chat-feed-)
 28 [AI-from-my-Chat-feed-](https://help.snapchat.com/hc/en-us/articles/13387249333780-How-do-I-unpin-or-remove-My-AI-from-my-Chat-feed-).

1 **J. TikTok’s Social Media Platform Has Substantially Contributed to the**
2 **Youth Mental Health Crisis**

3 259. TikTok is a social media platform that describes itself as “the leading destination for
4 short-form mobile video.”³¹² According to TikTok, it is primarily a platform where users “create
5 and watch short-form videos.”³¹³

6 260. TikTok’s predecessor, Musical.ly, launched in 2014 as a place where people could
7 create and share 15-second videos of themselves lip-syncing or dancing to their favorite music.³¹⁴

8 261. In 2017, ByteDance launched an international version of a similar platform that also
9 enabled users to create and share short lip-syncing videos that it called TikTok.³¹⁵

10 262. That same year, ByteDance acquired Musical.ly to leverage its young user base in the
11 United States of almost 60 million monthly active users.³¹⁶

12 263. Months later, the apps were merged under the TikTok brand.³¹⁷

13 264. Since then, TikTok has expanded the length of time for videos from 15 seconds to up
14 to 10 minutes;³¹⁸ created a fund that was expected to grow to over \$1 billion within three years to

15 ³¹² *About: Our Mission*, TikTok, <https://www.tiktok.com/about> (last visited Feb. 27, 2023).

16 ³¹³ Testimony of Michael Beckerman, VP and Head of Public Policy, Americas, TikTok, *Protecting*
17 *Kids Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcomm. On Consumer*
Protection, Product Safety, and Data Security, 117 Cong. (2021).

18 ³¹⁴ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve*
19 *probably never heard of*, Bus. Insider (May, 28, 2016), [https://www.businessinsider.com/what-is-](https://www.businessinsider.com/what-is-musically-2016-5)
musically-2016-5.

20 ³¹⁵ Paresh Dave, *China’s ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1,
21 2018), [https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-](https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW)
brand-in-favor-of-tiktok-idUSKBN1KN0BW.

22 ³¹⁶ Liza Lin & Rolfe Winkler, *Social-Media App Musical.ly Is Acquired for as Much as \$1 billion;*
23 *With 60 million monthly users, startup sells to Chinese maker of news app Toutiao*, Wall St. J.
24 (Nov. 10, 2017), [https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-](https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123)
as-1-billion-1510278123.

25 ³¹⁷ Paresh Dave, *China’s ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1,
26 2018), [https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-](https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW)
brand-in-favor-of-tiktok-idUSKBN1KN0BW.

27 ³¹⁸ Andrew Hutchinson, *TikTok Confirms that 10 Minute Video Uploads are Coming to All Users*,
28 *SocialMediaToday* (Feb. 28, 2022), [https://www.socialmediatoday.com/news/tiktok-confirms-that-](https://www.socialmediatoday.com/news/tiktok-confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/)
10-minute-video-uploads-are-coming-to-all-users/619535/.

1 incentivize users to create videos that even more people will watch;³¹⁹ and had users debut their own
2 songs, share comedy skits,³²⁰ and “challenge” others to perform an activity.³²¹

3 265. TikTok has designed its platform to facilitate bottomless scrolling with a never-
4 ending stream of videos.

5 266. “[O]ne of the defining features of the TikTok platform” is its “For You” feed.³²² This
6 is a space within the platform where TikTok offers content supposedly curated for them based on
7 complex, machine-learning algorithms intended to keep users on its platform. TikTok itself
8 describes the feed as “central to the TikTok experience and where most of our users spend their
9 time.”³²³ *The New York Times* described it this way:

10 It’s an algorithmic feed based on videos you’ve interacted with, or even just watched.
11 It never runs out of material. It is not, unless you train it to be, full of people you
12 know, or things you’ve explicitly told it you want to see. It’s full of things that you
13 seem to have demonstrated you want to watch, no matter what you actually say you
14 want to watch.³²⁴

15 267. The “For You” feed has successfully garnered TikTok hundreds of millions of users.
16 Since 2018, TikTok has grown from 271 million global users to more than 1 billion global monthly
17 users as of September 2021.³²⁵ As of July 2020, “TikTok classified more than a third of its
18 49 million daily users in the United States as being 14 years old or younger,” and that likely
19 underestimates those under 14 and older teenagers (*i.e.*, those between 15 and 18 years old) because

18 ³¹⁹ Vanessa Pappas, *Introducing the \$200M TikTok Creator Fund*, TikTok (July 29, 2021),
19 <https://newsroom.tiktok.com/en-us/introducing-the-200-million-tiktok-creator-fund>.

20 ³²⁰ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and*
21 *Teen Markets*, Inc. (June 2, 2016), <https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html>.

22 ³²¹ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019),
23 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>.

24 ³²² *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
25 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

25 ³²³ *Id.*

26 ³²⁴ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019),
27 <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>.

28 ³²⁵ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27,
2021), <https://www.cnn.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>.

1 TikTok claims not to know how old a third of its daily users are.³²⁶ According to data from parental
 2 control software Qustodio, youth aged 4 through 18 spend an average of 1 hour and 47 minutes per
 3 day on TikTok.³²⁷

4 **1. TikTok Designs and Markets Its Platform to Appeal to a**
 5 **Youth Audience**

6 268. TikTok, like the other Defendants, has built its business plan around advertising
 7 revenue, which has boomed. In 2022, TikTok is projected to receive \$11 billion in advertising
 8 revenue, over half of which (*i.e.*, \$6 billion) is expected to come from the United States.³²⁸

9 269. TikTok, since its inception as Musical.ly, has been designed and developed with
 10 youth in mind.

11 270. Alex Zhu (“Zhu”) and Louis Yang (“Yang”), the co-founders of Musical.ly, raised
 12 \$250,000 to build an app that experts could use to create short three- to five-minute videos
 13 explaining a subject.³²⁹ The day they released the app, Zhu said they knew “[i]t was doomed to be a
 14 failure” because “[i]t wasn’t entertaining, and it didn’t attract teens.”³³⁰

15 271. According to Zhu, he stumbled upon the idea that would become known as TikTok
 16 while observing teens on a train, half of whom were listening to music, while the other half took
 17
 18
 19

20 ³²⁶ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under,*
 21 *Raising Safety Questions*, N.Y. Times (Sept. 17, 2020), [https://www.nytimes.com/2020/08/14/](https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html)
 22 [technology/tiktok-underage-users-ftc.html](https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html).

23 ³²⁷ *Annual Data Report 2022, From Alpha to Z: raising the digital generations*, Qustodio, at 15
 24 (2023), <https://www.qustodio.com/en/from-alpha-to-z-raising-the-digital-generations/>.

25 ³²⁸ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters
 26 (Apr. 11, 2022), [https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/)
 27 [combined-2022-report-2022-04-11/](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/).

28 ³²⁹ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve*
 probably never heard of, *Bus. Insider* (May 28, 2016), [https://www.businessinsider.com/what-is-](https://www.businessinsider.com/what-is-musically-2016-5)
 musically-2016-5.

³³⁰ *Id.*

1 selfies or videos and shared the results with friends.³³¹ “That’s when Zhu realized he could combine
2 music, videos, and a social network to attract the early-teen demographic.”³³²

3 272. Zhu and Yang thereafter developed the short-form video app that is now known as
4 TikTok, which commentators have observed “encourages a youthful audience in subtle and obvious
5 ways.”³³³

6 273. Among the more subtle ways the app was marketed to youth are its design and
7 content. For example, the Federal Trade Commission (“FTC”) alleged that the app: (a) initially
8 centered around a child-oriented activity (*i.e.*, lip syncing); (b) featured music by celebrities that then
9 appealed primarily to teens and tweens, such as Selena Gomez and Ariana Grande; (c) labeled
10 folders with names meant to appeal to youth, such as “Disney” and “school”; and (d) included songs
11 in such folders related to Disney television shows and movies, such as “Can You Feel the Love
12 Tonight” from the movie “The Lion King” and “You’ve Got a Friend in Me” from the movie “Toy
13 Story” and songs covering school-related subjects or school-themed television shows and movies.³³⁴

14 274. The target demographic was also reflected in the sign-up process. In 2016, the
15 birthdate for those signing up for the app defaulted to the year 2000 (*i.e.*, 16 years old).³³⁵

16 275. TikTok also cultivated a younger demographic in unmistakable, albeit concealed,
17 ways. In 2020, *The Intercept* reported on a document TikTok prepared for its moderators. In the
18 document, TikTok instructs its moderators that videos of senior people with “too many wrinkles” are
19
20

21 ³³¹ *Id.*

22 ³³² *Id.*

23 ³³³ John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. Times (Sept. 16,
24 2016), <https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html>.

25 ³³⁴ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief, *United States*
26 *v. Musical.ly*, No. 2:19-cv-01439-ODW-RAO, ECF 1 (“*Musical.ly* Complaint”) at 8, ¶¶26-27 (C.D.
Cal. Feb. 27, 2019).

27 ³³⁵ Melia Robinson, *How to use Musical.ly, the app with 150 million users that teens are obsessed*
28 *with*, Bus. Insider (Dec. 7, 2016), <https://www.businessinsider.com/how-to-use-musically-app-2016-12>.

1 disqualified for the “For You” feed because that would make ““the video . . . much less attractive
2 [and] not worth[] . . . recommend[ing.]””³³⁶

3 276. In December 2016, Zhu confirmed the company had actual knowledge that a lot of
4 their users are under 13, including some top users.³³⁷

5 277. The FTC alleged that despite the company’s knowledge of these and a “significant
6 percentage” of other users who were under 13, the company failed to comply with COPPA.³³⁸

7 278. TikTok settled those claims in 2019 by agreeing to pay what was then the largest-ever
8 civil penalty under COPPA and to several forms of injunctive relief.³³⁹

9 279. In an attempt to come into compliance with the consent decree and COPPA, TikTok
10 made available to users under 13 what it describes as a ““limited, separate app experience.””³⁴⁰ The
11 child version of TikTok restricts users from posting videos through the app. Children can still,
12 however, record and watch videos on TikTok.³⁴¹ For that reason, experts fear the app is “designed to
13 fuel [children’s] interest in the grown-up version.”³⁴²

14 280. These subtle and obvious ways TikTok markets to and obtained a young user base are
15 manifestations of Zhu’s views about the importance of user engagement to growing TikTok. Zhu
16 explained the target demographic to *The New York Times*: “[T]eenage culture doesn’t exist” in

17 ³³⁶ Sam Biddle et al., *Invisible Censorship: TikTok Told Moderators to Suppress Posts by “Ugly”*
18 *People and the Poor to Attract New Users*, *The Intercept* (Mar. 15, 2020),
<https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>.

19 ³³⁷ Jon Russell, *Muscal.ly defends its handling of young users, as it races past 40M MAUs* at 8:58-
20 11:12, *TechCrunch* (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>.

21 ³³⁸ See generally *Musical.ly Complaint*, ¶19.

22 ³³⁹ Lesley Fair, *Largest FTC COPPA settlement requires Musical.ly to change its tune*, *FTC*
23 (Feb. 27, 2019), <https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune>.

24 ³⁴⁰ Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, *Verge*
25 (Feb. 27, 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law>.

26 ³⁴¹ *Id.*

27 ³⁴² Leonard Sax, *Is TikTok Dangerous for Teens?*, *Inst. for Fam. Stud.* (Mar. 29, 2022),
28 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

1 China because “teens are super busy in school studying for tests, so they don’t have the time and
 2 luxury to play social media apps.”³⁴³ By contrast, Zhu describes “[t]eenagers in the U.S. [as] a
 3 golden audience.”³⁴⁴

4 281. TikTok’s efforts to attract young users have been successful. Over 67% of children
 5 aged 13 to 17 report having used the TikTok app.³⁴⁵

6 **2. TikTok Intentionally Designs Features to Keep Users on Its**
 7 **Platform for as Long as Possible**

8 282. Like the other Defendants’ social media platforms, TikTok developed features that
 9 exploit psychological phenomenon such as IVRs and reciprocity to maximize the time users spend
 10 on its platform.

11 283. TikTok employs design elements and complex algorithms to simulate variable reward
 12 patterns in a flow-inducing stream of short-form videos intended to captivate its users’ attention well
 13 after they are satiated.

14 284. TikTok drives habitual use of its platform using design elements that operate on
 15 principles of IVRs. For example, TikTok designed its platform to allow users to like and reshare
 16 videos. Those features serve as rewards for users who create content on the platform. Receiving a
 17 like or reshare indicates that others approve of that user’s content and satisfies their natural desire for
 18 acceptance.³⁴⁶ Studies have shown that “likes” activate the reward region of the brain.³⁴⁷ The
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21 ³⁴³ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.
 22 Times (Aug. 9, 2016), <https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html>.

23 ³⁴⁴ *Id.*

24 ³⁴⁵ Emily A. Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
 25 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

26 ³⁴⁶ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer*
 27 *Influence on Neural and Behavioral Responses to Social Media*, 27(7) Psych. Sci. 1027-35
 (July 2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/>.

28 ³⁴⁷ *Id.*

1 release of dopamine in response to likes creates a positive feedback loop.³⁴⁸ Users will use TikTok
2 again and again in the hope of another pleasurable experience.³⁴⁹

3 285. TikTok also uses reciprocity to manipulate users to use the platform. TikTok invokes
4 reciprocity through features like “Duet.” The Duet feature allows users to post a video side by side
5 with a video from another TikTok user. Users use Duet as a way to react to the videos of TikTok
6 content creators. The response is intended to engender a reciprocal response from the creator of the
7 original video.

8 286. TikTok, like Snapchat, offers video filters, lenses, and music, which are intended to
9 keep users on its platform. Also, like Snapchat, TikTok has gamified its platform through
10 “challenges.” These challenges are essentially campaigns in which users compete to perform a
11 specific task. By fostering competition, TikTok incentivizes users to use its platform.

12 287. TikTok’s defining feature, its “For You” feed, is a curated, never-ending stream of
13 short-form videos intended to keep users on its platform. In that way, TikTok feeds users beyond the
14 point they are satiated. The ability to scroll *ad infinitum*, coupled with the variable reward pattern of
15 TikTok, induces a flow-like state for users that distorts their sense of time.³⁵⁰ That flow is yet another
16 way TikTok increases the time users spend on its platform.

17 288. Like other Defendants, TikTok employs algorithms to keep users engaged. For
18 instance, the first thing users see when they open TikTok is the “For You” feed even if they have
19 never posted anything, followed anyone, or liked a video.³⁵¹

21 ³⁴⁸ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the*
22 *Development of Social Media Addiction*, 11(7) *J. Neurology & Neurophysiology* 507 (2020),
23 [https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-](https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf)
[development-of-social-media-addiction.pdf](https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf).

24 ³⁴⁹ *Id.*

25 ³⁵⁰ Christian Montag et al., *Addictive Features of Social Media/Messenger Platforms and Freemium*
26 *Games against the Background of Psychological and Economic Theories*, 16(14) *Int’l J. Env’t*
Rsch. & Pub. Health 2612 (July 23, 2019), <https://doi.org/10.3390/ijerph16142612>.

