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Superior Court of California,
County of Los Angeles
6/22/2023 4:13 PM
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
(UNLIMITED JURISDICTION)

LIBERTY UNION HIGH SCHOOL DISTRICT,

Case No. **23STCV14585**

Plaintiff,

COMPLAINT

v.

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

Defendants.

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I. INTRODUCTION

1. Meta Platforms, Inc., Facebook Holdings, LLC, Facebook Operations, LLC, Meta Payments Inc., Meta Platform Technologies, LLC, Instagram, LLC, Siculus, Inc., Snap Inc., TikTok Inc., ByteDance Inc., Alphabet Inc., Google LLC, XXVI Holdings Inc., and YouTube, LLC (collectively, “**Defendants**”) design, market, promote, and operate social media platforms. Over the past decade, each has grown their respective platforms exponentially, from millions to billions of users. And Defendants have grown not just their user bases, but the frequency with which users use their platforms and the time each user spends on their platforms. Defendants’ growth is a product of choices they made to design and operate their platforms in ways that exploit the psychology and neurophysiology of their users into spending more and more time on their platforms. These techniques are both particularly effective and particularly harmful to the youth audience Defendants have intentionally cultivated. The result—entirely foreseeable—is that today’s children and teenagers spend excessive amounts of time on Defendants’ platforms at great cost to their mental health. Defendants have created a mental health crisis among America’s youth.

2. Defendants have done so for profit. Their business models are based on advertisements. The more time users spend on their platforms, the more ads Defendants can sell.

3. Youth are central to Defendants’ business models. Youth are more likely to have a phone, to use social media, and to have downtime to spend on Defendants’ social media platforms. Plus, youth influence the behavior of their parents and younger siblings. As one Defendant put it, “los[ing] the teen foothold in the U.S.[.]” would mean “los[ing] the pipeline” for growth.¹

4. Defendants have maximized the time users—particularly youth—spend on their platforms by purposely designing, refining, and operating them to exploit the neurophysiology of the brain’s reward systems to keep users coming back, coming back frequently, and staying on the respective platforms for as long as possible.

¹ 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>.

1 5. Youth are particularly susceptible to Defendants’ manipulative conduct because
2 their brains are not fully developed, and they consequently lack the emotional maturity, impulse
3 control, and psychological resiliency that other, more mature users generally possess.

4 6. Defendants have successfully exploited the vulnerable brains of youth, hooking
5 tens of millions of students across the country into positive feedback loops of excessive and
6 problematic use of Defendants’ social media platforms. Worse, the content Defendants curate
7 and direct to youth is too often harmful and exploitive (e.g., promoting a “corpse bride” diet,
8 eating 300 calories a day, or encouraging self-harm).

9 7. Defendants’ misconduct has been a substantial factor in causing a youth mental
10 health crisis, which has been marked by higher and higher proportions of youth struggling with
11 anxiety, depression, thoughts of self-harm, and suicidal ideation. The rates at which children
12 have struggled with mental health issues have climbed steadily since 2010 and, by 2018, made
13 suicide the second leading cause of death for youth. The pandemic and the corresponding
14 increase in time youth spend on Defendants’ platforms has only intensified this crisis.

15 8. The state of children’s mental health led the American Academy of Pediatrics, the
16 American Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association
17 to jointly declare a national emergency, and the U.S. Surgeon General to issue an advisory “to
18 highlight the urgent need to address the nation’s youth mental health crisis.”²

19 9. In his 2022 State of the Union Address, President Joe Biden also called attention
20 to the harm social media has wrought on youth and implored all to “hold social media platforms
21 accountable for the national experiment they’re conducting on our children for profit.”³

22 10. Plaintiff Liberty Union High School District (“**Plaintiff**” or “**Liberty Union**”)
23

24 ² AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental
25 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/>; U.S. Surgeon General Issues Advisory on Youth Mental
26 Health Crisis Further Exposed by COVID-19 Pandemic, U.S. Dep’t Health & Hum. Servs.
27 (Dec. 7, 2021), <https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html>.

28 ³ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2022/>).

1 brings this action to do just that. Youth in Plaintiff's community are experiencing the same
2 mental health crisis observed nationally.

3 11. Students experiencing anxiety, depression, and other mental health issues perform
4 worse in school, are less likely to attend school, are more likely to engage in substance use, and
5 are more likely to act out, all of which directly affects Liberty Union's ability to fulfill its
6 educational mission.

7 12. That is why Plaintiff, like 96 percent of other school districts in the United States,
8 provides mental health services to its students. For example, Plaintiff operates school-based
9 health programs in partnership with behavioral health agencies, and it trains its teachers and staff
10 to screen students for mental health symptoms and refer them to services offered by Plaintiffs'
11 schools or other providers. But Plaintiff needs a comprehensive, long-term plan and funding to
12 drive a sustained reduction in the record rates of anxiety, depression, suicidal ideation, and other
13 tragic indices of the mental health crisis its youth are experiencing at Defendants' hands.

14 13. As recognized by California Superintendent of Public Instruction Tony
15 Thurmond, there is a dire need to hire and staff mental health professionals in schools across
16 California because "school leaders and staff are seeing an increase in the number of students
17 experiencing depression, suicidal feelings, or other mental health challenges."⁴ Plaintiff, like
18 many school districts across the state and country, is at a breaking point. Meanwhile, Defendants
19 profit tremendously from their wrongful conduct. To remedy this wrong and hold Defendants
20 accountable, Plaintiff brings this action.

21 II. JURISDICTION AND VENUE

22 14. This Court has original jurisdiction over this action pursuant to Article VI,
23 Section 10 of the California Constitution.

24 15. This Court has general personal jurisdiction over Defendants because each are
25 headquartered and/or have their principal places of business in the State of California and have
26 continuous and systematic operations within the State of California.

27 ⁴ Kayla Jiminez, *California Leaders Rush to Improve Student Mental Health Care*, Mercury
28 News (Mar. 3, 2022), <https://www.mercurynews.com/2022/03/03/california-leaders-rush-to-improve-student-mental-health-care/>.

platforms”).

21. Meta transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with its subsidiaries (identified below), Meta has advertised, marketed, and distributed the Meta platforms to consumers throughout the United States. At all times material to this Complaint, Meta formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint.

22. Defendant Meta’s subsidiaries include Facebook Holdings, LLC; Facebook Operations, LLC; Meta Payments Inc.; Meta Platforms Technologies, LLC; Instagram, LLC; and Siculus, Inc.

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

24. Defendant Facebook Operations, LLC (“**Facebook Operations**”) was organized under the laws of the state of Delaware on January 8, 2012, and is a wholly owned subsidiary of Meta Platforms, Inc. The principal place of business of Facebook Operations is in Menlo Park, California. Defendant Meta is the sole member of Facebook Operations.

25. Defendant Meta Payments Inc. (“**Meta Payments**”) was incorporated in Florida on December 10, 2010, as Facebook Payments Inc. In July 2022, the entity’s name was amended to Meta Payments Inc. Meta Payments is a wholly owned subsidiary of Meta Platforms, Inc. Meta Payments manages, secures, and processes payments made through Meta, among other activities, and its principal place of business is in Menlo Park, California.