27 ³⁵¹ Brian Feldman, *TikTok is Not the Internet’s Eden*, *N.Y. Mag.* (Mar. 16, 2020),
28 [https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-](https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html)
[app.html](https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html).

1 289. The “For You” page presents users with a “stream of videos” TikTok claims are
2 “curated to [each user’s] interests.”³⁵²

3 290. According to TikTok, it populates each user’s “For You” feed by “ranking videos
4 based on a combination of factors” that include, among others, any interests expressed when a user
5 registers a new account, videos a user likes, accounts they follow, hashtags, captions, sounds in a
6 video they watch, and certain device settings such as their language preferences and where they are
7 located.³⁵³

8 291. Critically, some factors weigh heavier than others. To illustrate, TikTok explains that
9 an indicator of interest, such as “whether a user finishes watching a longer video from beginning to
10 end, would receive greater weight than a weak indicator, such as whether the video’s viewer and
11 creator are both in the same country.”³⁵⁴

12 292. TikTok claims it ranks videos in this way because the length of time a user spends
13 watching a video is a “strong indicator of interest.”³⁵⁵

14 293. However, Zhu offered a different explanation. He repeatedly told interviewers that he
15 was “focused primarily on increasing the engagement of existing users.”³⁵⁶ ““Even if you have tens
16 of millions of users,”” Zhu explained, ““you have to keep them *always* engaged.””³⁵⁷

17 294. The decisions TikTok made in programming its algorithms are intended to do just
18 that, as TikTok candidly explained in an internal document titled, “TikTok Algo 101.” The
19 document, which TikTok has confirmed is authentic, “explains frankly that in the pursuit of the

20 ³⁵² *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
21 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

22 ³⁵³ *Id.*

23 ³⁵⁴ *Id.*

24 ³⁵⁵ *Id.*

25 ³⁵⁶ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and*
26 *Teen Markets*, Inc. (June 2, 2016), <https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html>.

27 ³⁵⁷ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you’ve*
28 *probably never heard of*, Bus. Insider (May 28, 2016), <https://www.businessinsider.com/what-is-musically-2016-5> (emphasis added).

1 company’s ‘ultimate goal’ of adding daily active users, it has chosen to optimize for two closely
 2 related metrics in the stream of videos it serves: ‘retention’ – that is, whether a user comes back –
 3 and ‘time spent.’”³⁵⁸

4 295. “‘This system means that watch time is key.’”³⁵⁹ Chaslot, the founder of Algo
 5 Transparency, who reviewed the document at the request of *The New York Times*, explained:
 6 “[R]ather than giving [people] what they really want,” TikTok’s “algorithm tries to get people
 7 addicted.”³⁶⁰

8 296. Put another way, the algorithm, coupled with the design elements, conditions users
 9 through reward-based learning processes to facilitate the formation of habit loops that encourage
 10 excessive use.

11 297. The end result is that TikTok uses “a machine-learning system that analyzes each
 12 video and tracks user behavior so it can serve up a continually refined, never-ending stream of
 13 TikToks optimized to hold [users’] attention.”³⁶¹

14 3. TikTok’s Conduct in Designing and Operating Its Platform 15 Has Harmed Youth Mental Health

16 298. TikTok’s decision to program its algorithms to prioritize user engagement causes
 17 harmful and exploitative content to be amplified to the young market it has cultivated.

18 299. TikTok’s prioritization of user engagement amplifies the spread of misinformation
 19 and content that promotes hate speech and self-harm. The Integrity Institute, a nonprofit
 20 organization of engineers, product managers, data scientists, and others, has demonstrated how
 21 prioritizing user engagement amplifies misinformation on TikTok and other platforms.³⁶² That

22 ³⁵⁸ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
 23 <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

24 ³⁵⁹ *Id.*

25 ³⁶⁰ *Id.*

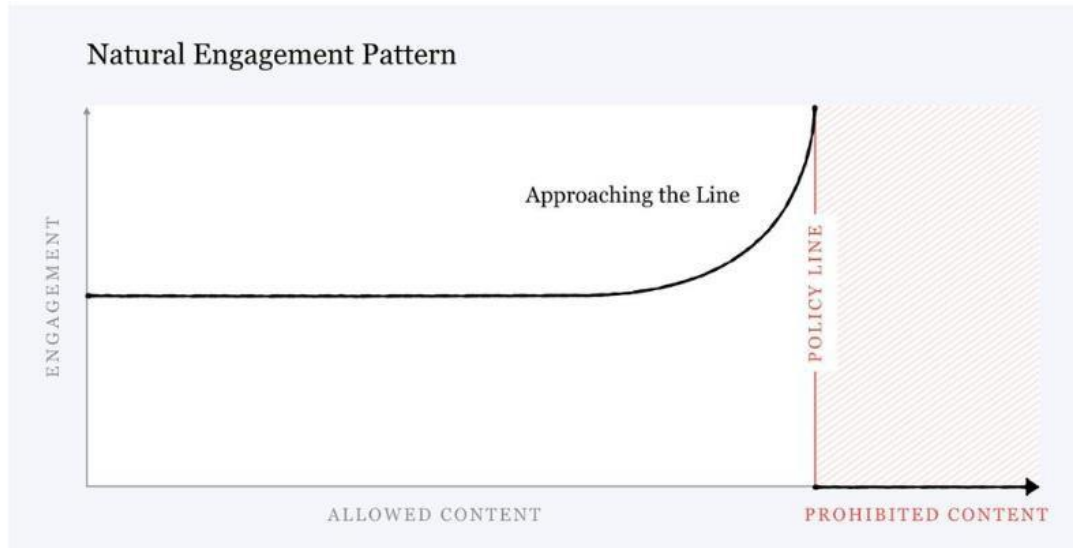
26 ³⁶¹ Jia Tolentino, *How TikTok Holds Our Attention*, New Yorker (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

27 ³⁶² *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022),
 28 [https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard)
 dashboard; see also Steven Lee Myers, *How Social Media Amplifies Misinformation More Than*

1 pattern, the Integrity Institute notes, is “true for a broad range of harms,” including hate speech and
 2 self-harm content, in addition to misinformation.³⁶³

3 300. The Integrity Institute’s analysis builds on a premise Mark Zuckerberg
 4 (“Zuckerberg”), CEO of Facebook, described as the “Natural Engagement Pattern.”³⁶⁴

5 301. The chart below shows that as content gets closer and closer to becoming harmful, on
 6 average, it gets more engagement:



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16 302. According to Zuckerberg: “[N]o matter where we draw the lines for what is allowed,
 17 as a piece of content gets close to that line, people will engage with it more on average.”³⁶⁶

18 303. This has important implications for any social media platform design, as the Integrity
 19 Institute explains:

22 *Information*, N.Y. Times (Oct. 13, 2022), <https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-report.html>.

23 ³⁶³ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022),
 24 [https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard)
[dashboard](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard).

25 ³⁶⁴ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook (May 5,
 26 2021), <https://www.facebook.com/notes/751449002072082/>.

27 ³⁶⁵ *Id.*

28 ³⁶⁶ *Id.*

1 [W]hen platforms use machine learning models to predict user engagement on
2 content, we should expect the predicted engagement to follow the actual engagement.
3 When those predictions are used to rank and recommend content, specifically when a
4 higher predicted engagement score means the content is more likely to be
5 recommended or placed at the top of feeds, then we expect that misinformation will
6 be preferentially distributed and amplified on the platform.³⁶⁷

7 304. Put differently, if you use past engagement to predict future engagement, as TikTok
8 does, you are most likely to populate users “For You” feed with harmful content.

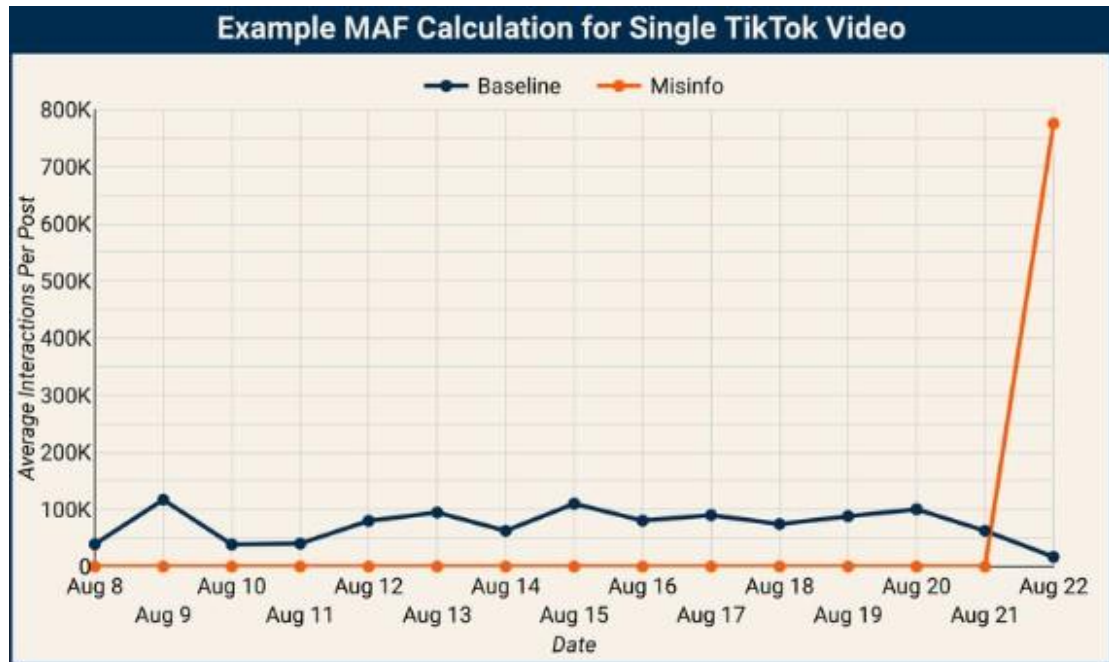
9 305. The Integrity Institute tested its theory by analyzing the spread of misinformation on
10 TikTok. Specifically, the Integrity Institute compared the amount of engagement (*e.g.*, number of
11 views) received by a post containing misinformation as compared to prior posts from the same
12 content creator.³⁶⁸

13 306. For example, a TikTok user’s historical posts received on average 75,000 views.
14 When that same user posted a false statement (as determined by the International Fact Checking
15 Network), the post received 775,000 views. In this case, TikTok amplified the misinformation ten
16 times more than this user’s typical content.³⁶⁹

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25 ³⁶⁷ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022),
26 [https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard)
27 [dashboard](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard).

28 ³⁶⁸ *Id.*

³⁶⁹ *Id.*



12 307. After analyzing many other posts from other users, the Integrity Institute found that TikTok on average amplified misinformation 29 times more than other content.³⁷⁰

13 308. A separate investigation by *NewsGuard* found TikTok's search algorithm similarly amplified misinformation. TikTok's search engine, like its "For You" feed, is a favorite among youth, with 40% preferring it (and Instagram) over Google.³⁷¹ Unfortunately, *NewsGuard* found that one in five of the top 20 TikTok search results on prominent news topics, such as school shootings and COVID-19 vaccines, contain misinformation.³⁷²

18 309. Misinformation is just one type of harmful content TikTok amplifies to its young users. Investigations by *The Wall Street Journal* found TikTok inundated young users with videos about depression, self-harm, drugs, and extreme diets, to name a few.

21 310. In one investigation, *The Wall Street Journal* found TikTok's algorithm quickly pushed users down rabbit holes where they were more likely to encounter harmful content. *The Wall*

24 ³⁷⁰ *Id.*

25 ³⁷¹ Wanda Pogue, *Move Over Google. TikTok Is the Go-To Search Engine for Gen Z*, Adweek (Aug. 4, 2022), <https://www.adweek.com/social-marketing/move-over-google-tiktok-is-the-go-to-search-engine-for-gen-z/>.

27 ³⁷² *Misinformation Monitor*, NewsGuard (Sept. 2022), <https://www.newsguardtech.com/misinformation-monitor/september-2022/>.

1 *Street Journal* investigated how TikTok’s algorithm chose what content to promote to users by
2 having 100 bots scroll through the “For You” feed.³⁷³ Each bot was programmed with interests,
3 such as extreme sports, forestry, dance, astrology, and animals.³⁷⁴ Those interests were not disclosed
4 in the process of registering their accounts.³⁷⁵ Rather, the bots revealed their interests through their
5 behaviors, specifically the time they spent watching the videos TikTok recommended to them.
6 Consistent with TikTok’s internal “Algo 101” document, *The Wall Street Journal* found time spent
7 watching videos was “the most impactful data on [what] TikTok serves you.”³⁷⁶

8 311. Over the course of 36 minutes, one bot watched 224 videos, lingering over videos
9 with hashtags for “depression” or “sad.”³⁷⁷ From then on, 93% of the videos TikTok showed this
10 account were about depression or sadness.³⁷⁸

11 312. That is not an outlier. Former YouTube engineer Guillaume Chaslot, who worked on
12 the algorithm for YouTube, explained that 90% to 95% of the content users see on TikTok is based
13 on its algorithm.³⁷⁹

14 313. “[E]ven bots with general mainstream interests got pushed to the margin as the
15 recommendations got more personalized and narrow.”³⁸⁰ Deep in these rabbit holes, *The Wall Street*
16 *Journal* found “users are more likely to encounter potential harmful content.”³⁸¹

17 314. Chaslot explained why TikTok feeds users this content:
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19 ³⁷³ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
20 <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

21 ³⁷⁴ *Id.*

22 ³⁷⁵ *Id.*

23 ³⁷⁶ *Id.*

24 ³⁷⁷ *Id.*

25 ³⁷⁸ *Id.*

26 ³⁷⁹ *Id.*

27 ³⁸⁰ *Id.*

28 ³⁸¹ *Id.*

1 [T]he algorithm is able to find the piece of content that you're vulnerable to. That
2 will make you click, that will make you watch, but it doesn't mean you really like it.
3 And that it's the content that you enjoy the most. It's just the content that's most
4 likely to make you stay on the platform.³⁸²

5 315. A follow-up investigation by *The Wall Street Journal* using bots found "that through
6 its powerful algorithms, TikTok can quickly drive minors – among the biggest users of the app – into
7 endless spools of content about sex and drugs."³⁸³

8 316. The bots in this investigation were registered as users aged 13 to 15 and, as before,
9 programmed to demonstrate interest by how long they watched the videos TikTok's algorithms
10 served them.³⁸⁴ The bots scrolled through videos that did not match their interests without
11 pausing.³⁸⁵ The bots lingered on videos that matched any of their programmed interests.³⁸⁶

12 317. Every second the bot hesitated or rewatched a video again proved key to what TikTok
13 recommended to the accounts, which *The Wall Street Journal* found was used to "drive users of any
14 age deep into rabbit holes of content."³⁸⁷

15 318. For example, one bot was programmed to pause on videos referencing drugs, among
16 other topics. The first day on the platform, the "account lingered on a video of a young woman
17 walking through the woods with a caption suggesting she was in search of marijuana."³⁸⁸ The
18 following day, the bot viewed a video of a "marijuana-themed cake."³⁸⁹ The "majority of the next
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20 ³⁸² *Id.*

21 ³⁸³ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8,
22 2021), https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944?st=e92pu5734lvc7ta&reflink=desktopwebshare_permalink.

23 ³⁸⁴ *Id.*

24 ³⁸⁵ *Id.*

25 ³⁸⁶ *Id.*

26 ³⁸⁷ *Id.*

27 ³⁸⁸ *Id.*

28 ³⁸⁹ *Id.*

1 thousand videos” TikTok directed at the teenage account “tout[ed] drugs and drug use, including
2 marijuana, psychedelics and prescription medication.”³⁹⁰

3 319. TikTok similarly zeroed in on and narrowed the videos it showed accounts whether
4 the bot was programmed to express interest in drugs, sexual imagery, or a multitude of interests. In
5 the first couple of days, TikTok showed the bots a “high proportion of popular videos.”³⁹¹ “But after
6 three days, TikTok began serving a high number of obscure videos.”³⁹²

7 320. For example, a bot registered as a 13 year old was shown a series of popular videos
8 upon signing up.³⁹³ The bot, which was programmed to demonstrate interest in sexual text and
9 imagery, also watched sexualized videos.

10 321. At least 2,800 of the sexualized videos that were shown to *The Wall Street Journal*’s
11 bots were labeled as being for adults only.³⁹⁴ However, TikTok directed these videos to the minor
12 accounts because, as TikTok told *The Wall Street Journal*, it does not “differentiate between videos
13 it serves to adults and minors.”³⁹⁵

14 322. TikTok also directed a concentrated stream of videos at accounts programmed to
15 express interest in a variety of topics. One such account was programmed to linger over hundreds of
16 Japanese film and television cartoons. “In one streak of 150 videos, all but four” of the videos
17 TikTok directed at the account “featured Japanese animation – many with sexual themes.”³⁹⁶

18 323. The relentless stream of content intended to keep users engaged “can be especially
19 problematic for young people” because they may lack the capability to stop watching, says David
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21 _____
22 ³⁹⁰ *Id.*

23 ³⁹¹ *Id.*

24 ³⁹² *Id.*

25 ³⁹³ *Id.*

26 ³⁹⁴ *Id.*

27 ³⁹⁵ *Id.*

28 ³⁹⁶ *Id.*

1 Anderson, a clinical psychologist at the nonprofit mental health care provider, The Child Mind
2 Institute.³⁹⁷

3 324. In a similar investigation, *The Wall Street Journal* found TikTok “flood[ed] teen users
4 with videos of rapid-weight-loss competitions and ways to purge food that health professionals say
5 contribute to a wave of eating-disorder cases spreading across the country.”³⁹⁸

6 325. In this investigation, *The Wall Street Journal* analyzed the tens of thousands of videos
7 TikTok recommended to a dozen bots registered as 13 year olds. As before, the bots were given
8 interests. Bots scrolled quickly through videos that did not match their interests and lingered on
9 videos that did.³⁹⁹ The accounts registered as 13 year olds were programmed at different times to
10 display interests in weight loss, gambling, and alcohol.⁴⁰⁰

11 326. “TikTok’s algorithm quickly g[ave] users the content they’ll watch, for as long as
12 they’ll watch it.”⁴⁰¹ For example, TikTok streamed gambling videos to a bot registered to a 13 year
13 old after it first searched for and favorited several such videos.⁴⁰² When the bot began demonstrating
14 interest in weight loss videos, the algorithm adapted quickly, as the chart below demonstrates:⁴⁰³

20 ³⁹⁷ *Id.*

21 ³⁹⁸ Tawnell D. Hobbs et al., *The Corpse Bride Diet: How TikTok Inundates Teens with Eating-*
22 *Disorder Videos*, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-inundates-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
23 [teens-with-eating-disorder-videos-11639754848](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848) (some of the accounts performed searches or sent
other, undisclosed signals indicating their preferences).

24 ³⁹⁹ *Id.*

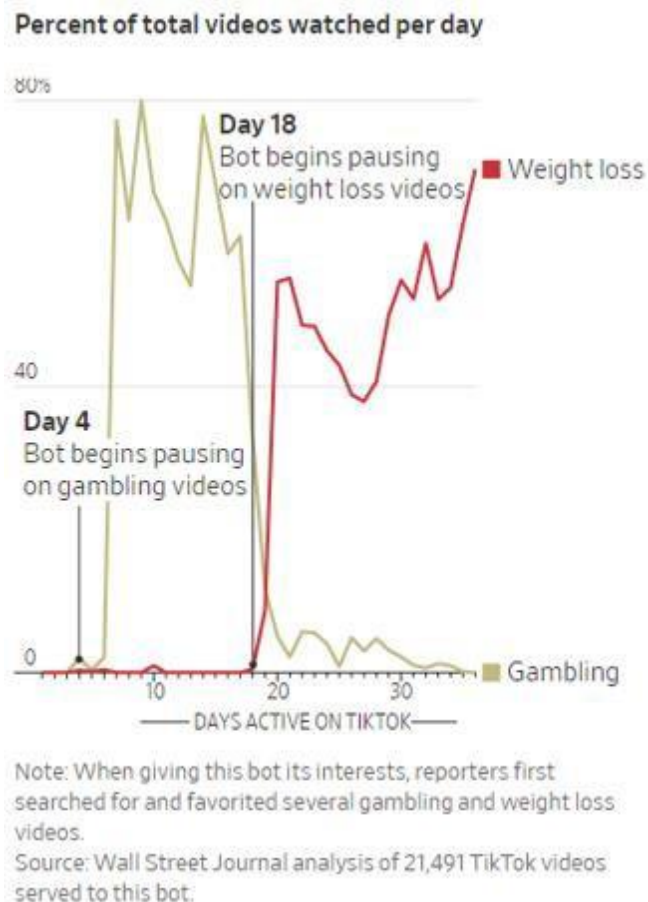
25 ⁴⁰⁰ *Id.*

26 ⁴⁰¹ *Id.*

27 ⁴⁰² *Id.*

28 ⁴⁰³ *Id.*

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327. After the change in programming, weight loss videos accounted for well over 40% of the content TikTok’s algorithm recommended to the user.⁴⁰⁴

328. The other accounts were also flooded with weight loss videos. Over the course of about 45 days, TikTok inundated the accounts with more than 32,000 such videos, “many promoting fasting, offering tips for quickly burning belly fat and pushing weight-loss detox programs and participation in extreme weight-loss competitions.”⁴⁰⁵ Some encouraged purging, eating less than 300 calories a day, consuming nothing but water some days, and other hazardous diets.⁴⁰⁶

⁴⁰⁴ *Id.*

⁴⁰⁵ *Id.*

⁴⁰⁶ *Id.*

1 329. According to Alyssa Moukheiber, a treatment center dietitian, TikTok’s powerful
2 algorithm and the harmful streams of content it directs at young users can tip them into unhealthy
3 behaviors or trigger a relapse.⁴⁰⁷

4 330. Unfortunately, it has done just that for several teenage girls interviewed by *The Wall*
5 *Street Journal*, who reported developing eating disorders or relapsing after being influenced by the
6 extreme diet videos TikTok promoted to them.⁴⁰⁸

7 331. They are not alone. Katie Bell, a co-founder of the Healthy Teen Project, “said the
8 majority of her 17 teenage residential patients told her TikTok played a role in their eating
9 disorders.”⁴⁰⁹

10 332. Others, like Stephanie Zerwas, an associate professor of psychiatry at the University
11 of North Carolina at Chapel Hill, could not recount how many of her young patients told her that:
12 “I’ve started falling down this rabbit hole, or I got really into this or that influencer on TikTok, and
13 then it started to feel like eating-disorder behavior was normal, that everybody was doing that.”⁴¹⁰

14 333. This trend extends nationwide. The National Association of Anorexia Nervosa and
15 Associated Disorders has fielded 50% more calls to its hotline since the pandemic began, most of
16 whom it says are from young people or parents on their behalf.⁴¹¹

17 334. Despite the ample evidence that TikTok’s design and operation of its platform harms
18 the tens of millions of youth who use it, TikTok continues to manipulate them into returning to the
19 platform again and again so that it may serve them ads in between the exploitative content it
20 amplifies.

21 335. TikTok and its parent company, ByteDance, know excessive use by youth can be
22 harmful. This is why, in 2018, ByteDance instituted a number of controls for youth users to its

23
24 ⁴⁰⁷ *Id.*

25 ⁴⁰⁸ *Id.*

26 ⁴⁰⁹ *Id.*

27 ⁴¹⁰ *Id.*

28 ⁴¹¹ *Id.*

1 Chinese domestic version of TikTok, Douyin, including the creation of a “teenager mode” that
2 limited use to 40 minutes per day between the hours of 6:00 a.m. and 10:00 p.m.⁴¹² As of 2021,
3 “teenager mode” was made mandatory for users under the age of 14.⁴¹³ TikTok has made no such
4 restrictions for youth users in the United States.

5 **K. Defendants Worked Together to Falsely Promote the Safety of Their**
6 **Platforms for Youth in Order to Grow Their Collective Profits**

7 336. Defendants worked together to set up, develop, and fund a network to falsely promote
8 the benefits and safety of social media in order to mislead consumers and the public through
9 misrepresentations and omissions regarding the dangers of youth social media in order to profit from
10 their products.

11 337. This interconnected and interrelated network relied on by Defendants’ collective use
12 of Front Groups was developed and funded collectively by Defendants, which were intended to
13 mislead consumers and the American public regarding the dangers associated with youth social
14 media use.

15 338. Defendants’ collective scheme to increase profits and revenues centered around the
16 development, dissemination, and reinforcement of several false propositions, *inter alia*, that:
17 (1) social media use is safe for youth; (2) social media is good for youth; (3) social media use is non-
18 addictive; (4) social media is not targeted to youth; and (5) Defendants have enacted proper
19 safeguards to protect youth online.

20 339. Defendants knew that none of these propositions was true and that there was no
21 evidence to support them.

22 340. Each Defendant worked individually and collectively to develop and actively
23 promulgate these false propositions in order to mislead consumers and the public regarding the
24 appropriate use, risks, and safety of youth social media use.

25 ⁴¹² Zeyi Yang, *How China takes extreme measures to keep teens off Tiktok*, MIT Technology
26 Review (Mar. 8, 2023), [https://www.technologyreview.com/2023/03/08/1069527/china-tiktok-
27 douyin-teens-privacy/#:~:text=To%20ensure%20that%20no%20teens,the%20creation%20of%
20livestream%20content](https://www.technologyreview.com/2023/03/08/1069527/china-tiktok-douyin-teens-privacy/#:~:text=To%20ensure%20that%20no%20teens,the%20creation%20of%20livestream%20content).

28 ⁴¹³ *Id.*

1 341. In conjunction with their efforts, Defendants joined forces to achieve their collective
2 goal: to persuade consumers and the American public that social media use is safe and beneficial for
3 children.

4 342. Defendants also worked together to stall efforts to enact protections for children. In
5 an August 2019 meeting with fellow tech giants, including Facebook, executives from Google
6 claimed to ““have been successful in slowing down and delaying the [regulation] process and have
7 been *working behind the scenes hand in hand with the other companies*”” to ““find areas of
8 alignment and narrow gaps in our positions and priorities on child privacy and safety,”” as stated in
9 an internal memorandum circulated before the meeting.⁴¹⁴ The memorandum continued: ““Whether
10 at this meeting or at another forum, *we may want to reinforce that this is an area of particular*
11 *importance to have a coordinated approach,*”” Google said about children’s safety.⁴¹⁵

12 **1. Defendants Disseminated False and Misleading Messages**
13 **About Social Media Use**

14 343. Defendants made the following false and misleading representations to Congress
15 and/or the American public:

16 344. During a public chat with Orrin Hatch at Brigham Young University on March 25,
17 2011, which was later published on YouTube, Mark Zuckerberg, CEO of Facebook stated: ““One of
18 the things that got people initially very comfortable with having a page on a service like Facebook is
19 that we offer these extremely robust privacy controls. . . . We are really focused on safety, especially
20 children’s safety. We take a lot of extra precautions to make sure it is a safe environment for them to
21 use the service. We really try to build a safe environment.””⁴¹⁶

22 345. At the same chat at Brigham Young University, Zuckerberg went on to say: “Right,
23 and [children], they feel like Facebook is this really secure place and that it’s a hundred percent safe,

24 ⁴¹⁴ Leah Nysten, *Google sought fellow tech giants’ help in stalling kids’ privacy protections, states*
25 *allege*, Politico (Oct. 22, 2021), <https://www.politico.com/news/2021/10/22/google-kids-privacy-protections-tech-giants-516834>.

26 ⁴¹⁵ *Id.*

27 ⁴¹⁶ Todd Hollingshead, *Facebook’s Zuckerberg at BYU: Be passionate about what you’re doing*,
28 *BYU University Connections News* (Mar. 24, 2011), <https://news.byu.edu/news/facebook-zuckerberg-byu-be-passionate-about-what-youre-doing>.

1 and um, we’re always thinking about little and big things like that that we can do to keep it safe for,
2 for the people who use our service.”⁴¹⁷

3 346. When testifying before members of the U.S. Senate Committee on Commerce,
4 Science, and Transportation on April 10, 2018, Zuckerberg was asked whether he worries about
5 social media addiction as a problem for America’s teens and answered:

6 At Facebook, specifically, I view our responsibility as not just building services that
7 people like, but building services that are good for people and good for society as
8 well. So we study a lot of effects of well-being of our – of our tools and broader
9 technology. . . .

10 What we find in general is that if you’re using social media in order to build
11 relationships . . . you’re sharing content with friends, you’re interacting, then that is
12 associated with all of the long-term measures of well-being that you’d intuitively
13 think of⁴¹⁸

14 347. At the same Congressional session, Zuckerberg was asked whether his companies
15 “[h]ire consulting firms to help them figure out how to get more dopamine feedback loops so that
16 people don’t want to leave the platform.” He answered: “No . . . that’s not how we talk about this or
17 how we set up our product teams. We want our products to be valuable to people, and if they’re
18 valuable, then people choose to use them.”⁴¹⁹

19 348. At the same Congressional session, when asked about protecting children, Zuckerberg
20 said: “I think protecting minors and protecting their privacy is extremely important and we do a
21 number of things on Facebook to do that already.”⁴²⁰

22 349. On July 12, 2018, during a published interview with Kara Swisher, Zuckerberg
23 discussed Facebook’s core principles, stating: “There are really two core principles at play here.

24 ⁴¹⁷ *Id.*

25 ⁴¹⁸ Transcript of Joint Hearing before the Committee on Commerce, Science, and Transportation
26 United States Senate and the Committee on the Judiciary United States Senate, 115 Cong. at 111,
Facebook, Social Media Privacy, and the Use and Abuse of Data (Apr. 10, 2018),
<https://www.youtube.com/watch?v=AB4mB-K7-xY>.