26. Defendant Meta Platforms Technologies, LLC (“**Meta Technologies**”) was organized under the laws of the state of Delaware as “Oculus VR, LLC” on March 21, 2014, and acquired by Meta on March 25, 2014. In November 2018, the entity’s name was amended to Facebook Technologies, LLC. In June 2022, the entity’s name was amended again, this time to

Meta Platforms Technologies, LLC. Meta Technologies develops Meta’s virtual and augmented reality technology, such as the Meta Quest line of services, among other technologies related to Meta’s platforms, and its principal place of business is in Menlo Park, California. Defendant Meta is the sole member of Meta Technologies.

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

28. Defendant Siculus, Inc. (“**Siculus**”) was incorporated in Delaware on October 19, 2011. Siculus is a wholly owned subsidiary of Meta, which supports Meta platforms by constructing data facilities and other projects. Siculus’s principal place of business is in Menlo Park, California.

C. Snap Defendant

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

D. TikTok Defendants

30. Defendant TikTok Inc. was incorporated in California on April 30, 2015, with its principal place of business in Culver City, California. TikTok Inc. transacts or has transacted business in this District and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, TikTok Inc. has advertised, marketed, and distributed the TikTok social media platform to consumers throughout the United States. At all times material to

1 this Complaint, acting alone or in concert with ByteDance Inc., TikTok Inc. formulated, directed,
2 controlled, had the authority to control, or participated in the acts and practices set forth in this
3 Complaint.

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

12 **E. YouTube Defendants**

13 32. Defendant Alphabet Inc. is a Delaware corporation with its principal place of
14 business in Mountain View, California. Alphabet Inc. is the sole stockholder of XXVI Holdings
15 Inc.

16 33. Defendant XXVI Holdings Inc. is a Delaware corporation with its principal place
17 of business in Mountain View, California. XXVI Holdings, Inc. is a wholly owned subsidiary of
18 Alphabet Inc. and the managing member of Google LLC (“**Google**”).

19 34. Defendant Google is a limited liability company organized under the laws of the
20 state of Delaware, and its principal place of business is in Mountain View, California. Google
21 LLC is a wholly owned subsidiary of XXVI Holdings Inc., and the managing member of
22 YouTube, LLC. Google LLC transacts or has transacted business in this District and throughout
23 the United States. At all times material to this Complaint, acting alone or in concert with others,
24 Google LLC has advertised, marketed, and distributed its YouTube video sharing platform to
25 consumers throughout the United States. At all times material to this Complaint, acting alone or
26 in concert with YouTube, LLC, Google LLC formulated, directed, controlled, had the authority
27 to control, or participated in the acts and practices set forth in this Complaint.

28 35. Defendant YouTube, LLC is a limited liability company organized under the laws

1 of the state of Delaware, and its principal place of business is in San Bruno, California.
2 YouTube, LLC is a wholly owned subsidiary of Google LLC. YouTube, LLC transacts or has
3 transacted business in this District and throughout the United States. At all times material to this
4 Complaint, acting alone or in concert with Defendant Google LLC, YouTube, LLC has
5 advertised, marketed, and distributed its YouTube social media platform to consumers
6 throughout the United States. At all times material to this Complaint, acting alone or in concert
7 with Google LLC, YouTube, LLC formulated, directed, controlled, had the authority to control,
8 or participated in the acts and practices set forth in this Complaint.

9 IV. FACTUAL ALLEGATIONS

10 A. Millions of Youth Have Become Excessive and Problematic Users of Social Media

11 36. Researchers studying the effect social media⁶ has on the brain have shown that
12 social media exploits “the same neural circuitry” as “gambling and recreational drugs to keep
13 consumers using their products as much as possible.”⁷

14 37. As described below, each Defendant designed and marketed its exploitive social
15 media platform(s) to be extremely popular with youth. And they have been successful. Ninety
16 percent of children ages 13–17 use social media.⁸ Even younger children also regularly use
17 social media. One study reported that 38 percent of children ages 8–12 used social media in
18 2021.⁹ Other studies reveal numbers as high as 49 percent for children ages 10–12 and 32
19 percent for children ages 7–9.¹⁰

20 ⁶ The term “social media” is commonly used to refer to text, photos, videos, and ideas that are
21 exchanged among virtual communities. The interactive technologies that allow for the virtual
22 exchange of these media among networks of users are known as social media platforms.

23 ⁷ *Social Media Addiction*, Addiction Ctr, <https://www.addictioncenter.com/drugs/social-media-addiction/#:~:text=Due%20to%20the%20effect%20that,when%20taking%20an%20addictive%20substance> (last visited Dec. 8, 2022).

24 ⁸ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018),
https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

25 ⁹ Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021* at
26 5, Common Sense Media (2022),
https://www.common SenseMedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

27 ¹⁰ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child.’s Hosp. Univ. Mich.
28 Health (Oct. 18, 2021),
https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

38. The most popular of these platforms among youth is YouTube. Ninety-five percent of children ages 13-17 have used YouTube.¹¹

39. TikTok has skyrocketed in popularity with teenagers since its merger with Musical.ly in 2018. As of July 2020, “TikTok classified more than a third of its 49 million *daily* users in the United States as being 14 years old or younger[,]” and that likely underestimates those under 14 and older teenagers (i.e., those between 15 and 18 years old) because TikTok claims not to know how old a third of its daily users are.¹² TikTok is now the second most popular social media platform among youth, with over 67 percent of children ages 13–17 having used the app.¹³

40. Instagram’s numbers are comparable to TikTok, with 62 percent of children ages 13–17 reporting they have used the app.¹⁴

41. Snapchat also remains popular with youth, with 59 percent of children ages 13–17 reporting they have used the app.¹⁵

42. Facebook rounds out the five most popular social media platforms, with 32 percent of children ages 13–17 reporting they have used Facebook’s app or website.¹⁶

43. Teenagers who use these social media platforms are also likely to use them every day. One study estimates that 62 percent of children ages 13–18 use social media every day.¹⁷ An increasing number of younger children also use social media daily with 18 percent of children

¹¹ Emily 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/>.

¹² Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020), <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html>.

¹³ Emily 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/>.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

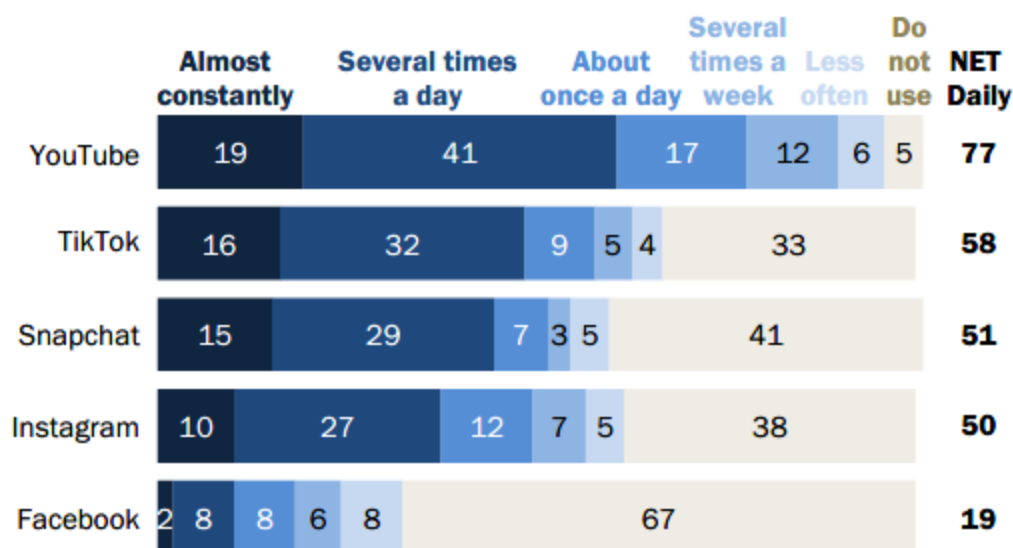
¹⁷ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 4, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

ages 8–12 reporting using a social media site at least once a day.¹⁸

44. Daily use for many teenagers does not consist of logging onto a platform just once. Rather, many teenage users check social media repeatedly throughout the day. In one study, teenage users reported checking Snapchat thirty times a day on average.¹⁹

45. Even more alarming, some teenagers never stop looking at social media.²⁰

46. As shown in the chart below, nearly 20 percent of teens report using YouTube almost constantly.²¹ TikTok and Snapchat are close behind, with near constant use rates among teens at 16 percent and 15 percent respectively.²² Meanwhile, 10 percent of teens use Instagram almost constantly.²³ And two percent of teens report using Facebook almost constantly.²⁴



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"

PEW RESEARCH CENTER

¹⁸ *Id.* at 5.