27 ⁴¹⁹ *Id.*

28 ⁴²⁰ *Id.*

1 There's giving people a voice, so that people can express their opinions. Then, there's keeping the
2 community safe, which I think is really important.”⁴²¹

3 350. On August 21, 2018, in a public post published on his Facebook page, Zuckerberg
4 stated: “One of the most important responsibilities we have as a company is to keep people safe and
5 stop anyone from abusing our service.”⁴²²

6 351. On December 23, 2020, the U.S. Senate Committee on the Judiciary posed questions
7 to Facebook, including whether it could “determine whether increased use of its platform among
8 teenage girls has any correlation with increased signs of depression [or anxiety]” Facebook
9 answered: “no.” In response to another question regarding what research Meta had conducted
10 internally on the mental health impacts of social media use, Facebook responded: “The effects of
11 social media are still being studied”⁴²³

12 352. Zuckerberg testified before a Congressional committee again on March 25, 2021,
13 speaking to members of the U.S. House of Representatives Committee on Energy and Commerce. A
14 committee member asked: “Do you believe that your platform harms children?” Zuckerberg
15 answered:

16 I don't believe so. This is something that we study and we care a lot about;
17 designing products that improve peoples' well-being is very important to us. And
18 what our products do is help people stay connected to people they care about, which I
19 think is one of the most fundamental and important human things that we do,
20 whether that's for teens or for people who are older than that.⁴²⁴

21 ⁴²¹ Kara Swisher, *Zuckerberg: The Record Interview*, Vox (July 12, 2018) <https://www.vox.com/2018/7/18/17575156/mark-zuckerberg-interview-facebook-recode-kara-swisher>.

22 ⁴²² Mark Zuckerberg, Facebook (Aug. 21, 2018), https://www.facebook.com/zuck/posts/10105188590724391?__tn__=K-R.

23
24 ⁴²³ Facebook, Inc. Responses to Questions for the Record from the Committee on the Judiciary
25 November 17, 2020 Hearing: Breaking the News: Censorship, Suppression, and the 2020 Election, at
124-25 (Dec. 23, 2020), <https://www.judiciary.senate.gov/imo/media/doc/Zuckerberg%20Responses%20to%20QFRs.pdf>.

26 ⁴²⁴ Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation,
27 Hearing Before House Energy and Commerce Subcommittee on Communications and Technology
28 (Mar. 25, 2021), <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf>.

1 353. Other Defendants have also disseminated false and misleading messages publicly
 2 regarding the harms and benefits of their social media platforms. For instance, on October 26, 2021,
 3 Michael Beckerman, TikTok’s Vice President and Head of Public Policy, Americas, testified before
 4 the U.S. Senate Committee on Science, Commerce, and Transportation and stated: “Our mission is
 5 to inspire creativity and bring joy, and that mission is the foundation for our privacy and safety
 6 policies that aim to protect and promote the well-being of minors on the app.”⁴²⁵

7 354. At the same hearing, Beckerman went on to say: “We have proactively implemented
 8 privacy and safety protections to promote the well-being of children and teenagers, and we continue
 9 to work on changes to support age-appropriate experiences on our platform.”⁴²⁶

10 355. Also on October 26, 2021, Leslie Miller, YouTube’s Vice President, Government
 11 Affairs & Public Policy, testified before the U.S. Senate Committee on Science, Commerce, and
 12 Transportation, stating: “Ensuring the safety of children is not only the right thing to do, it also helps
 13 us to earn the trust of parents, who see that we are building a safe environment for kids and
 14 families.”⁴²⁷

15 356. Miller went on to say: “[Users] are introduced to a diversity of content that isn’t based
 16 on a particular network that they are a part of. In so doing, there may be additional videos that are
 17 recommended to them based on some signals. But those signals will be overridden if – to make sure
 18 we are not recommending harmful content.”⁴²⁸

20 ⁴²⁵ *Statement of Michael Beckerman, Vice President and Head of Public Policy, Protecting Kids*
 21 *Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcommittee on Consumer*
 22 *Protection, Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021),*
<https://www.commerce.senate.gov/services/files/8C751FF4-A1FD-4FCA-80F6-C84BEB04C2F9>.

23 ⁴²⁶ *Statement of Michael Beckerman, Vice President and Head of Public Policy, Protecting Kids*
 24 *Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcommittee on Consumer*
 25 *Protection, Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021),*
<https://www.commerce.senate.gov/services/files/8C751FF4-A1FD-4FCA-80F6-C84BEB04C2F9>.

26 ⁴²⁷ *Statement of Leslie Miller, Vice President, YouTube Government Affairs & Public Policy,*
 27 *Protecting Kids Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcommittee on*
 28 *Consumer Protection, Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021),*
<https://www.commerce.senate.gov/services/files/2F8F8DE5-9C3F-4974-87EE-01CB2D262EEA>.

⁴²⁸ *Senate Commerce, Science and Transportation Subcommittee on Consumer Protection, Product*
Safety and Data Security Holds Hearing on Social Media’s Impact on Children, CQ Transcriptions,
 CPT FOR: (1) FLA PUB NUIS LAW; (2) FLA DECEPTIVE & UNFAIR TRADE PRACS; (3) RICO
 ACT; (4) NEG; (5) GROSS NEG; (6) FRAUDUL’T MISREP & CONCEALMT -4:23-cv-5257
 4865-0869-6701.v1

1 357. During the same hearing, when asked what steps YouTube takes to eliminate hurtful
2 body image content from its platform, Miller stated: “We prohibit content that promotes or glorifies
3 things such as eating disorders.”⁴²⁹

4 358. In further comments before the committee, Miller asserted: “We have made
5 significant investments over the past few years in policies, technology, and teams that help provide
6 kids and families with the best protections possible.”⁴³⁰

7 359. A representative for Snap, Inc. also testified before the U.S. Senate Committee on
8 Science, Commerce, and Transportation on October 26, 2021. When asked what steps Snap takes to
9 eliminate hurtful body image content from its platform, Jennifer Stout, Vice President of Global
10 Public Policy, stated: “[W]e don’t allow unvetted, unmoderated content from being surfaced up to
11 our users.”⁴³¹

12 360. In response to Senator Lee’s comments during the hearing that content on Snapchat is
13 not appropriate for minor youth, Stout replied: “While I would agree with you, tastes vary when it
14 comes to the kind of content that is promoted on Discover, there is no content there that is illegal.
15 There is no content there that is hurtful.”⁴³²

16 361. Stout went on to say: “[O]n a platform like SnapChat, there is no broadcast
17 disinformation or hate speech, and that’s why I think SnapChat is, in fact, a very appealing place for
18 advertisers because they know their advertisements will be placed next to safe content.”⁴³³

19
20
21 at 20 (Oct. 26, 2021), <https://www.commerce.senate.gov/2021/10/protecting-kids-online-snapchat-tiktok-and-youtube>.

22 ⁴²⁹ *Id.* at 22.

23 ⁴³⁰ *Statement of Leslie Miller, Vice President, YouTube Government Affairs & Public Policy, Protecting Kids Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcommittee on Consumer Protection, Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021),*
24 <https://www.commerce.senate.gov/services/files/2F8F8DE5-9C3F-4974-87EE-01CB2D262EEA>.

25
26 ⁴³¹ *Id.* at 21.

27 ⁴³² *Id.* at 26.

28 ⁴³³ *Id.* at 24.

1 362. When asked by Senator Blumenthal whether Snap had conducted any research that
2 showed social media can have a negative effect on children’s mental health and whether its app
3 promotes addiction-like use, Stout answered: “[S]ome of the research that we did showed that 95%
4 of users say that Snapchat makes them happy.”

5 363. Stout asserted: “We make no effort – and have no plans – to market to children, and
6 individuals under the age of 13 are not permitted to create Snapchat accounts”⁴³⁴ but also that “the
7 content that appears on SnapChat is appropriate for an age group of 13 and above.”⁴³⁵

8 364. These statements were patently false and misleading when made in light of
9 Defendants’ intentional targeting of youth users; use of algorithms that deluge users with endless
10 feeds of extreme content; and operation of platforms to promote widespread, excessive, and
11 addictive use known to be harmful to youth.

12 **2. Defendants Utilized Industry Groups to Disseminate Their**
13 **False and Misleading Messages**

14 365. Defendants utilized industry groups to carry out their scheme of targeting and
15 addicting youth by disseminating deceptive information about the safety of social media for youth.

16 366. Advocacy groups and professional associations became vehicles to reach
17 policymakers and the public. Defendants exerted influence and effective control over the messaging
18 by these groups by providing major funding directly to them. Defendants funded these “Front
19 Groups” in order to ensure supportive messages from these seemingly neutral and credible third
20 parties, and their funding did, in fact, ensure such supportive messages – often at the expense of their
21 own constituencies.

22 367. Defendants funded Front Groups in order to ensure supportive messages from these
23 seemingly neutral and credible third parties; and their funding did, in fact, ensure such supportive

24 _____
25 ⁴³⁴ *Statement of Jennifer Stout, Vice President of Global Public Policy, Snap Inc., Protecting Kids*
26 *Online: Snapchat, Tiktok, and YouTube: Hearing Before the Subcommittee on Consumer Protection,*
27 *Product Safety, and Data Security, 117 Cong. (Oct. 26, 2021), https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony_of_Jennifer_Stout_VP_of_Global_Public_Policy__Snap_Inc.pdf.*

28 ⁴³⁵ *Id.* at 25.

1 messages. They have used these Front Groups to commission, edit, and arrange for favorable
2 messaging with misrepresentations about the benefits of their platforms for youth.

3 368. On information and belief, Defendants took an active role in guiding, reviewing, and
4 approving many of the false statements made by the Front Groups. By funding, directing, editing,
5 approving, and distributing these messages, Defendants exercised control over and adopted their
6 false and deceptive messages and acted in concert with the Front Groups and through the Front
7 Groups to deceptively promote the idea that social media is healthy and beneficial for youth.

8 **a. NetChoice**

9 369. NetChoice is an industry-backed professional association front group with systematic
10 connections and interpersonal relationships with Defendants. As a member-based organization, the
11 overwhelming majority of its funding comes from the dues of its members, including Google, Meta,
12 and TikTok.⁴³⁶ Google has listed NetChoice as one of the organizations “that receive the most
13 substantial contributions from Google’s U.S. Government Affairs and Public Policy team.”⁴³⁷

14 370. NetChoice engages in lobbying and other activities to protect Defendants’ interests
15 and ability to continue targeting youth with its harmful social media platforms. It is considered “one
16 of the tech industry’s most aggressive lobbying forces in Washington.”⁴³⁸ From 2020 through 2022,
17 it has spent over \$4.9 million in federal lobbying expenses.⁴³⁹

18 _____
19 ⁴³⁶ *NetChoice: About Us*, <https://netchoice.org/about/>; NetChoice 2019 IRS 990 form; Christiano
20 Lima, *Inside the power struggle over the high-stakes hearing with top tech CEOs*, Politico (July 20,
2020), [https://www.politico.com/news/2020/07/20/apple-google-amazon-facebook-congress-
hearing-373218](https://www.politico.com/news/2020/07/20/apple-google-amazon-facebook-congress-hearing-373218).

21 ⁴³⁷ *Trade Associations and Membership Organizations*, Google (2022), [https://kstatic.
22 googleusercontent.com/files/ddfc97f01d89290e37bc52abdd9704bc3314ec5598bebe9676c64cd7a5
ba1a719acaf069c1f9c218986e507f58bf3b50c750119c778cb4e88e99f3fb4dd904b4](https://kstatic.googleusercontent.com/files/ddfc97f01d89290e37bc52abdd9704bc3314ec5598bebe9676c64cd7a5ba1a719acaf069c1f9c218986e507f58bf3b50c750119c778cb4e88e99f3fb4dd904b4).

23 ⁴³⁸ Christiano Lima, *Inside the power struggle over the high-stakes hearing with top tech CEOs*,
24 Politico (July 20, 2020), [https://www.politico.com/news/2020/07/20/apple-google-amazon-
facebook-congress-hearing-373218](https://www.politico.com/news/2020/07/20/apple-google-amazon-facebook-congress-hearing-373218).

25 ⁴³⁹ United States Senate Lobbying Disclosure, NetChoice, [https://lda.senate.gov/filings/public/
26 filing/search/?registrant=®istrant_country=®istrant_ppb_country=&client=netChoice&
27 client_state=&client_country=&client_ppb_country=&lobbyist=&lobbyist_covered_position=&
28 report_period=&report_year=&report_dt_posted_from=&report_dt_posted_to=&
report_amount_reported_min=&report_amount_reported_max=&report_filing_uuid=&report_
house_doc_id=&report_issue_area_description=&affiliated_organization=&affiliated_organization](https://lda.senate.gov/filings/public/filing/search/?registrant=®istrant_country=®istrant_ppb_country=&client=netChoice&client_state=&client_country=&client_ppb_country=&lobbyist=&lobbyist_covered_position=&lobbyist_conviction_disclosure=&lobbyist_conviction_date_range_from=&lobbyist_conviction_date_range_to=&report_period=&report_year=&report_dt_posted_from=&report_dt_posted_to=&report_amount_reported_min=&report_amount_reported_max=&report_filing_uuid=&report_house_doc_id=&report_issue_area_description=&affiliated_organization=&affiliated_organization)
CPT FOR: (1) FLA PUB NUIS LAW; (2) FLA DECEPTIVE & UNFAIR TRADE PRACS; (3) RICO
ACT; (4) NEG; (5) GROSS NEG; (6) FRAUDUL’T MISREP & CONCEALMT -4:23-cv-5257
4865-0869-6701.v1

1 371. NetChoice has gone to great lengths to protect its members, including Defendants,
 2 from accountability for their actions that target and harm children. In December 2022, NetChoice
 3 filed suit against the California Attorney General challenging the passage of the California Age-
 4 Appropriate Design Code Act (AB 2273) in order to ensure Defendants’ freedom to target children
 5 with detrimental material.⁴⁴⁰ In its suit, NetChoice specifically defends algorithms such as those
 6 employed by Defendants, referred to in AB 2273 as “dark patterns,” which “lead or encourage
 7 children to,” among other things, “take any action that the business knows, or has reason to know, is
 8 materially detrimental to the child’s physical health, mental health, or well-being.”⁴⁴¹

9 372. NetChoice has also used its standing as a seemingly neutral professional organization
 10 to lobby state legislatures opposing legislation such as AB 2273 and similar statutes in other
 11 states.⁴⁴²

12 373. NetChoice speaks out publicly in favor of Defendants and pushes misrepresentations
 13 about the value of Defendants’ social media platforms for children and their efforts. For instance,
 14 NetChoice has taken the position that social media ought to be expanded for youth under 13 and that
 15 Facebook specifically can be trusted with providing adequate protection to young children using the
 16 platform. “[S]ocial networks can deliver value to pre-teens while also controlling elements of the
 17 experience that require parental supervisions.”⁴⁴³

18
 19
 20 country=&foreign_entity=&foreign_entity_country=&foreign_entity_ppb_country=&foreign_
 21 entity_ownership_percentage_min=&foreign_entity_ownership_percentage_max=&search=search
 #js_searchFormTitle.

22 ⁴⁴⁰ Complaint, *NetChoice, LLC d/b/a NetChoice v. Bona*, 5:22-cv-08861 (N.D. Cal. 2022).

23 ⁴⁴¹ *Id.*; Cal. Civ. Code §1798.140(1).

24 ⁴⁴² See, e.g., *Letter from Carl Szabo to Maryland General Assembly* (March 7, 2023),
 25 <https://netchoice.org/netchoice-opposition-to-maryland-sb-844-blocking-teens-from-the-internet/>;
 26 *Letter from Zachary Lilly to Tennessee General Assembly Senate Commerce and Labor Committee*
 (March 20, 2023), [https://netchoice.org/netchoice-testimony-against-tennessee-sb-0138-for-first-
 amendment-parental-rights/](https://netchoice.org/netchoice-testimony-against-tennessee-sb-0138-for-first-amendment-parental-rights/).

27 ⁴⁴³ *Adding a Shallow End to the Social Network Swimming Pool*, NetChoice (June 5, 2012),
 28 <https://netchoice.org/adding-a-shallow-end-to-the-social-network-swimming-pool/>.

1 374. It has taken the position that any limitations on the types of algorithms utilized by
 2 Defendants to target youth would be “potentially harmful to young people” and “have a negative
 3 impact on children and teenagers’ ability to use . . . technology . . . in beneficial ways.”⁴⁴⁴

4 **b. Computer and Communications Industry Association**

5 375. The Computer and Communications Industry Association (“CCIA”) is another Front
 6 Group with systematic connections and interpersonal relationships with Defendants. CCIA is a
 7 nonprofit trade association with Google and Meta as participating members.

8 376. Google is a controlling member of CCIA. Mark Isakowitz, Google’s Vice President
 9 of Government Affairs and Public Policy (US and Canada), is a board member at CCIA. The Board
 10 members of CCIA presumably oversee the policy agenda for the organization and control the issues
 11 for which CCIA advocates. CCIA is also listed by Google as one of the organizations “that receive
 12 the most substantial contributions from Google’s U.S. Government Affairs and Public Policy
 13 Team.”⁴⁴⁵

14 377. CCIA has lobbied the federal government on behalf of Defendants and their ability to
 15 create algorithms that maximize engagement from young users. From 1998 through 2021, CCIA has
 16 spent over \$8.7 million in federal lobbying expenditures, including to protect Defendants’ ability to
 17 continue targeting and addicting youth through their platforms.⁴⁴⁶ In January 2023, CCIA submitted
 18 formal comments to the Federal Trade Commission opposing a Petition for Rulemaking to initiate

19 ⁴⁴⁴ *Letter from Jennifer Huddleston to California Senate Appropriations Committee* (Aug. 2, 2022),
 20 <https://netchoice.org/wp-content/uploads/2022/08/NetChoice-Opposition-to-CA-AB-2408-Jennifer-Huddleston.pdf>.

21 ⁴⁴⁵ *Trade Associations and Membership Organizations*, Google (2022), <https://kstatic.googleusercontent.com/files/ddfc97f01d89290e37bc52abdd9704bc3314ec5598bebe9676c64cd7a5ba1a719acaf069c1f9c218986e507f58bf3b50c750119c778cb4e88e99f3fb4dd904b4>.

23 ⁴⁴⁶ United States Senate Lobbying Disclosure, Registrations & Quarterly Activity,
 24 https://lda.senate.gov/filings/public/filing/search/?registrant=®istrant_country=®istrant_ppb_country=&client=Computer+%26+Communications&client_state=&client_country=&client_ppb_country=&lobbyist=&lobbyist_covered_position=&lobbyist_conviction_disclosure=&lobbyist_conviction_date_range_from=&lobbyist_conviction_date_range_to=&report_period=&report_year=&report_dt_posted_from=&report_dt_posted_to=&report_amount_reported_min=&report_amount_reported_max=&report_issue_area_description=&affiliated_organization=&affiliated_organization_country=&foreign_entity=&foreign_entity_country=&foreign_entity_ppb_country=&foreign_entity_ownership_percentage_min=&foreign_entity_ownership_percentage_max=&search=search.

1 rulemaking to create protections for children on the internet and regulate online design features that
 2 target youth and seek to maximize young users' engagement with online platforms such as
 3 Defendants'.⁴⁴⁷ In its opposition, CCIA argued, among other things, that Defendants' algorithms
 4 designed to encourage bottomless scrolling are beneficial because they drive user engagement,
 5 which is "a desirable goal for users and creators" and "has led to innovations that benefit
 6 consumers."⁴⁴⁸ However, CCIA's true motive in filing the opposition is barely concealed: one of the
 7 benefits described includes "boosting ad revenue" for developers such as Defendants.

8 378. Through its public statements and lobbying, CCIA promotes falsehoods about
 9 Defendants' efforts to protect children on their platforms in order to dissuade lawmakers from
 10 regulating social media platforms' unfettered access to youth. For instance, in a letter to a South
 11 Carolina joint legislative committee, CCIA asserted that "there are a number of efforts among our
 12 members to incorporate protective design features into their websites and platforms."⁴⁴⁹

13 379. In other public statements, CCIA acknowledges that Defendants are working together
 14 while spreading falsehoods about their efforts to protect children. "Currently, digital service
 15 providers are working collaboratively to advance online safety by developing products and tools to
 16 further the goal of child safety, including incorporating protective design features into their websites
 17 and platforms," CCIA asserted in a March 2023 press release available on its website.⁴⁵⁰ CCIA's
 18
 19
 20

21 ⁴⁴⁷ Comments of the Computer & Communications Industry Association (CCIA), *In re Petition of*
 22 *the Center for Digital Democracy, Fairplay, et al. for Rulemaking to Prohibit the Use on Children of*
Design Features that Maximize for Engagement, Docket No. FTC-2022-0073 (Federal Trade
 Commission, Wash. D.C.).

23 ⁴⁴⁸ *Id.* at 5.

24 ⁴⁴⁹ *Letter from Khara Boender to Joint Citizens and Legislative Committee on Children RE: SB 591*
 25 *– Children's Default to Safety Act (Oppose)* (Mar. 28, 2023), [https://ccianet.org/wp-](https://ccianet.org/wp-content/uploads/2023/03/2023-3-24_CCIA-Comments-on-SC-SB-591.pdf)
 content/uploads/2023/03/2023-3-24_CCIA-Comments-on-SC-SB-591.pdf.

26 ⁴⁵⁰ *CCIA Calls for Balance Regarding Age-Appropriate Design Code Legislation Being Proposed in*
 27 *Several States*, Computer & Communications Industry Association (Mar. 1, 2023),
 28 [https://ccianet.org/news/2023/03/ccia-calls-for-balance-regarding-age-appropriate-design-code-](https://ccianet.org/news/2023/03/ccia-calls-for-balance-regarding-age-appropriate-design-code-legislation-being-proposed-in-several-states/)
 legislation-being-proposed-in-several-states/.

1 State Policy Director has directly promoted these falsehoods, stating: ““Protecting children and
2 prioritizing online safety is a top concern for digital service providers.””⁴⁵¹

3 380. CCIA and NetChoice have worked together, along with and on behalf of Defendants,
4 to resist legislation that purports to regulate social media networks in ways that could offer more
5 protections to youth users.⁴⁵²

6 **c. Information Technology Industry Council (“ITI”)**

7 381. The Information Technology Industry Council (“ITI”) is another Front Group with
8 systematic connections and interpersonal relationships with Defendants. ITI is a trade association
9 and lobbyist with Google, Meta, and Snap as participating and funding members. ITI is listed by
10 Google as one of the organizations “that receive[s] the most substantial contributions from Google’s
11 U.S. Government Affairs and Public Policy Team.”⁴⁵³

12 382. Adam Kovacevich, who led Google’s U.S. policy strategy and external affairs team
13 for 12 years, has served as a board member for ITI.

14 **d. TechNet**

15 383. TechNet is another Front Group with systematic connections and interpersonal
16 relationships with Defendants. TechNet is a trade association with Google, Meta, and Snap as
17 funding members. In 2020, TechNet brought in over \$4.2 million in membership dues.⁴⁵⁴

18 384. Kent Walker, President of Global Affairs and Chief Legal Officer at Google, serves
19 on the Executive Council of TechNet, which controls TechNet’s policy positions and direction.⁴⁵⁵

20 _____
21 ⁴⁵¹ *Id.*

22 ⁴⁵² *See, e.g.,* Complaint, *NetChoice v. Paxton*, 1:21-cv-00840 (W.D. Tex. Sept. 22, 2021);
Complaint, *NetChoice & CCIA v. Moody*, 4:21-cv-00220-RH-MAF (N.D. Fla. May 27, 2021).

23 ⁴⁵³ *Trade Associations and Membership Organizations*, Google (2022), <https://kstatic.googleusercontent.com/files/ddfc97f01d89290e37bc52abdd9704bc3314ec5598bebe9676c64cd7a5ba1a719acaf069c1f9c218986e507f58bf3b50c750119c778cb4e88e99f3fb4dd904b4>.

25 ⁴⁵⁴ Brian Schwarz, *Silicon Valley Bank ex-CEO backed Big Tech lobbying groups that targeted*
26 *Dodd-Frank, sought corporate tax cuts* (Mar. 16, 2023), <https://www.cnbc.com/2023/03/16/silicon-valley-bank-ex-ceo-greg-becker-backed-big-tech-lobbying-groups.html>.

27 ⁴⁵⁵ Kent Walker, Executive Council Profile, <https://www.technet.org/executive-council/kent-walker/>.
28

1 385. TechNet has a strong lobbyist presence on Capitol Hill and has been called “[Silicon]
2 Valley’s strongest fundraising network and lobbying voice in Washington.”⁴⁵⁶

3 386. TechNet, along with NetChoice, CCIA, and ITI, advocates for tech companies such
4 as Defendants to be subject to as little regulation governing their actions as possible. In their *amicus*
5 brief supporting Google before the Supreme Court, these Front Groups asserted the benefits of
6 YouTube’s algorithms, which serve to provide endless and increasingly salacious content to youth
7 the longer they watch.⁴⁵⁷ According to the *amicus* brief, algorithms improve efficiency, “unlock[]
8 the value of digital services” for users and creators, and provide a “seamless, satisfying user
9 experience.”⁴⁵⁸ The brief misleadingly asserts that the algorithms abide by content moderation
10 policies that “generally prohibit, among other things, violent or dangerous content, spam, bullying,
11 harassment, and sensitive or graphic content, which may include content about self-harm or harm to
12 children.”⁴⁵⁹

13 **e. Chamber of Progress**

14 387. Chamber of Progress is another Front Group with systematic connections and
15 interpersonal relationships with Defendants. Google and Meta are both funding members of the
16 organization. Chamber of Progress is listed by Google as one of the organizations “that receive[s]
17 the most substantial contributions from Google’s U.S. Government Affairs and Public Policy
18 Team.”⁴⁶⁰

19 388. Chamber of Progress is a technology industry coalition focused on public policy
20 advocacy. On issues impacting social media companies, it has exclusively aligned itself with social
21 media companies and has filed *amicus* briefs in support of Meta. It has publicly advocated against

22 ⁴⁵⁶ *Meet the 20 Tech Insiders Defining the 2016 Campaign*, Wired (Jan. 19, 2016), <https://www.wired.com/2016/01/silicon-valley-influence-2016-election/>.

24 ⁴⁵⁷ CCIA et al., *Amicus Brief, Gonzalez v. Google*, Supreme Court, No. 21-1333 (Jan. 19, 2023).

25 ⁴⁵⁸ *Id.* at 13-15.

26 ⁴⁵⁹ *Id.* at 17-18.

27 ⁴⁶⁰ *Trade Associations and Membership Organizations*, Google (2022), <https://kstatic.googleusercontent.com/files/ddfc97f01d89290e37bc52abdd9704bc3314ec5598bebe9676c64cd7a5ba1a719acaf069c1f9c218986e507f58bf3b50c750119c778cb4e88e99f3fb4dd904b4>.

1 states that have attempted to regulate social media use for youth, asserting: “[s]tudies have shown
2 that social media can be a positive factor in children’s lives.”⁴⁶¹

3 389. Adam Kovacevich, who previously led Google’s U.S. policy strategy and external
4 affairs team, is the founder and CEO of Chamber of Progress. He has been quite outspoken against
5 regulation aimed at safeguarding children online.⁴⁶²

6 390. This messaging by Defendants through their Front Groups was patently false and
7 misleading when made in light of Defendants’ intentional targeting of youth users; use of algorithms
8 that deluge users with endless feeds of extreme content; and operation of platforms to promote
9 widespread, excessive, and addictive use known to be harmful to youth.

10 **V. THE COMMUNICATIONS DECENCY ACT EXPRESSLY ALLOWS**
11 **INTERACTIVE COMPUTER SERVICE COMPANIES TO LIMIT**
12 **HARMFUL CONTENT AND PROVIDES NO BLANKET IMMUNITY**
13 **FOR THE ALLEGED MISCONDUCT HERE**

14 391. The Communications Decency Act, 47 U.S.C. §230(c), was passed by Congress to
15 address the harms associated with certain content and drafted to limit liability for “Good Samaritans”
16 seeking to restrict such harmful content. It is entitled “*Protection for ‘Good Samaritan’ blocking*
17 *and screening of offensive material*” and states in 230(c)(1) that: “[n]o provider or user of an
18 interactive computer service *shall be treated as the publisher* or speaker of any information
19 provided by another information content provider.” 47 U.S.C. §230(c) (emphasis added); *see* 47
20 U.S.C. §230(b)(4)-(5). Section 230(c)(2), entitled “Civil liability,” expressly states that providers or
21 users may not be held liable for actions taken “*to restrict access* to or availability of material” or to
22 provide others with the means to “restrict access” to material “that the provider or user considers to
23 be *obscene, lewd, lascivious, filthy, excessively violent, harassing, or otherwise objectionable,*
24 whether or not such material is constitutionally protected.” 47 U.S.C. §230(c)(2)(A). Thus, the
25 Communications Decency Act protects “Good Samaritans” seeking to limit the deluge of harmful

25 ⁴⁶¹ *See, e.g., Utah Bills Require Parental Control of Teen Social Media*, Chamber of Progress
26 (Mar. 23, 2023), <https://progresschamber.org/utah-bills-require-parental-control-of-teen-social-media/>.

27 ⁴⁶² *See, e.g., Adam Kovacevich, Banning Kids From Social Media Isn’t the Answer*, DC Journal –
28 InsideSources (Apr. 8, 2023), <https://dcjournal.com/banning-kids-from-social-media-isnt-the-answer/>.

1 content; it is no shield for Defendants' own deliberate acts in designing, marketing, and operating
2 social media platforms in ways harmful to youth so as to maximize youth engagement and
3 advertising dollars.

4 392. Plaintiff expressly disavows any claims or allegations that attempt to hold Defendants
5 liable as the publisher or speaker of any information provided by third parties within the plain
6 meaning of the statute and as interpreted by applicable law.

7 393. The Communications Decency Act does not immunize Defendants' conduct from
8 liability because, among other considerations: (a) Defendants are liable for their own affirmative
9 conduct in recommending, promoting, and amplifying harmful content to youth in ways deliberately
10 designed to be addictive; (b) Defendants are liable for their own actions designing and marketing
11 their social media platforms in a way that causes harm; (c) Defendants are liable for the content they
12 create that causes harm; and (d) Defendants are liable for deliberately creating experiences for youth
13 they know or have reason to know is harmful, unlawful, and/or tortious.