¹⁹ Erinn Murphy *et al.*, *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021), tinyurl.com/89ct4p88.

²⁰ Emily 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/>.

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

1 47. Teenagers are aware of the grip social media has on their lives yet still cannot
2 stop using it. Thirty-six percent of teenagers admit they spend too much time on social media.²⁵
3 And over half of teens say that giving up social media would be somewhat hard, with nearly one-
4 in-five teens saying giving up social media would be very hard.²⁶ And of the subgroup of
5 teenagers who use at least one platform “almost constantly,” 71 percent said giving up social
6 media would be hard, with 32 percent saying giving up social media would be very hard.²⁷

7 48. The more that teenagers use social media, the harder they find it to give up.
8 Teenagers who say they spend too much time on social media are almost twice as likely to say
9 that giving up social media would be hard as teens who see their social media usage as about
10 right.²⁸

11 49. Another study shows that among teenagers who regularly use social media, 32
12 percent “wouldn’t want to live without” YouTube.²⁹ Twenty percent of teenagers said the same
13 about Snapchat; 13 percent said the same about both TikTok and Instagram; and 6 percent said
14 the same about Facebook.³⁰

15 50. Despite using social media frequently, most youth do not enjoy it. Only 27
16 percent of boys and 42 percent of girls ages 8–18 reported enjoying social media “a lot” in
17 2021.³¹

18 **B. Research Has Confirmed the Harmful Effects of Social Media on Youth**

19 51. Social media use—especially excessive use—has severe and wide-ranging effects
20 on youth mental health. Social media use is linked to increases in mental, emotional,
21 developmental, and behavior disorders. Independent research and internal data from these social
22 media platforms show social media has a direct negative impact on teenagers’ mental health on

23 ²⁵ *Id.*

24 ²⁶ *Id.*

25 ²⁷ *Id.*

26 ²⁸ *Id.*

27 ²⁹ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens, 2021* at 31,
Common Sense Media (2022),
https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

28 ³⁰ *Id.*

³¹ *Id.* at 34.

various fronts.

52. In general, moderate or high rates of any electronic screen use are associated with lower psychological well-being for children and adolescents.³² Those with high screen time (7+ hours/day) are twice as likely to receive diagnoses of depression, anxiety, or need treatment for mental or behavior health conditions compared to low-screen-time users (1 hour/day).³³

53. Researchers have found that high-volume social media use is associated with increased levels of depression and anxiety for adults.³⁴ Social media has particularly detrimental effects on the mental health of adolescents. Depressive symptoms, suicide-related outcomes, and suicide rates among adolescents increased between 2010 and 2015, at the same time that youth use of social media increased.³⁵ Researchers examining the link between these increases found that adolescents who spent more time on screen activities were significantly more likely to have high depressive symptoms or have at least one suicide-related outcome, and that the highest levels of depressive symptoms were reported by adolescents with high social media use and fewer in-person social interactions.³⁶

54. One of the primary reasons the use of social media is associated with depressive symptoms among adolescents is because it encourages unhealthy social comparison and feedback-seeking behaviors.³⁷ Because adolescents spend a majority of their time on social media looking at other users' profiles and photos, rather than updating their own profiles, they

³² Jean M. Twenge & W. Keith Campbell, *Associations between screen time and lower 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/>.

³³ *Id.*

³⁴ Ariel 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/>.

³⁵ Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17 (2017), <https://doi.org/10.1177/2167702617723376>.

³⁶ *Id.*

³⁷ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms*, 43 J. Abnormal Child Psych. 1427–38 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/>.

are likely to engage in negative comparisons with their peers.³⁸ Specifically, adolescents are likely to engage in harmful upward comparisons with others they perceive to be more popular.³⁹

55. Clinicians have also observed a clear relationship between youth social media use and disordered eating behavior.⁴⁰ One study found that the more social media accounts an adolescent has, the higher their scores on evaluations of disordered eating behaviors and cognitions.⁴¹ Additionally, the study found that, for girls, greater daily time spent using Instagram and Snapchat was associated with significantly higher scores on evaluations of disordered eating behaviors.⁴²

56. Social media use also contributes to sleep deprivation. Young adults who spend a lot of time on social media during the day or check it frequently throughout the week are more likely to suffer sleep disturbances than their peers who use social media infrequently.⁴³ In turn, disturbed and insufficient sleep is associated with poor health outcomes.⁴⁴ One study found that young children are losing approximately one night's worth of sleep every week, staying up to use social media or even waking themselves up in the middle of the night to check notifications, driven by fear of missing out.⁴⁵

57. Defendants exacerbate the disruption of sleep by sending push notifications and emails either at night when children should be sleeping or during school hours when they should

³⁸ *Id.*; see also Nino Gugushvili et al., *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, BMC Psych. 10, 279 (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”).

³⁹ *Id.*

⁴⁰ Simon M. Wilksch et al., *The relationship between social media use and disordered eating in young adolescents*, 53 Int'l J. Eating Disorders 96–106 (2020), <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Jessica C. Levenson et al., *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 Preventive Med. 36–41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

⁴⁴ *Id.*

⁴⁵ See, e.g., Beatrice Nolan, *Kids are waking up in the night to check their notifications and are losing about 1 night's worth of sleep a week, study suggests*, Bus. Insider (Sept. 19, 2022), <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).

1 be studying, thereby prompting children to re-engage with Defendants’ platforms at times when
2 using them is harmful to their health and well-being.

3 58. Further, children are especially vulnerable to developing harmful behaviors
4 because the prefrontal cortex is not fully developed in children and teens.⁴⁶ Consequently, they
5 find it particularly difficult to exercise the self-control required to regulate their own use of
6 Defendants’ platforms. In this regard, self-regulation allows people to delay gratification,
7 postponing an immediate reward for a better reward later. Adolescents’ low capacity for self-
8 regulation means they are particularly vulnerable to the immediately pleasurable, but ultimately
9 harmful, effects of the repeated dopamine spikes caused by an external stimulus, such as “likes”
10 that activate the reward system in the brain.⁴⁷

11 59. As discussed in further detail *infra* Section IV.D, these reward-based learning
12 systems “contribute to the maintenance of excessive usage patterns.”⁴⁸ Researchers investigating
13 the “directionality between social networking [platforms] and problematic use,” have found that
14 “increases in the intensity of use . . . predict[] problematic use.”⁴⁹ And empirical studies have
15 found that problematic use is associated with “insomnia, stress, relationship dissatisfaction,
16 anxiety, social anxiety, and depressive symptoms.”⁵⁰

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

20 **C. As a Result, America’s Youth Are Facing a Mental Health Crisis**

21 61. The number of youth using Defendants’ social media platforms and the intensity
22 of such use have both increased significantly since 2008, which has contributed to a wide range
23 of negative effects on youth mental health. Over that same time the number of youth
24

25 ⁴⁶ Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated*
26 *mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, *BMC*
Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>.

27 ⁴⁷ *Id.*

28 ⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.* (collecting sources).

1 experiencing depression, contemplating suicide, seeking emergency room help for mental health
2 issues and—tragically—committing suicide has skyrocketed.

3 62. These issues led the United States Surgeon General to issue an advisory on youth
4 the mental health crisis in December 2021.⁵¹ In issuing the advisory, the Surgeon General noted,
5 “[m]ental health challenges in children, adolescents, and young adults are real and widespread.
6 Even before the pandemic, an alarming number of young people struggled with feelings of
7 helplessness, depression, and thoughts of suicide—and rates have increased over the past
8 decade.”⁵²

9 63. While the report highlights ways in which the COVID-19 pandemic has
10 exacerbated mental health issues for American youth, it also highlights the mental health
11 challenges youth faced before the pandemic. Specifically, the report notes that before the
12 pandemic, “mental health challenges were the leading cause of disability and poor life outcomes
13 in young people.”⁵³

14 64. In fact, before the pandemic, one in five children ages 3–17 in the United States
15 had a mental, emotional, developmental, or behavior disorder.⁵⁴

16 65. From 2009 to 2019, the rate of high school students who reported persistent
17 feelings of sadness or hopelessness increased by 40 percent (to one out of every three kids).⁵⁵
18 The proportion of kids seriously considering attempting suicide increased by 36 percent and the
19 proportion creating a suicide plan increased by 44 percent.⁵⁶

20 66. From 2007 to 2019, suicide rates among youth ages 10–24 in the United States
21

22 ⁵¹ *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](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf).

24 ⁵² *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
25 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 7, 2021),
[https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-
mental-health-crisis-further-exposed-by-covid-19-pandemic.html](https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html).

26 ⁵³ *Id.*

27 ⁵⁴ *Id.*

28 ⁵⁵ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t Health
& Hum. Servs. (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-youth-
mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf).

⁵⁶ *Id.*

increased by 57 percent.⁵⁷ By 2018, suicide was the second leading cause of death for youth ages 10–24.⁵⁸

67. From 2007 to 2016, emergency room visits for youth ages 5–17 rose 117 percent for anxiety disorders, 44 percent for mood disorders, and 40 percent for attention disorders.⁵⁹

68. This and other data led the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association to join the Surgeon General in declaring a national emergency in child and adolescent mental health in December 2021.⁶⁰

69. President Biden highlighted the Defendants’ role in the youth mental health crisis in his 2022 state of the union address⁶¹ and again in 2023, demanding to “finally hold social media companies accountable for [the] experimenting they’re doing – running [on] children for profit.”⁶²

D. Defendants Intentionally Target Youth Users with the Marketing, Design, and Operation of Their Social Media Platforms

70. This mental health crisis is no accident. It is the result of the Defendants’ deliberate choices and affirmative actions to design and market their social media platforms to attract youth.

71. Defendants each run and operate social media platforms. The interactive features

⁵⁷ *Id.*

⁵⁸ 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/>.

⁵⁹ Matt Richtel, *A Teen’s Journey Into the Internet’s Darkness and Back Again*, N.Y. Times (Aug. 22, 2022), <https://www.nytimes.com/2022/08/22/health/adolescents-mental-health-technology.html>.

⁶⁰ 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/>.

⁶¹ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2022/>).

⁶² President Biden, State of the Union Address (Feb. 7, 2023) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2023/>).

1 Defendants provide on their platforms are similar in many respects. For example, Facebook,
2 Instagram, Snap, TikTok, and YouTube all offer tailored “feeds” of content curated by complex
3 algorithms intended to learn users’ interests; ways to publicly express affirmation for such
4 curated content through “likes,” comments, and sharing or reposting the content; and, in fact,
5 each is known to copy the designs and features of one another.⁶³ The salient features of
6 Defendants’ social media platforms are described in more detail below.

7 72. Defendants make money from their social media platforms by using them as
8 advertising platforms. Defendants collect data on their users’ viewing habits and behaviors—
9 highly valuable information from an advertiser’s perspective—and use that data to offer
10 advertisers the opportunity to target advertising to the platforms’ users. Advertisers pay a
11 premium to target advertisements to specific categories of users, including youth.

12 73. Defendants view their population of adolescent and even pre-adolescent users as
13 one of their most valuable commodities. Young users are central to Defendants’ business model
14 and advertising revenue as an audience for advertisements because children are more likely than
15 adults to use social media. Today, 95 percent of children ages 13–17 have cellphones,⁶⁴ 90
16 percent use social media,⁶⁵ and 28 percent buy products and services through social media.⁶⁶

17 74. To profit from these young users, Defendants intentionally market their platforms
18 to children and adolescents. For children under age thirteen, the Children’s Online Privacy
19 Protection Act (“**COPPA**”)⁶⁷ regulates the conditions under which platforms like Defendants’
20 can collect and use their information.

21 75. COPPA requires platforms that either target children under age thirteen or have

22 ⁶³ See, e.g., Kevin Hurler, *For Sites Like Instagram and Twitter, Imitation Is the Only Form of*
23 *Flattery*, Gizmodo (Aug. 16, 2022), <https://gizmodo.com/instagram-tiktok-snapchat-facebook-meta-1849395419>.

24 ⁶⁴ Emily 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 ⁶⁵ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018),
27 https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

28 ⁶⁶ Erinn Murphy *et al.*, *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021),
tinyurl.com/89ct4p88.

⁶⁷ See 15 U.S.C. §§ 6501-6506.

1 actual knowledge of users under age thirteen to obtain “verifiable parental consent” prior to
2 collecting and using information about children under age thirteen.⁶⁸ Defendants have blatantly
3 violated COPPA or turned a blind eye to younger users on their platforms by leaving users to
4 self-report their age.

5 76. Seeking to capture even younger audiences, Defendants have each offered “kid
6 versions” of their platforms, which, while not collecting users’ information, are reportedly
7 “designed to fuel [kids’] interest in the grown-up version.”⁶⁹

8 77. To maximize revenue, Defendants have intentionally designed and operated their
9 platforms to maximize users’ screen time. Defendants have built features intended to exploit
10 human psychology and designed algorithms driven by advanced artificial intelligence and
11 machine-learning systems, progressively modifying their platforms in ways that promote
12 excessive and problematic use—despite knowing these practices are harming young users.