14 394. Plaintiff's claims arise from Defendants' status as designers and marketers of
15 dangerous social media platforms that have injured the health, comfort, and repose of its youth
16 community. The nature of Defendants' platforms centers around Defendants' use of algorithms and
17 other design features that encourage users to spend the maximum amount of time on their platforms.

18 395. Defendants are also liable for the content they create. In addition to content such as,
19 for example, Snapchat filters, which promote body dysmorphia, Defendants send emails and
20 notifications to youth including material they create, which often promotes and amplifies harmful
21 content.

22 396. Plaintiff's claims are predicated on Defendants' conduct which has resulted in fueling
23 the current youth mental health crisis so evident among Plaintiff's youth.

24 **VI. CAUSES OF ACTION**

25 **COUNT I**

26 **Violations of Florida Public Nuisance Law**
27 **(Against All Defendants)**

28 397. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

1 398. Plaintiff brings this claim under Florida public nuisance law as to all Defendants.

2 399. Florida courts have long recognized that anything that interferes with public health
3 and promotes the spread of disease, bodily injury, and/or death may be considered a public nuisance
4 and that a use or interference with real property is not required. A public nuisance is one that
5 interferes with public health and welfare, and creates an imminent risk of public harm.

6 400. Defendants created a mental health crisis in Plaintiff's public schools, injuring the
7 public health and safety in Plaintiff's community and interfering with the operations, use, and
8 enjoyment of the property of Plaintiff's public schools. This condition affected any considerable and
9 substantial number of persons in Plaintiff's jurisdiction.

10 401. Employees and patrons, including students, of Plaintiff's public schools have a right
11 to be free from conduct that endangers their health and safety. However, Defendants have engaged
12 in conduct that endangers or injures the health and safety of the employees and students of Plaintiff's
13 public schools by designing, marketing, and operating their respective social media platforms for use
14 by students in Plaintiff's public schools in a manner that substantially interferes with the functions
15 and operations of Plaintiff's public schools and impacts the public health, safety, and welfare of
16 Plaintiff's public schools.

17 402. Each Defendant has created or assisted in the creation of a condition that is injurious
18 to the health and safety of Plaintiff and its students and employees, and that interferes with the
19 comfortable enjoyment of life and property of Plaintiff's public schools.

20 403. The health and safety of the students and employees of Plaintiff's public schools,
21 including those who use, have used, or will use Defendants' platforms, as well as those affected by
22 others' use of their platforms, are matters of substantial public interest and of legitimate concern to
23 Plaintiff.

24 404. Defendants' nuisance-creating conduct was intentional and unreasonable and/or
25 violates statutes which establish specific legal requirements for the protection of others. Defendants'
26 conduct has affected and continues to affect a substantial number of people within Plaintiff's public
27 schools and is likely to continue causing significant harm.

28

1 405. Defendants have had control over their conduct in Plaintiff’s public schools and that
2 conduct had an adverse effect on the public right. Defendants have had sufficient control over, and
3 responsibility for, the public nuisance they have created. Defendants are in control of the
4 “instrumentality” of the nuisance, namely the operation of their social media platforms, at all
5 relevant times.

6 406. Defendants’ ongoing conduct has directly caused a severe disruption of the public
7 health, order, and safety in Plaintiff’s public schools. Defendants’ conduct is ongoing and continues
8 to produce permanent and long-lasting damage.

9 407. Defendants’ conduct has created an ongoing, significant, unlawful, and unreasonable
10 interference with rights common to the general public, including the public health, welfare, safety,
11 peace, comfort, and convenience of Plaintiff’s public schools.⁴⁶³

12 408. This harm to youth mental health and the corresponding impacts to the public health,
13 safety, and welfare of Plaintiff’s public schools outweighs any social utility of Defendants’ wrongful
14 conduct.

15 409. The rights, interests, and inconvenience to Plaintiff’s public schools far outweigh the
16 rights, interests, and inconvenience to Defendants, who have profited tremendously from their
17 wrongful conduct.

18 410. But for Defendants’ actions, Plaintiff’s students would not use social media platforms
19 as frequently or as long as they do today, would not be deluged with exploitative and harmful
20 content to the same degree, and the public health crisis that currently exists as a result of Defendants’
21 conduct would have been averted.

22 411. Logic, common sense, justice, policy, and precedent indicate Defendants’ unfair and
23 deceptive conduct has caused the damage and harm complained of herein. Defendants knew, or
24 reasonably should have known, that their design, promotion, and operation of their platforms would
25 cause students to use their platforms excessively, that their marketing was designed to appeal to
26

27 _____
28 ⁴⁶³ See Restatement (Second) of Torts §821B.

1 youth, and that their active efforts to increase youth use of their platforms were causing harm to
2 youth and to schools, including youth in Plaintiff's public schools.

3 412. Thus, the public nuisance caused by Defendants was reasonably foreseeable,
4 including the financial and economic losses incurred by Plaintiff's public schools. Defendants
5 know, and have known, that their intentional, unreasonable, negligent, and unlawful conduct will
6 cause, and has caused, youth to become addicted to their social media platforms, which has a
7 harmful effect on youth mental health.

8 413. Despite this knowledge, Defendants intentionally, negligently, unreasonably, and/or
9 unlawfully marketed their products to adolescents and children, fueling the youth mental health
10 crisis in Plaintiff's public schools.

11 414. Alternatively, Defendants' conduct was, at the very least, a substantial factor in
12 bringing about the public nuisance even if a similar result would have occurred without it. By
13 designing, marketing, promoting, and operating their platforms in a manner intended to maximize
14 the time youth spend on their respective platforms, despite knowledge of the harms to youth from
15 their wrongful conduct, Defendants directly facilitated the widespread, excessive, and habitual use of
16 their platforms and the public nuisance affecting Plaintiff's public schools. By seeking to capitalize
17 on their success by refining their platforms to increase the time youth spend on their platforms,
18 Defendants directly contributed to the public health crisis and the public nuisance affecting
19 Plaintiff's public schools.

20 415. Defendants' conduct is of a continuing nature and/or has produced a permanent or
21 long-lasting effect, and, as Defendants' know or have reason to know, have a significant effect upon
22 the public right.

23 416. Defendants' intentional, negligent, and/or unreasonable nuisance-creating conduct,
24 for which the gravity of the harm outweighs the utility of the conduct, includes:

25 (a) Designing, marketing, promoting, and/or operating their platforms in a
26 manner intended to prioritize harmful content and maximize the time youth spend on their respective
27 platforms, despite knowledge of the harms to youth from their wrongful conduct;

1 (b) Manipulating users to keep using or coming back to their platforms through
2 the use of IVRs;

3 (c) Intentionally marketing their platforms to youth, directly facilitating the
4 widespread, excessive, and habitual use of their platforms among youth; and

5 (d) Knowingly designing and modifying their platforms in ways that promote
6 excessive and problematic use in ways known to be harmful to children.

7 417. Defendants owed the public legal duties, including a preexisting duty not to expose
8 Plaintiff's public schools to an unreasonable risk of harm and a duty to exercise reasonable and
9 ordinary care and skill in accordance with the applicable standards of conduct in designing and
10 marketing a product to youth and adolescents.

11 418. Each Defendant breached its duty to exercise the appropriate degree of care
12 commensurate with marketing and promoting their products to youth.

13 419. Defendants' conduct is especially injurious to Plaintiff's public schools because, as a
14 direct and proximate cause of Defendants' conduct creating or assisting in the creation of a public
15 nuisance, Plaintiff and its students and employees have sustained and will continue to sustain
16 substantial injuries.

17 420. Each defendant is liable for creating the public nuisance because the intentional,
18 unreasonable, negligent, and/or unlawful conduct of each defendant was a substantial factor in
19 producing the public nuisance and harm to Plaintiff.

20 421. The nuisance created by Defendants' conduct is abatable.

21 422. Plaintiff has incurred expenditures and has had to take steps to mitigate the harm and
22 disruption caused by Defendants' conduct, including the following:

23 (a) creating a new Office of Mental Health and Student Services to address
24 students' mental, emotional, and social health;

25 (b) hiring additional personnel, including counselors, social workers,
26 psychologists, and mental health coordinators, to address students' mental, emotional, and social
27 health;

28

1 (c) increasing training for teachers and staff to identify students exhibiting
2 symptoms of depression, anxiety, and suicide;

3 (d) creating a parent assistance line to help caregivers address their children's
4 mental health needs;

5 (e) hiring additional personnel to respond to and manage efforts to combat harm
6 caused by Defendants' platforms, including cyberbullying, violence, and vandalism;

7 (f) creating and maintaining an online system for students, parents, and others to
8 anonymously report bullying;

9 (g) training teachers and staff on bullying intervention strategies;

10 (h) developing awareness and informational campaigns to educate students about
11 the dangers of using Defendants' platforms;

12 (i) developing trainings, lesson plans, toolkits, flyers, videos, and other materials
13 to teach students, teachers, staff, parents, and other members of the community about the dangers of
14 using Defendants' platforms;

15 (j) repairing property damage as a result of students acting out because of mental,
16 social, and emotional problems caused by Defendants' conduct;

17 (k) increasing time spent addressing bullying, harassment, and threats;

18 (l) diverting time and resources from instructional activities to notify parents and
19 guardians of students' behavioral issues;

20 (m) investigating and responding to threats made against Plaintiff's public schools
21 and students over social media;

22 (n) updating student handbooks to address use of Defendants' platforms; and

23 (o) updating District and school webpages to address use of and harm resulting
24 from Defendants' platforms.

25 423. Fully abating the nuisance resulting from Defendants' conduct will require much
26 more than these steps.

27
28

1 424. Plaintiff’s public schools request an order providing for abatement of the public
2 nuisance that Defendants have created, or of which Defendants have assisted in the creation, and
3 enjoining Defendants from future violations.

4 425. Plaintiff also seeks the maximum statutory and civil penalties permitted by law,
5 including actual and compensatory damages, as a result of the public nuisance that Defendants have
6 created, or of which Defendants have assisted in the creation.

7 426. Defendants are jointly and severally liable because they have acted in concert with
8 each other and because Plaintiff is not at fault.

9 **COUNT II**

10 **Violation of Florida’s Deceptive and Unfair**
11 **Trade Practices Act (§501.201, et. seq.)**
(Against All Defendants)

12 427. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

13 428. Plaintiff brings this claim under the Florida Deceptive and Unfair Trade Practices Act
14 (“FDUTPA”) as to all Defendants.

15 429. FDUTPA prohibits “[u]nfair methods of competition, unconscionable acts or
16 practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce”
17 Fla. Stat. Ann. §501.204(1). In construing the provisions of FDUTPA, “due consideration and great
18 weight shall be given to the interpretations of the Federal Trade Commission and the federal courts
19 relating to s§5(a)(1) of the Federal Trade Commission Act, 15 U.S.C. §45(a)(1) as of July 1,
20 2017.”⁴⁶⁴

21 430. Plaintiff’s claim rests on Defendants’ affirmative conduct, which has resulted in the
22 current public health crisis impacting youth mental health.

23 431. Plaintiff is an “[i]nterested party or person” within the meaning of Fla. Stat.
24 §501.203(6) and a “person” as envisioned in Fla. Stat. §501.211.

25 432. Defendants engage in “[t]rade or commerce” as defined by the FDUTPA. *See* Fla.
26 Stat. Ann. §501.203(8).

27 _____
28 ⁴⁶⁴ *Id.*

1 433. “A deceptive act may be found when there is a ‘representation, omission, or practice
2 that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer’s
3 detriment.’” *PNR, Inc. v. Beacon Prop. Mgmt., Inc.*, 842 So.2d 773, 777 (Fla. 2003).

4 434. An “unfair practice is one that offends established public policy and one that is
5 immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.”⁴⁶⁵

6 435. Defendants’ engaged in unfair and deceptive acts and practices that violated
7 FDUTPA by:

8 (a) Designing, marketing, promoting, and/or operating their platforms in a
9 manner intended to prioritize harmful content and maximize the time youth spend on their respective
10 platforms, despite knowledge of the harms to youth from their wrongful conduct;

11 (b) Manipulating users to keep using or coming back to their platforms through
12 the use of IVRs;

13 (c) Intentionally marketing their platforms to children and teens, directly
14 facilitating the widespread, excessive, and habitual use of their platforms among youth; and

15 (d) Knowingly designing and modifying their platforms in ways that promote
16 excessive and problematic use in ways known to be harmful to children.

17 436. By seeking to capitalize on their success by refining their platforms to prioritize
18 harmful content and manipulate youth to spend excessive time on their platforms, Defendants have
19 engaged in deceptive practices that were likely to and did mislead youth acting reasonably in the
20 circumstances, to their detriment.

21 437. Defendants’ immoral, unethical, oppressive, and unscrupulous practices described
22 above resulted in substantial injuries to youth, and the current public health crisis affecting youth
23 mental health.

24 438. As a direct and proximate result of Defendants’ FDUTPA violations, Plaintiff has
25 suffered harm and is threatened with continuing harm.

26
27
28 ⁴⁶⁵ *Id.*

1 439. Plaintiff has incurred damages and has had to take steps to mitigate the harm and
2 disruption caused by Defendants' conduct, including the following:

3 (a) creating a new Office of Mental Health and Student Services to address
4 students' mental, emotional, and social health;

5 (b) hiring additional personnel, including counselors, social workers,
6 psychologists, and mental health coordinators, to address students' mental, emotional, and social
7 health;

8 (c) increasing training for teachers and staff to identify students exhibiting
9 symptoms of depression, anxiety, and suicide;

10 (d) creating a parent assistance line to help caregivers address their children's
11 mental health needs;

12 (e) hiring additional personnel to respond to and manage efforts to combat harm
13 caused by Defendants' platforms, including cyberbullying, violence, and vandalism;

14 (f) creating and maintaining an online system for students, parents, and others to
15 anonymously report bullying;

16 (g) training teachers and staff on bullying intervention strategies;

17 (h) developing awareness and informational campaigns to educate students about
18 the dangers of using Defendants' platforms;

19 (i) developing trainings, lesson plans, toolkits, flyers, videos, and other materials
20 to teach students, teachers, staff, parents, and other members of the community about the dangers of
21 using Defendants' platforms;

22 (j) repairing property damage as a result of students acting out because of mental,
23 social, and emotional problems caused by Defendants' conduct;

24 (k) increasing time spent addressing bullying, harassment, and threats;

25 (l) diverting time and resources from instructional activities to notify parents and
26 guardians of students' behavioral issues;

27 (m) investigating and responding to threats made against Plaintiff's public schools
28 and students over social media;

- 1 (n) updating student handbooks to address use of Defendants’ platforms; and
- 2 (o) updating District and school webpages to address use of and harm resulting
- 3 from Defendants’ platforms.