13 78. One way Defendants maximize the time users spend on their platforms involves
14 the design of feeds—whether of photos, videos, or sponsored or promoted content. Each
15 Defendant uses algorithms to serve users personalized content for them to consume ad nauseum.
16 Google’s former design ethicist, Tristan Harris, explained that this never-ending stream is
17 designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause,
18 reconsider or leave.”⁷⁰ Defendants’ feeds take “an experience that was bounded and finite, and
19 turn it into a bottomless flow that keeps going.”⁷¹ This “flow state,” as psychologists describe it,
20 “fully immerse[s]” users, distorts their perception of time, and “has been shown to be associated
21 with problematic use of social networking sites.”⁷²

22 79. A second way social media platforms manipulate users is through social

23 ⁶⁸ *Id.*

24 ⁶⁹ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
25 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->

26 ⁷⁰ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
<https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

27 ⁷¹ *Id.*

28 ⁷² Gino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, BMC Psych. 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7>.

reciprocity. “Reciprocity,” from a psychology perspective, refers to the powerful social phenomenon of how people respond to positive or, conversely, hostile actions. Reciprocity means that in response to friendly actions, people respond in a friendly manner and vice versa.⁷³ Sociologist Phillip Kunz best illustrated the automatic nature of reciprocity through his Christmas card experiment in the 1970s. In the experiment, Mr. Kunz sent a group of complete strangers holiday cards with pictures of his family and included a brief note.⁷⁴ Those people, whom he had never met or communicated with before, reciprocated, flooding him with holiday cards.⁷⁵ The majority of the responses did not even ask Mr. Kunz who he was.⁷⁶ They simply responded to his initial gesture with a reciprocal action.

80. Reciprocity is why Facebook and Snapchat automatically tell a “sender when you ‘saw’ their message, instead of letting you avoid disclosing whether you read it. As a consequence, you feel more obligated to respond[,]” immediately.⁷⁷ Through these alerts and other push notifications, users feel psychologically compelled to return to the platform.

81. A third way Defendants manipulate users to keep using or coming back to their platforms is through the use of intermittent variable rewards (“**IVR**”). Also referred to as random rewards or random reinforcement, IVR is another principle of behavioral psychology that has been recognized and studied for decades. The rewards are variable because the behavior is not rewarded every time. Slot machines are the classic example of how IVR works.⁷⁸ With each pull of the lever on the slot machine, the user may or may not win a prize. Slot machine winnings are

⁷³ Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14(3) J. Econ. Persps. 159–81 (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.

⁷⁴ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc. 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).

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

⁷⁸ 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>.

intermittent and vary in value. As casinos owners know, IVR creates behaviors that are very hard to stop, even when the rewards are no longer given out.

82. The neurobiology behind the effectiveness of IVR is well understood. IVR works by spacing out dopamine-triggering stimuli with dopamine gaps—allowing for anticipation and craving to develop, which strengthens the desire to engage in the activity with each release of dopamine.

83. Defendants integrate IVR into the design and operations of their respective platforms by “link[ing] a user’s action (like pulling a lever) with a variable reward.”⁷⁹ For example, when “we swipe down our finger to scroll the Instagram feed, we’re playing a slot machine to see what photo comes next.”⁸⁰ Meta also delays the time it takes to load the feed. “This is because without that three-second delay, Instagram wouldn’t feel variable.”⁸¹ Without that delay, there would be no time for users’ anticipation to build. In slot machine terms, there would be “no sense of *will I win?* because you’d know instantly. So the delay isn’t the app loading. It’s the cogs spinning on the slot machine.”⁸² Each of the Defendants’ platforms exploits this biochemical reaction among its users, typically using “likes,” “hearts,” or other indications of social approval that serve as the reward. *See infra* Section IV.D.1–4.

84. “Everyone innately responds to social approval, but some demographics, in particular teenagers, are more vulnerable to it than others.”⁸³

85. Youth are especially vulnerable to the ways in which Defendants manipulate users to maximize their “watch time,” and to the resulting harms. Children’s brains undergo a fundamental shift around age ten that makes “preteens extra sensitive to attention and admiration

⁷⁹ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

⁸⁰ *Id.*

⁸¹ 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>.

⁸² *Id.*

⁸³ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016), <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

1 from others.”⁸⁴ Consequently, for young users of social media, Defendants’ use of IVR,
2 reciprocity, and other “rewards” taps into this heightened sensitivity at a critical time in their
3 development.

4 86. Adolescence is a period of rapid growth and development in the human brain,
5 second only to infancy in that regard. As a result of many of these changes during adolescence,
6 preteens and teens are highly sensitive to both positive and negative social stimuli. the structures
7 of the brain “closely tied” to social media activity and that drive instinctual behavior begin to
8 change.⁸⁵ The ventral striatum is one of those structures. It receives a rush of dopamine and
9 oxytocin, known as the “happy hormones[,]” whenever we experience social rewards.⁸⁶ Between
10 the ages of 10 and 12, the receptors for those happy hormones begin to multiply in this region of
11 the brain, which makes compliments on a new hairstyle, laughter from a classmate, or other
12 social rewards “start to feel a lot more satisfying.”⁸⁷

13 87. These biological changes incentivize kids and teens to develop healthy social
14 skills and connections. “But arriving at school in a new pair of designer jeans, hoping your crush
15 will smile at you in the hallway, is worlds away from posting a video on TikTok that may get
16 thousands of views and likes,” according to Mitch Prinstein, Chief Science Officer for the
17 American Psychology Association.⁸⁸

18 88. Part of what makes interactions on social media so different is that they are often
19 permanent and public in nature. There is no public ledger tracking the number of consecutive
20 days you have spoken to someone, like there is for Snap “streaks.” Similarly, “[a]fter you walk
21 away from a regular conversation, you don’t know if the other person liked it, or if anyone else
22 liked it[.]”⁸⁹ Conversely, on Defendants’ platforms, kids, their friends, and even complete
23 strangers can publicly deliver or withhold social rewards in the form of likes, comments, views,
24

25 ⁸⁴ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
26 (Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

26 ⁸⁵ *Id.*

27 ⁸⁶ *Id.*

27 ⁸⁷ *Id.*

28 ⁸⁸ *Id.*

⁸⁹ *Id.*

1 and follows.⁹⁰

2 89. These social rewards release dopamine and oxytocin in the brains of youth and
3 adults alike but there are two key differences, as Chief Science Officer Prinstein explained:
4 “First, adults tend to have a fixed sense of self that relies less on feedback from peers. Second,
5 adults have a more mature prefrontal cortex, an area that can help regulate emotional responses
6 to social rewards.”⁹¹

7 90. Adolescents, by contrast, are in a “period of personal and social identity
8 formation,” much of which “is now reliant on social media.”⁹² “Due to their limited capacity for
9 self-regulation and their vulnerability to peer pressure,” adolescents “are at greater risk of
10 developing mental disorder.”⁹³

11 91. Together, Meta, Snap, TikTok, and Google have designed, refined, marketed, and
12 operated their social media platforms to maximize the number of youth who use their platforms
13 and the time they spend on those platforms. Despite knowing that social media inflicts harms on
14 youth, Defendants have continued to create more sophisticated versions of their platforms with
15 features designed to keep users engaged and maximize the amount of time they spend using
16 social media. Defendants’ conduct in designing and marketing exploitive and manipulative
17 platforms, youth spend excessive amounts of time on Defendants’ platforms.

18 92. Defendants’ efforts worked. The majority of teenagers use the same five social
19 media platforms: YouTube, TikTok, Instagram, Snapchat, and Facebook.⁹⁴ Each of these
20 platforms individually boasts high numbers of teenage users.

21 ⁹⁰ *Id.*

22 ⁹¹ *Id.*

23 ⁹² Betul Keles *et al.*, *A systematic review: the influence of social media on depression, anxiety*
24 *and psychological distress in adolescents*, Int’l J. Adolescence & Youth (202) 25:1, 79–93
25 (Mar. 3, 2019),
26 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 ⁹³ *Id.*

28 ⁹⁴ Emily 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/>.