4 440. FDUTPA’s safe harbor provision §501.212(2) does not apply to Defendants. First,

5 Plaintiff is not alleging Defendants are liable for what others have said on Defendants’ platforms but

6 rather for Defendants’ own conduct. Second, Plaintiff’s claims arise from Defendants’ status as

7 designers and marketers of dangerous social media platforms that have injured the health, comfort,

8 and repose of its community. The nature of Defendants’ platforms centers around Defendants’ use

9 of algorithms and other design features that maximize harmful content and encourage users to spend

10 the maximum amount of time on their platforms – not on particular third-party content. Third,

11 Defendants are liable for the content they create. Fourth, Defendants knowingly violated FDUTPA

12 by intentionally designing and operating platforms targeted at youth, that amplify harmful content

13 and addictive utilization. And fifth, Plaintiff does not seek to hold Defendants liable as publishers or

14 speakers of information provided by other content providers; instead, Plaintiff seeks to hold

15 Defendants liable for distributing material they know or should know is harmful or unlawful.

16 441. The above described conduct has been willful within the meaning of Fla. Stat. Ann.

17 §501.2075 and is unlawful under the FDUTPA.

18 **COUNT III**

19 **Violation of the Racketeer Influenced and**

20 **Corrupt Organizations Act (“RICO”),**

21 **18 U.S.C. §1961, et seq.**

22 **(Against All Defendants)**

23 442. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

24 443. This claim is brought by Plaintiff against all Defendants for actual damages, treble

25 damages, and equitable relief under 18 U.S.C. §1964 for violations of RICO, 18 U.S.C. §1961,*et*

26 *seq.*

27 444. RICO makes it “unlawful for any person employed by or associated with any

28 enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or

1 participate, directly or indirectly, in the conduct of such enterprise’s affairs through a pattern of
2 racketeering activity.” 18 U.S.C. §1962(c).

3 445. At all relevant times, each Defendant is and has been a “person” within the meaning
4 of 18 U.S.C. §1961(3) because each is capable of holding, and does hold, “a legal or beneficial
5 interest in property.”

6 446. Each Defendant conducted the affairs of an enterprise through a pattern of
7 racketeering activity, in violation of 18 U.S.C. §1962(c), as described herein.

8 447. Plaintiff is a “person” within the meaning of 18 U.S.C. §1961(3) and has standing to
9 sue under 18 U.S.C. §1964(c) because he, and the schools and students under his governance, were
10 and are injured in their business and/or property “by reason of” the RICO violations described
11 herein.

12 448. Defendants – through the use of Front Groups that appeared to be independent of
13 Defendants and through the dissemination of publications that supported Defendants’ scheme –
14 conducted an association-in-fact enterprise, and/or participated in the conduct of an enterprise
15 through a pattern of illegal activities (the predicate racketeering acts of fraud by way of corruption of
16 an official proceeding, and mail and wire fraud) to carry out the common purpose of the Enterprise,
17 *i.e.*, to promote false and misleading statements to Congress and the American public about the
18 safety of their platforms for youth users while simultaneously flooding youth with harmful
19 experiences designed to be addictive, thereby maximizing profits and revenues. Through the
20 racketeering activities of the Enterprise, Defendants sought to further the public perception about the
21 safety of their social media platforms for youth by disseminating false statements. In so doing, each
22 of the Defendants knowingly conducted and participated in the conduct of the Enterprise by
23 obstructing justice by providing false and misleading testimony to Congress regarding social media
24 platforms in violation of 18 U.S.C. §1512(c) and by engaging in mail and wire fraud in violation of
25 18 U.S.C. §1962(c)-(d).

26 449. Plaintiff demands all applicable relief set forth below in the Prayer for Relief.

1 450. **The Enterprise.** Section 1961(4) defines an enterprise as “any individual,
2 partnership, corporation, association, or other legal entity, and any union or group of individuals
3 associated in fact although not a legal entity.” 18 U.S.C. §1961(4).

4 451. The Enterprise alleged above is an association-in-fact enterprise that consists of
5 Defendants and their Front Groups (Net Choice, CCIA, ITI, Tech Net, and Chamber of Progress).

6 452. Defendants formed an association-in-fact for the common and continuing purpose
7 described herein and constitute an enterprise within the meaning of 18 U.S.C. §1961(4) engaged in
8 the conduct of their affairs through a continuing pattern of racketeering activity. The members of the
9 Enterprise functioned as a continuing unit with an ascertainable structure separate and distinct from
10 that of the conduct of the pattern of racketeering activity. There may also be other members of the
11 enterprise who are unknown to Plaintiff at this time.

12 453. Each of the Defendants exerted control over the Enterprise and participated in the
13 conduct of the Enterprise by playing a distinct role in furthering the Enterprise’s common purpose of
14 increasing profits through the knowing and intentional dissemination of false and misleading
15 information about the safety of Defendants’ social media platforms for youth.

16 454. Specifically, Defendants each worked together to coordinate the Enterprise’s goals
17 and conceal their role, and the Enterprise’s existence, from the public by, among other things:
18 (1) preserving and enhancing the market for their social media platforms and Defendants’ own
19 profits, regardless of the truth, the law, or the health consequences to America’s youth, including
20 Plaintiff’s students; (2) deceiving consumers, especially children, adolescents, teenagers, and their
21 parents, into using their platforms by falsely maintaining that their platforms are safe for youth;
22 deceiving consumers, especially children, adolescents, and teenagers and their parents, into using
23 their platforms by falsely maintaining that their platforms are safe for youth users and not
24 responsible for the apparent mental or emotional health consequences to children, adolescents, and
25 teenagers, despite that Defendants knew otherwise; (3) deceiving consumers, especially children,
26 adolescents, teenagers, and their parents, into using their platforms by falsely maintaining that
27 Defendants could mitigate the mental or emotional health consequences to children, adolescents, and
28 teenagers, despite Defendants knowing these negative consequences were inherent to their

1 platforms' features and technology; (4) deceiving consumers, especially children, adolescents, and
2 teenagers, into becoming or staying addicted to their platforms by maintaining that their platforms
3 were not addictive or that any addictive consequences could be mitigated, despite the fact that
4 Defendants knew their platforms were inherently addictive by design; (5) deceiving consumers,
5 particularly parents, children, adolescents, and teenagers, by claiming they did not market to
6 children, adolescents, and teenagers while engaging in marketing and manipulation of their platform
7 algorithms with the intent of causing children, adolescents, and teenagers to engage in excessive use
8 of their platforms, regardless of the health or safety concerns; and (6) deceiving consumers about the
9 mental and emotional health risks to children, adolescents, and teenagers associated with
10 Defendants' platforms, including that their platforms were intentionally and deliberately designed to
11 target children, adolescents, and teenagers and encouraging excessive and harmful behavior; that
12 Defendants had the ability to manipulate and did manipulate their platforms to be highly addictive;
13 and that Defendants targeted children, adolescents, and teenagers specifically to maximize their
14 engagement despite knowledge of resultant harm to youth users.

15 455. Each of the Front Groups helped disguise the role of Defendants by purporting to be
16 unbiased, independent professional organizations in order to disseminate a body of messaging that
17 promoted Defendants' false messages.

18 456. The Enterprise has pursued a course of conduct of deceit, misrepresentation, and
19 conspiracy to make misrepresentations to the public; to withhold from the public facts material to the
20 decision to use or permit children, adolescents, and teenagers to use Defendants' platforms; and to
21 promote and maintain sales from Defendants' platforms, and the profits derived therefrom, as well as
22 to shield themselves from public, judicial, and governmental scrutiny.

23 457. At all relevant times, the Enterprise: (a) had an existence separate and distinct from
24 each Defendant and its members; (b) was separate and distinct from the pattern of racketeering in
25 which Defendants engaged; (c) was an ongoing and continuing organization consisting of
26 individuals, persons, and legal entities, including each of the Defendants; (d) was characterized by
27 regular communication and interpersonal relationships between and among each member of the

28

1 Enterprise, including between Defendants and each of the Front Groups; and (e) had sufficient
2 longevity for the enterprise to pursue its purpose and functioned as a continuing unit.

3 458. The persons and entities engaged in the Enterprise are systematically linked through
4 contractual relationships, financial ties, personal relationships, and continuing coordination of
5 activities, as spearheaded by Defendants.

6 459. Defendants alone could not have accomplished the purpose of the Enterprise without
7 the assistance of the Front Groups, which were perceived as “neutral” as compared to Defendants
8 themselves. Without the work of the Front Groups in spreading misrepresentations about the safety
9 of youth social media use, the Enterprise could not have achieved its common purpose. As a result,
10 it is clear that Defendants and the Front Groups were each a willing participant in the Enterprise, had
11 a common purpose and interest in the object of the scheme, and functioned within a structure
12 designed to effectuate the Enterprise’s purpose.

13 460. **Pattern of Racketeering Activity.** Defendants, each of whom is a person associated
14 with, or employed by, the enterprise, did knowingly, willfully and unlawfully conduct or participate,
15 directly or indirectly in the affairs of the enterprise through a pattern of racketeering activity within
16 the meaning of 18 U.S.C. §§1961(1), 1961(5), and 1962(c). The racketeering activity was made
17 possible by each Defendant’s regular and repeated use of the facilities and services of the Enterprise.
18 Each Defendant had the specific intent to engage in the substantive RICO violations alleged herein.

19 461. Further, each of the Defendants and Front Groups that made up the Enterprise had
20 systematic links to and personal relationships with each other through joint participation in lobbying
21 groups, trade industry organizations, contractual relationships, and continuing coordination of
22 activities. The systematic links and personal relationships that were formed and developed allowed
23 members of the Enterprise the opportunity to form the common purpose and agree to conduct and
24 participate in the conduct of the Enterprise. Specifically, each of the Defendants coordinated its
25 efforts through the same Front Groups, based on their agreement and understanding that the Front
26 Groups were industry friendly and would work together with Defendants to advance the common
27 purpose of the Enterprise; each of the individuals and entities that formed the Enterprise acted to
28 enable the common purpose and fraudulent scheme of the Enterprise.

1 462. Defendants controlled the resources and instrumentalities of the enterprise and used
2 that control to perpetrate numerous misleading schemes, including committing fraud through
3 corruption of an official proceeding by falsely testifying before Congress and through the use of mail
4 and wires. Foremost, separate and apart from their regular business dealings, Defendants misled and
5 continue to mislead the public on the mental health dangers for youth on their platforms.

6 463. Defendants had the common purpose of preserving and enhancing the market for their
7 platforms and for youth as consumers for Defendants' own profits, regardless of the truth, the law, or
8 the health consequences to the American people, including Plaintiff's students and the communities
9 Plaintiff serves.

10 464. Defendants deceived consumers to use Defendants' platforms while concealing
11 and/or suppressing the relevant findings and research. Defendants deceived consumers, particularly
12 parents and children, adolescents, and teenagers, by claiming they did not market to children,
13 adolescents, and teenagers while engaging in marketing and manipulation of their platform
14 algorithms with the intent of causing children, adolescents, and teenagers to engage in excessive use
15 of their platforms, regardless of the health or safety concerns.

16 465. Defendants achieved their common purpose through coconspirators' actions in
17 deceiving consumers, regulators, and the general public about the dangerous nature of their
18 platforms. Through the Enterprise, Defendants engaged in a pattern of racketeering activity
19 consisting of numerous acts of racketeering in the Northern District of California and elsewhere,
20 including corruption of an official proceeding, mail fraud, and wire fraud, indictable offenses under
21 18 U.S.C. §§1512(c), 1341, and 1343.

22 466. **Predicate Acts.** Defendants each committed, conspired to commit, and/or aided and
23 abetted in the commission of at least two predicate acts of racketeering activity (*i.e.*, violations of 18
24 U.S.C. §§1512(c), 1341, and 1343) within the past ten years. The multiple acts of racketeering
25 activity that Defendants committed, or aided and abetted in the commission of, were related to each
26 other, posed a threat of continued racketeering activity, and therefore constitute a "pattern of
27 racketeering activity." The racketeering activity was made possible by Defendants' regular use of
28 the facilities, services, distribution channels, and employees of the Enterprise, testimony before

1 Congress, and the U.S. Mail and interstate wire facilities. Defendants participated in the scheme to
2 defraud by obstructing justice and by using mail, telephones, television, and the Internet to transmit
3 false and misleading messaging in interstate or foreign commerce.

4 467. From a time unknown and continuing until the time of filing of this complaint, in the
5 Northern District of California and elsewhere, Defendants and others known and unknown did
6 knowingly and intentionally devise and intend to devise a scheme and artifice to mislead, and obtain
7 money and property from, members of the public by means of material false and misleading
8 pretenses, representations, and promises, and omissions of material facts, knowing that the pretenses,
9 representations, and promises were false when made.

10 468. Defendants' predicate acts of racketeering (18 U.S.C. §1961(1)) include, but are not
11 limited to:

12 (a) **Corruption of an Official Proceeding:** Defendants violated 18 U.S.C.
13 §1512(c) by providing false and misleading testimony to the United States Congress and concealing
14 and/or obstructing, influencing, and/or impeding official proceedings related to the benefits and
15 safety of youth social media use;

16 (b) **Mail Fraud:** Defendants violated 18 U.S.C. §1341 by sending or receiving, or
17 by causing to be sent and/or received, messages via U.S. mail or commercial interstate carriers for
18 the purpose of executing the unlawful scheme to target and addict youth to social media by means of
19 false pretenses, misrepresentations, promises, and omissions in order to increase profits; and

20 (c) **Wire Fraud:** Defendants violated 18 U.S.C. §1343 by transmitting and/or
21 receiving, or by causing to be transmitted and/or received, messages by wire for the purpose of
22 executing the unlawful scheme to target and addict youth to social media by means of false
23 pretenses, misrepresentations, promises, and omissions in order to increase profits.

24 469. It was part of said scheme and artifice that Defendants would represent that their
25 platforms pose no substantial risk of mental or emotional health concern to children, adolescents,
26 and teenagers and were not addictive when, in fact, their platforms did pose such risks and that their
27 platforms were intentionally and deliberately designed to target children, adolescents, and teenagers
28 and encourage excessive and harmful behavior.

1 470. It was further part of said scheme and artifice that Defendants and their
2 coconspirators, through the Enterprise, would and did maintain sales and profits of their platforms by
3 concealing and suppressing material information regarding the mental and emotional health risks to
4 children, adolescents, and teenagers associated with their usage, including that their platforms were
5 intentionally and deliberately designed to target children, adolescents, and teenagers and to
6 encourage excessive and harmful behavior; that they had the ability to manipulate and did
7 manipulate their platforms to be highly addictive; and that Defendants targeted children, adolescents,
8 and teenagers specifically.

9 471. It was further part of said scheme and artifice that, in order to conceal the health risks
10 of their platforms, Defendants and their coconspirators, through the Enterprise, would and did make
11 false representations and misleading statements to the public; would and did falsely represent that
12 Defendants would fund and conduct objective, scientific research and disclose the results of such
13 research to resolve concerns about mental and emotional health related issues to youth; would and
14 did falsely represent that Defendants did not target children, adolescents, and teenagers; would and
15 did suppress and hide adverse research results; would and did misrepresent and fail to disclose their
16 ability to manipulate and the manipulation of their platforms and their addictive qualities; and would
17 and did misrepresent their actions to government personnel and others.

18 472. It was a further part of said scheme and artifice that Defendants and their
19 coconspirators, through the Enterprise, would and did misrepresent, conceal, and hide and cause to
20 be misrepresented, concealed, and hidden the purpose of, and acts done in furtherance of, the
21 scheme.

22 473. It was a further part of said scheme and artifice, and in furtherance thereof, that
23 Defendants would and did communicate with each other and with their coconspirators and others, in
24 person, by mail, and by telephone and other interstate and foreign wire facilities, regarding the true
25 nature of their platforms and the mental and emotional health risks to children, adolescents, and
26 teenagers.

27 474. It was further part of said scheme and artifice that Defendants made communications
28 directed toward government officials and to the public in furtherance of their conspiracy to deceive

1 the public by means of telephone, mail, internet, television, wire transmissions, and other forms of
2 interstate commerce and communications, in violation of 18 U.S.C. §1512(c).

3 475. For purposes of executing and attempting to execute that scheme and artifice,
4 Defendants and their coconspirators, through the Enterprise, would and did knowingly transmit and
5 cause to be transmitted in interstate and foreign commerce by means of wire, radio, and television
6 communication writings, signs, signals, pictures, and sounds (collectively “transmissions”) in
7 violation of 18 U.S.C. §§1341, and 1343.

8 476. Because Defendants disguised their participation in the Enterprise and worked to keep
9 even the Enterprise’s existence secret so as to give the false appearance that their false messages
10 reflected the views of independent third parties, many of the precise dates of the Enterprise’s uses of
11 the U.S. Mail and interstate wire facilities (and corresponding predicate acts of mail and wire fraud)
12 have been hidden and cannot be alleged without access to the books and records maintained by
13 Defendants and Front Groups. Indeed, an essential part of the successful operation of the Enterprise
14 alleged herein depended upon secrecy. However, Defendants and Front Groups disseminated
15 misrepresentations and false statements to Miami-Dade County and to consumers and regulators in
16 Miami-Dade County.

17 477. For the purpose of executing and attempting to execute the scheme and artifice
18 described herein, Defendants and their coconspirators, through the Enterprise, would and did:
19 knowingly provide misleading and false testimony before the United States Congress regarding the
20 safety and targeting of social media platforms to youth, in violation of 18 U.S.C. §1512(c);
21 knowingly transmit those messages by wire, radio, or television; knowingly place and cause to be
22 placed in any post office or authorized depository for mail matter, matters and things to be sent and
23 delivered by the United States Postal Service (and its predecessor, the United States Post Office
24 Department) such false and/or misleading messages; knowingly take and receive therefrom such
25 matters and things; and knowingly cause to be delivered by mail according to the direction thereon,
26 and at the place at which it is directed to be delivered by the person to whom it is addressed, any
27 such messages, in violation of 18 U.S.C. §§1341 and 1343.

1 478. The pattern of racketeering activity alleged herein is continuing as of the date of this
2 complaint and, upon information and belief, will continue into the future unless enjoined by this
3 Court.

4 479. The racketeering activities conducted by Defendants and Front Groups amounted to a
5 common course of conduct, with a similar pattern and purpose, intended to deceive Plaintiff. Each
6 separate instance of corruption of an official proceeding, and use of the U.S. Mail and/or interstate
7 wire facilities employed by Defendants, was related, had similar intended purposes, involved similar
8 participants and methods of execution, and had the same results affecting the same victims,
9 including Plaintiff. Defendants have engaged in the pattern of racketeering activity for the purpose
10 of conducting the ongoing business affairs of the Enterprise.

11 480. Each of the Defendants aided and abetted others in the violations of the above laws,
12 thereby rendering them indictable as principals in the 18 U.S.C. §§1512(c), 1341, and 1343 offenses.

13 481. Defendants' violations of law and their pattern of racketeering activity directly and
14 proximately caused Plaintiff, and the schools and students under his governance, injury to their
15 business and property. Defendants' pattern of racketeering activity logically, substantially, and
16 foreseeably caused a youth social media addiction epidemic. But for the youth social media
17 addiction epidemic Defendants created through their Enterprise, neither Plaintiff, nor the school
18 districts under his governance, would have lost money or property. The injuries to Plaintiff and
19 Miami-Dade County public schools, as described below, were not unexpected, unforeseen, or
20 independent. Such costs were either completely new or greatly in excess of the norm of what
21 Plaintiff's schools would ordinarily pay or be expected to pay to provide services to their students
22 and communities.

23 482. It was foreseeable and expected that Defendants' creation and then participation in
24 the Enterprise through a pattern of racketeering activities to carry out their fraudulent scheme, would
25 lead to a youth social media addiction epidemic, including in Miami-Dade County.

26 483. Plaintiff, and the schools and students under his governance, have suffered injury in
27 fact and have lost money or property as a direct and proximate result of Defendants' violations of
28 RICO, including, but not limited to, additional time, costs, and expenses that Plaintiff's school

1 districts have incurred – and will continue to incur for the foreseeable future to incur – for the
2 following:

3 (a) creating a new Office of Mental Health and Student Services to address
4 students’ mental, emotional, and social health;

5 (b) hiring additional personnel, including counselors, social workers,
6 psychologists, and mental health coordinators, to address students’ mental, emotional, and social
7 health;

8 (c) increasing training for teachers and staff to identify students exhibiting
9 symptoms of depression, anxiety, and suicide;

10 (d) creating a parent assistance line to help caregivers address their children’s
11 mental health needs;

12 (e) hiring additional personnel to respond to and manage efforts to combat harm
13 caused by Defendants’ platforms, including cyberbullying, violence, and vandalism;

14 (f) creating and maintaining an online system for students, parents, and others to
15 anonymously report bullying;

16 (g) training teachers and staff on bullying intervention strategies;

17 (h) developing awareness and informational campaigns to educate students about
18 the dangers of using Defendants’ platforms;

19 (i) developing trainings, lesson plans, toolkits, flyers, videos, and other materials
20 to teach students, teachers, staff, parents, and other members of the community about the dangers of
21 using Defendants’ platforms;

22 (j) repairing property damage as a result of students acting out because of mental,
23 social, and emotional problems caused by Defendants’ conduct;

24 (k) increasing time spent addressing bullying, harassment, and threats;

25 (l) diverting time and resources from instructional activities to notify parents and
26 guardians of students’ behavioral issues;

27 (m) investigating and responding to threats made against Plaintiff’s public schools
28 and students over social media;

- 1 (n) updating student handbooks to address use of Defendants' platforms; and
2 (o) updating District and school webpages to address use of and harm resulting
3 from Defendants' platforms.

4 484. Plaintiff seeks all legal and equitable relief as allowed by law, including, *inter alia*,
5 actual damages; treble damages; equitable and/or injunctive relief in the form of Court-supervised
6 corrective communications, actions and programs; forfeiture as deemed proper by the Court;
7 attorneys' fees; all costs and expenses of suit; and pre- and post-judgment interest.

8 **COUNT IV**

9 **Negligence**
10 **(Against All Defendants)**

11 485. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

12 486. Defendants owed the public legal duties, including a preexisting duty not to expose
13 Plaintiff's public schools to an unreasonable risk of harm and a duty to exercise reasonable and
14 ordinary care and skill in accordance with the applicable standards of conduct in designing and
15 marketing a product to youth and adolescents.

16 487. At all relevant times to this litigation, Defendants had a duty to exercise reasonable
17 care in the design, marketing, promoting, and operating of their platforms, including the duty to take
18 all reasonable steps necessary to design, market, promote, and operate their platforms in a way that
19 was not unreasonably dangerous to youth.

20 488. At all times relevant to this litigation, Defendants knew or should have known of the
21 dangers of Defendants' platforms and specifically, that their prioritization and creation of harmful
22 content, and facilitation of widespread, excessive, and habitual use of their platforms by youth,
23 resulted in and continues to result in significant harm to Plaintiff. As such, Defendants have
24 breached their duty of care owed to Plaintiff. Defendants have breached and continue to breach to
25 their duty of care owed to Plaintiff through their actions, business decisions, and policies in the
26 development, setup, management, maintenance, operation, marketing, advertising, promotion,
27 supervision, and control of their respective platforms.

28 489. Defendants' negligence includes:

1 (a) Designing, marketing, promoting, and/or operating their platforms in a
2 manner intended to prioritize and create harmful content and maximize the time youth spend on their
3 respective platforms, despite knowledge of the harms to youth from their wrongful conduct;

4 (b) Manipulating users to keep using or coming back to their platforms through
5 the use of IVRs;

6 (c) Intentionally marketing their platforms to youth, directly facilitating the
7 widespread, excessive, and habitual use of their platforms among youth; and

8 (d) Knowingly designing and modifying their platforms in ways that promote
9 excessive and problematic use in ways known to be harmful to children.

10 490. Defendants knew and/or should have known that it was foreseeable that Plaintiff
11 would suffer injuries as a result of Defendants' failure to exercise ordinary care in the designing,
12 marketing, promoting, and/or operating of their platforms, particularly when Defendants targeted
13 youth in Plaintiff's schools.

14 491. As a direct and proximate cause of Defendants' unreasonable and negligent conduct,
15 Plaintiff has suffered and will continue to suffer harm.

16 **COUNT V**

17 **Gross Negligence**
18 **(Against All Defendants)**

19 492. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

20 493. Defendants owed the public legal duties, including a preexisting duty not to expose
21 Plaintiff's public schools to an unreasonable risk of harm, and a duty to exercise reasonable and
22 ordinary care and skill in accordance with the applicable standards of conduct in design, marketing,
23 promoting, and operating their platforms.

24 494. At all relevant times to this litigation, Defendants had a duty to exercise reasonable
25 care in the design, marketing, promoting, and operating of their platforms, including the duty to take
26 all reasonable steps necessary to design, market, promote, and operate their platforms in a way that
27 was not unreasonably dangerous to youth.

1 495. At all times relevant to this litigation, Defendants knew or should have known of the
2 dangers of Defendants' platforms and specifically, that their prioritization and creation of harmful
3 content, and facilitation of widespread, excessive, and habitual use of their platforms by youth,
4 resulted in and continues to result in significant harm to Plaintiff. As such, Defendants have
5 breached their duty of care owed to Plaintiff.

6 496. Defendants have breached and continue to breach to their duty of care owed to
7 Plaintiff through their actions, business decisions, and policies in the development, setup,
8 management, maintenance, operation, marketing, advertising, promotion, supervision, and control of
9 their respective platforms.

10 497. Defendants conduct was so reckless or wanting in care that it constitutes a conscious
11 disregard or indifference to the life, safety, or rights of persons exposed to such conduct, including
12 youth in Plaintiff's schools, in that they acted with reckless indifference to the results, or to the rights
13 or safety of others because Defendants knew, or a reasonable person or company in Defendants'
14 position should have known, that Defendants' conduct created an unreasonable risk of harm, and the
15 risk was so great that it was highly probable that harm would result. Defendants' gross negligence
16 caused Plaintiff to suffer harm.

17 498. The gross negligence of Defendants includes, but is not limited to, the following:

18 (a) Designing, marketing, promoting, and/or operating their platforms in a
19 manner intended to prioritize and create harmful content and maximize the time youth spend on their
20 respective platforms, despite knowledge of the harms to youth from their wrongful conduct;

21 (b) Manipulating users to keep using or coming back to their platforms through
22 the use of IVRs;

23 (c) Intentionally marketing their platforms to youths and adolescents, directly
24 facilitating the widespread, excessive, and habitual use of their platforms among youth; and

25 (d) Knowingly designing and modifying their platforms in ways that promote
26 excessive and problematic use in ways known to be harmful to children.

27 499. Defendants knew and/or should have known that it was foreseeable that Plaintiff
28 would suffer injuries as a result of Defendants' failure to exercise ordinary care in the designing,

1 marketing, promoting, and/or operating of their platforms, particularly when Defendants targeted
2 youth in Plaintiff's schools.

3 500. As a direct and proximate cause of Defendants' grossly negligent conduct, Plaintiff
4 has suffered and will continue to suffer harm.

5 501. Defendants' willful, knowing, and reckless conduct therefore warrants an award of
6 aggravated or punitive damages.

7 **COUNT VI**

8 **Fraudulent Misrepresentation and Concealment**
9 **(Against All Defendants)**

10 502. Plaintiff incorporates each preceding paragraph as though set forth fully herein.

11 503. At all times relevant to this litigation, each Defendant concealed and intentionally
12 failed to disclose material facts known to it regarding the dangers of its social media platforms for
13 youth. Defendants sought to further the public perception about the safety of their social media
14 platforms for youth by disseminating false statements to Congress and to the public. Any risk
15 disclosures were substantially understated.

16 504. Each Defendant intended the omission of the concealed facts to deceive Plaintiff.

17 505. Plaintiff was unaware of the concealed facts. Plaintiff, its agents, and the public
18 justifiably relied on the false information Defendants provided to them, both directly and indirectly,
19 as Defendants intended. As a result, Plaintiff proceeded under the misapprehension that the youth
20 mental health crisis was a result of conduct by persons other than Defendants and was prevented
21 from taking more effective and earlier steps to respond to the youth mental health crisis.

22 506. Had Plaintiff known the truth about the concealed facts, Plaintiff would have taken
23 other steps to correct the false information and address earlier the youth mental health crisis it faced.

24 507. Each Defendant's failure to disclose information about the true level of danger
25 presented by Defendants' social media platforms to Plaintiff's students deceived Plaintiff and was a
26 substantial factor in causing harm to Plaintiff.

27 508. Plaintiff was damaged due to its justified reliance on each of the Defendants'
28 fraudulent misrepresentations and concealments, which were made with oppression, fraud, or malice.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- A. Entering an order that the conduct alleged herein constitutes a public nuisance under Florida law;
- B. Entering an order that Defendants’ conduct is in violation of the FDUTPA;
- C. Entering an order that Defendants are jointly and severally liable;
- D. Entering an order requiring Defendants to abate the public nuisance described herein and to deter and/or prevent the resumption of such nuisance;
- E. Enjoining Defendants and any agents, successors, assigns, and employees acting directly or through any corporate or business device from engaging in further actions causing or contributing to the public nuisance as described herein;
- F. Enjoining Defendants and any agents, successors, assigns, and employees acting directly or through any corporate or business device from engaging in acts and practices alleged in this Complaint and any other acts and practices which violate the FDUTPA;
- G. Enjoining Defendants from further violations of the COPPA and directing that Defendants take affirmative steps to obtain “verifiable parental consent” prior to collecting and using information about them;
- H. Awarding equitable relief to fund prevention education and treatment for excessive and problematic use of social media;
- I. Awarding actual and compensatory damages;
- J. Awarding statutory damages in the maximum amount permitted by law;
- K. Awarding punitive damages;
- L. Awarding reasonable attorneys’ fees and costs of suit;
- M. Awarding pre-judgment and post-judgment interest; and
- N. Such other and further relief as the Court deems just and proper under the circumstances.

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DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury.

DATED: October 13, 2023

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CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on October 13, 2023, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the email addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to the non-CM/ECF participants indicated on the attached Manual Notice List.

s/ Aelish M. Baig

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