1 **1. Meta Intentionally Marketed to and Designed Their Social Media Platforms**
2 **for Youth Users, Substantially Contributing to the Mental Health Crisis**

3 **a. Meta Platforms**

4 93. Meta platforms, including Facebook and Instagram, are among the most popular
5 social networking platforms in the world, with more than 3.6 billion users worldwide.⁹⁵

6 **(i) The Facebook Platform**

7 94. Facebook is a social networking platform that is one of Meta's platforms.

8 95. Facebook was founded in 2004 and has become the largest social network in the
9 world. As of October 2021, Facebook had approximately 2.9 billion monthly active users,
10 approximately 2 billion of whom use Facebook every day.⁹⁶

11 96. When Facebook was founded in 2004, only students at certain colleges and
12 universities could use the social media platform, and verification of college enrollment was
13 required to access Facebook.

14 97. In 2005, Facebook expanded and became accessible to students at more
15 universities around the world, after which Meta launched a high school version of Facebook that
16 also required an invitation to join.

17 98. Meta later expanded eligibility for Facebook to employees of several companies,
18 including Apple and Microsoft, and added more universities to its network.

19 99. In September 2006, Facebook became available to all internet users. At the time,
20 Meta claimed that it was open only to persons aged 13 and older with a valid email address;
21 however, on information and belief, Meta did not require verification of a user's age or identity
22 and did not actually verify users' email addresses, such that underage users could easily register
23 an account with and access Facebook.

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

26 ⁹⁵ Felix Richter, *Meta Reaches 3.6 Billion People Each Month*, Statista (Oct. 29, 2021),
27 <https://www.statista.com/chart/2183/facebook-mobile-users/>.

28 ⁹⁶ See *id.*; S. Dixon, *Number of Daily Active Facebook Users Worldwide as of 3rd Quarter 2022*
(in Millions), Statista (Oct. 27, 2022), <https://www.statista.com/statistics/346167/facebook-global-dau/>.

- In 2009, Facebook launched the “like” button;
- In 2011, Facebook launched Messenger, its direct messaging service, and started allowing people to subscribe to accounts outside of their “friends”;
- In 2012, Facebook started showing advertisements in its news feed and launched a real-time bidding system through which advertisers could bid on users based on their visits to third-party websites;
- In 2014, Facebook’s facial recognition algorithm (DeepFace) reached near-human accuracy in identifying faces;
- In 2015, Facebook made significant changes to its news feed algorithm to determine what content to show users and launched its live-streaming service;
- In 2016, Facebook launched games for its social media platform, so that users could play games without having to install new apps; and
- In 2017, Facebook launched Facebook Creator, an app for mobile video posts that assists with content creation.

(ii) The Instagram Platform

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

102. Instagram enables users to share photos and videos with other users and to view other users’ photos and videos. These photos and videos appear on users’ Instagram “feeds,” which are virtually bottomless, scrollable lists of content.

103. After being acquired by Meta, Instagram experienced exponential user growth, expanding from approximately 10 million monthly active users in September 2012 to more than one billion monthly active users worldwide today, including approximately 160 million users in the United States.⁹⁷

104. Instagram’s user growth was driven by design and development changes to the Instagram platform that increased engagement at the expense of the health and well-being of

⁹⁷ S. Dixon, *Number of Instagram Users Worldwide from 2020 to 2025 (in Billions)*, Statista (May 23, 2022), <https://www.statista.com/statistics/183585/instagram-number-of-global-users/>.

Instagram’s users—especially the children using the platform.

105. For example, in August 2020, Instagram began hosting and recommending short videos to users, called Reels.⁹⁸ Like TikTok, Instagram allows users to view an endless feed of Reels that are recommended and curated to users by Instagram’s algorithm.

106. Instagram has become the most popular photo sharing social media platform among children in the United States—approximately 72 percent of children aged 13–17 in the United States use Instagram.⁹⁹

b. Meta Markets Its Platforms to Youth

107. To maximize the revenue generated from relationships with advertisers, Meta has expended significant effort to attract youth, to its platforms, including designing features that appeal to a teen and preteen audience. Meta explicitly targets teenagers for multiple reasons. In part, Meta views teenagers as a way to attract other potential users, such as by using teenagers to recruit parents who want to participate in their children’s lives as well as younger siblings who look to older siblings as models for which social media platforms to use and how to use them.¹⁰⁰

108. Most importantly, Meta recognizes that teenagers are the “pipeline” for the continued growth of the company. As an internal Instagram strategy memo warned in 2020, “If we lose the teen foothold in the U.S. we lose the pipeline.”¹⁰¹ A 2018 marketing presentation declared the loss of teenage users to other social media platforms an “existential threat.”¹⁰² In response, starting in 2018, Instagram devoted almost all of its annual marketing budget to attracting teenagers—hundreds of millions of dollars annually.¹⁰³

⁹⁸ *Introducing Instagram Reels*, Instagram (Aug. 5, 2020), <https://about.instagram.com/blog/announcements/introducing-instagram-reels-announcement>.

⁹⁹ Katherine Schaeffer, *7 Facts About Americans and Instagram*, Pew Rsch. Ctr. (Oct. 7, 2021), <https://www.pewresearch.org/fact-tank/2021/10/07/7-facts-about-americans-and-instagram/>.

¹⁰⁰ 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>.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

1 109. Meta also views preteens or “tweens” as a “valuable but untapped audience,”
2 even contemplating “exploring playdates as a growth lever.”¹⁰⁴ Meta formed a team to study
3 preteens, endeavored to create more products designed for them, and commissioned strategy
4 papers regarding the “business opportunities” created.¹⁰⁵

Why do we care about tweens?

They are a valuable but untapped audience

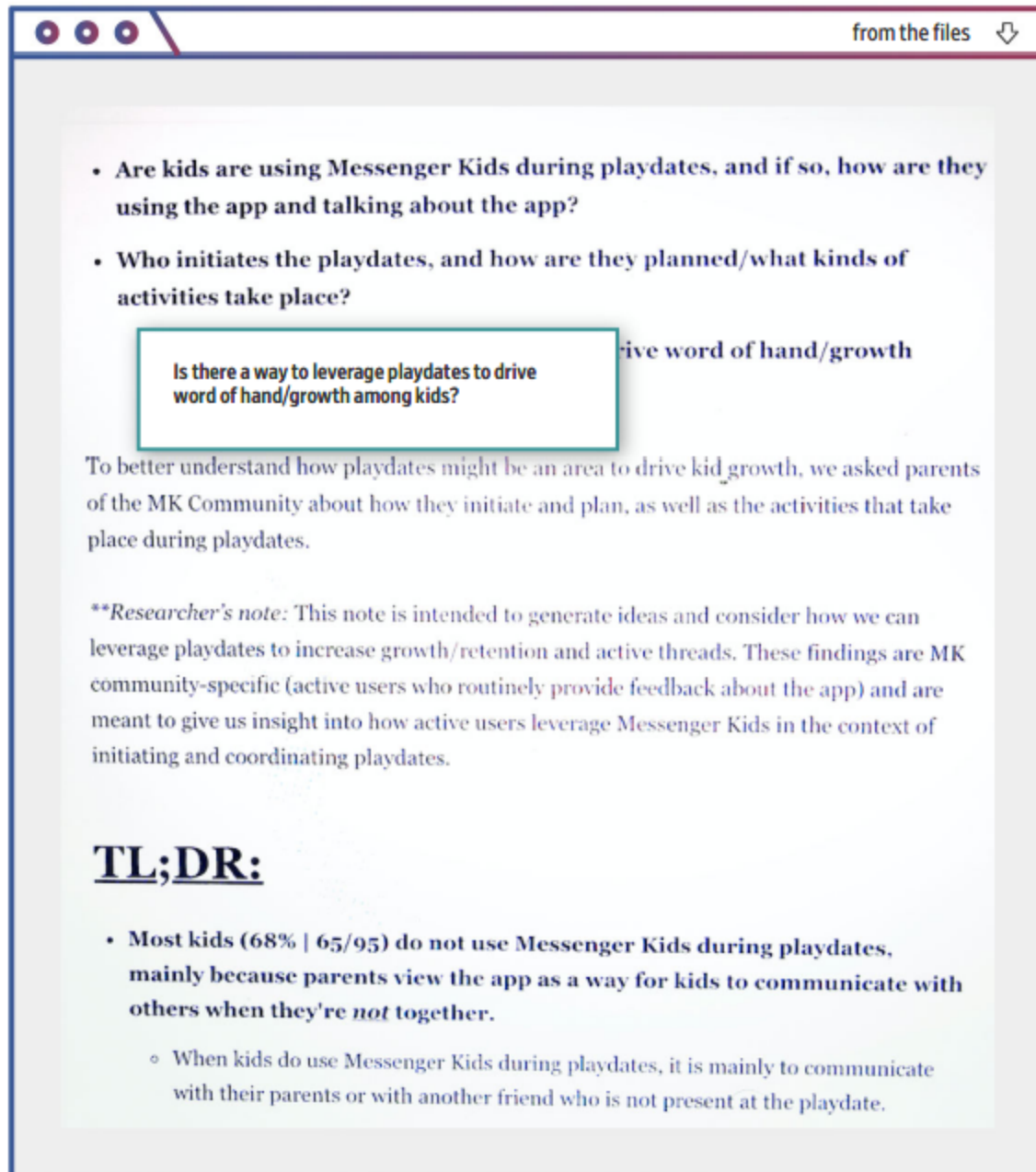
- Our ultimate goal is messaging primacy with US Tweens (TAM = 12M), which may also lead to winning with Teens (TAM 36M).
- MK begins to lose PMF as kids age. Our primacy declines at 10 and 82% of users are 10 or younger.

"I don't think I would use it...that's just me. I would have to get [my mom's] permission to [connect with my friends] and everyone would make fun of me..."

10 yo boy, Detroit

¹⁰⁴ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show; It has investigated how to engage young users in response to competition 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>.

¹⁰⁵ *Id.*



110. For these reasons, the Meta platforms are designed to be used by children and are actively marketed to children throughout the United States. Meta advertises to children through its own efforts as well as through advertisers that create and target advertisements to children. Internal Meta documents establish that Meta spends hundreds of millions of dollars researching, analyzing, and marketing to children and teens to find ways to make its platforms more appealing to these age groups and to maximize the time they spend on its platforms, as these age

1 groups are seen as essential to Meta’s long-term profitability and market dominance.¹⁰⁶ For
2 instance, after Instagram’s founders left Meta in September 2018, “Facebook went all out to turn
3 Instagram into a main attraction for young audiences,” and “began concentrating on the ‘teen
4 time spent’ data point,” in order to “drive up the amount of time that teenagers were on the app
5 with features including Instagram Live, a broadcasting tool, and Instagram TV, where people
6 upload videos that run as long as an hour.”¹⁰⁷

7 111. In fact, Meta’s acquisition of Instagram in 2012 was primarily motivated by its
8 desire to make up for declines in the use of Facebook by youth, and Meta views Instagram as
9 central to its ability to attract and retain young audiences. A Meta presentation from 2019
10 indicated that “Instagram is well positioned to resonate and win with young people,” and “[t]here
11 is a path to growth if Instagram can continue their trajectory.”¹⁰⁸

12 112. Although Meta’s policy is that children younger than thirteen cannot register an
13 account, it lacks effective age-verification protocols—an issue long known to Meta. Since at
14 least 2011, Meta has known that its age-verification protocols are largely inadequate, estimating
15 at that time that it removed 20,000 children under age thirteen from Facebook every day.¹⁰⁹ A
16 decade later, in 2021, an Instagram executive acknowledged that users under thirteen can still
17 “lie about [their] age now” to register an account.¹¹⁰

18 113. Meta has yet to implement protocols to verify a user’s age. Meta also has

19 ¹⁰⁶ *Id.*

20 ¹⁰⁷ Sheera Frenkel *et al.*, *Instagram Struggles with Fears of Losing Its ‘Pipeline’: Young Users*,
21 N.Y. Times (Oct. 26, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

22 ¹⁰⁸ Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
23 *Documents Show; Its own in-depth research shows a significant teen mental-health issue that*
24 *Facebook plays 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>.

25 ¹⁰⁹ Austin Carr, *Facebook Booting “20,000” Underage Users Per Day: Reaction to Growing*
26 *Privacy Concerns?*, Fast Co. (Mar. 22, 2011),
<https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-growing-privacy-concerns>.

27 ¹¹⁰ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
28 *Kids, Documents Show; It has investigated how to engage young users in response to*
competition 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>.

1 agreements with cell phone manufacturers and/or providers and/or retailers, who often pre-install
2 its platforms on mobile devices prior to sale and without regard to the age of the intended user of
3 each such device. That is, even though Meta is prohibited from providing the Meta platforms to
4 users under the age of thirteen, Meta actively promotes and provides underage users access to its
5 platforms by encouraging and allowing cell phone manufacturers to pre-install the platforms on
6 mobile devices indiscriminately. Consequently, approximately 11 percent of United States
7 children between the ages of 9 and 11 used Instagram in 2020,¹¹¹ despite Meta claiming to
8 remove approximately 600,000 underage users per quarter.¹¹²

9 114. Ultimately, as discussed above, Meta’s efforts to attract young users have been
10 successful.

11 **c. Meta Intentionally Maximizes the Time Users Spend on its Platforms**

12 115. Once users begin using its platforms, Meta employs a variety of strategies to keep
13 them there, using features that exploit the natural human desire for social interaction and the
14 neurophysiology of the brain’s reward systems to keep users endlessly scrolling, posting,
15 “liking,” commenting, and counting the number of “likes” and comments to their own posts. As
16 discussed above, the rapidly developing adolescent brain, highly attuned to social rewards, is
17 particularly vulnerable to such exploitation.

18 116. Many of the features Meta has designed utilize the well-established principle of
19 intermittent variable rewards or IVR, discussed above, including one of its most defining
20 features: the “Like” button. Meta knows “Likes” are a source of social comparison harm for
21 many users, as detailed below. Several Meta employees involved in creating the Like button
22 have since left Meta and have spoken publicly about the manipulative nature of Meta’s platforms
23
24

25 ¹¹¹Brooke Auxier *et al.*, *Parenting Children in the Age of Screens*, Pew Rsch. Ctr. (July 28,
26 2020), <https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/>.

27 ¹¹²Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
28 *Kids, Documents Show; It has investigated how to engage young users in response to*
competition 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>.

1 and the harm they cause users.¹¹³

2 117. Another way in which Meta employs IVR is through its push notifications and
3 emails. These notifications alert users to activity related to their account, such as when someone
4 else has “Liked” a post or when the user has been tagged in someone else’s post. Meta spaces out
5 notifications of likes and comments into multiple bursts rather than notifying users in real time,
6 which activates the brain’s reward circuitry and then creates dopamine gaps that leave users
7 craving in anticipation for more. In this regard, Meta’s push notifications and emails are
8 specifically designed to manipulate users to reengage with Meta’s platforms to increase user
9 engagement regardless of a user’s health or wellbeing.

10 118. Other features of Meta’s platforms based on IVR principles include posts,
11 comments, tagging, and the “pull to refresh” feature (which, as noted above, has the same effect
12 on the brain as pulling the lever on a slot machine).

13 119. Still other design decisions utilize the principle of reciprocity, such as the use of
14 visual cues to reflect that someone is currently writing a message (a feature designed to keep a
15 user on the platform until they receive the message), and alerting users when a recipient has read
16 their message (which encourages the recipient to respond and return to the platform to check for
17 a response).

18 120. The Meta platforms are designed to encourage users to post content and to like,
19 comment, and interact with other users’ posts. Each new post that appears on a user’s feed can
20 function as a dopamine-producing social interaction in the user’s brain. Similarly, likes,
21 comments, and other interactions with the user’s own posts function as an even stronger
22 dopamine-producing stimulus than does seeing new posts from other users. This in turn drives
23 users to post more content they expect will generate even more likes and comments. In this
24 regard, Meta has designed its platforms to effectively trap users—especially youth—in endless
25

26
27 ¹¹³ See, e.g., Paul Lewis, *‘Our minds can be hijacked’: the tech insiders who fear a smartphone*
28 *dystopia*, Guardian (Oct. 6, 2017),
<https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>.

cycles of what Facebook whistleblower Frances Haugen called “little dopamine loops.”¹¹⁴

d. Meta’s Algorithms Are Manipulative and Harmful

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

122. Meta’s algorithms are not based exclusively on user requests or even user inputs. Meta’s algorithms combine information entered or posted by the user on the platform with the user’s demographics and other data points collected and synthesized by Meta, make assumptions about that user’s interests and preferences, make predictions about what else might appeal to the user, and then make very specific recommendations of posts and pages to view and groups to visit and join based on rankings that will optimize Meta’s key performance indicators. In this regard, Meta’s design dictates the way content is presented, such as its ranking and prioritization.¹¹⁵

123. Meta’s current use of algorithms in its platforms is driven and designed to maximize user engagement. Over time, Meta has gradually transitioned away from chronological ranking, which organized the interface according to when content was posted or sent, to

¹¹⁴ Allison Slater Tate, *Facebook whistleblower Frances Haugen says parents make 1 big mistake with social media*, Today (Feb. 7, 2022), <https://www.today.com/parents/teens/facebook-whistleblower-frances-haugen-rcna15256>.

¹¹⁵ See, e.g., Adam Mosseri, *Shedding More Light on How Instagram Works*, Instagram (June 8, 2021), <https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works>.

1 prioritize what Meta calls “Meaningful Social Interactions” (“**MSI**”), which emphasizes users’
2 connections and interactions such as likes and comments and gives greater significance to the
3 interactions of connections that appeared to be the closest to users. In order to do this, Meta
4 developed and employed an “amplification algorithm” to execute engagement-based ranking,
5 which considers a post’s likes, shares, and comments, as well as a respective user’s past
6 interactions with similar content, and exhibits the post in the user’s newsfeed if it otherwise
7 meets certain benchmarks.

8 124. Although Meta claims that the goal of this engagement-based ranking is “helping
9 you have more meaningful social interactions,”¹¹⁶ Meta’s algorithms covertly operate on the
10 principle that intense reactions invariably compel attention. Because these algorithms measure
11 reactions and contemporaneously immerse users in the most reactive content, these algorithms
12 effectively work to steer users toward the most negative content, because negative content
13 routinely elicits passionate reactions. In other words, the algorithm is designed to prioritize the
14 number of interactions rather than the quality of interactions.

15 125. As set forth in greater detail below, Meta was well aware of the harmful content
16 that it was promoting but failed to change its algorithms because the inflammatory content that
17 its algorithms were feeding to users fueled their return to the platforms and led to more
18 engagement—which in turn helped Meta sell more advertisements that generate most of its
19 revenue.

20 126. Meta’s shift from chronological ranking to algorithm-driven content and
21 recommendations has changed the Meta platforms in ways that are profoundly dangerous and
22 harmful to children. Meta’s algorithms exploit vulnerabilities that are heightened in preteens and
23 teens due to their social and psychological development—and Meta designs its platforms
24 with these specific vulnerabilities in mind.

25 **e. Meta’s Harmful “Feeds”**

26 127. Both Facebook and Instagram show each user an algorithm-generated “feed” that
27

28 ¹¹⁶ Mark Zuckerberg, Facebook (Jan. 11, 2018, 4:28 PM),
<https://www.facebook.com/zuck/posts/10104413015393571?pnref=story>.

consists of a series of photos and videos posted by accounts that the user follows, along with advertising and content specifically selected and promoted by Meta.

128. These feeds are virtually bottomless lists of content that enable users to scroll endlessly without any natural end points that would otherwise encourage them to move on to other activities. In this regard, “[u]nlike a magazine, television show, or video game,” the Meta platforms only rarely prompt their users to take a break by using “stopping cues.”¹¹⁷ Meta’s “bottomless scrolling” feature is designed to encourage users to use its platforms for unlimited periods of time.

129. Meta also exerts control over a user’s feed through certain ranking mechanisms, escalation loops, and promotion of advertising and content specifically selected and promoted by Meta based on, among other things, its ongoing planning, assessment, and prioritization of the types of information most likely to increase user engagement.

130. As Senator Richard Blumenthal, Chair of the Subcommittee on Consumer Protection, Product Safety, and Data Security, explained during one of a series of Senate hearings in 2021 on “Protecting Kids Online,” Meta utilizes private information of its child users to “precisely target [them] with content and recommendations, assessing what will provoke a reaction,” including encouragement of “destructive and dangerous behaviors,” which is how Meta “can push teens into darker and darker places.”¹¹⁸ Whistleblower Frances Haugen testified that Meta’s “amplification algorithms, things like engagement based ranking . . . can lead children . . . all the way from just something innocent like healthy recipes to anorexia promoting content over a very short period of time.”¹¹⁹ Meta thus specifically selects and pushes this harmful content on its platforms, for which it is then paid, and does so both for direct profit and also to increase user engagement, resulting in additional profits down the road.

¹¹⁷ See Zara Abrams, *How Can We Minimize Instagram’s Harmful Effects?*, Am. Psych. Ass’n (Dec. 2, 2021), <https://www.apa.org/monitor/2022/03/feature-minimize-instagram-effects>.

¹¹⁸ See Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use: Full 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>.

¹¹⁹ *Id.* at 37:34.

1 131. As part of the Senate Subcommittee’s investigation into social media companies,
2 Senators Richard Blumenthal, Marsha Blackburn and Mike Lee tested and confirmed the fact
3 that Meta’s platforms’ recommendation-based feeds and features promote harmful content by
4 opening test accounts purporting to be teenage girls. Senator Blumenthal stated that, “[w]ithin an
5 hour all our recommendations promoted pro-anorexia and eating disorder content.”¹²⁰ Likewise,
6 Senator Lee found that an account for a fake 13-year-old girl was quickly “flooded with content
7 about diets, plastic surgery and other damaging material for an adolescent girl.”¹²¹

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

13 133. Instagram also features a feed called “Explore,” which displays content posted by
14 users not previously “followed.” The content in “Explore” is selected and presented by an
15 algorithm designed by Meta to maximize the amount of time a user spends on the app. As with
16 other feeds, the Explore feature may be scrolled endlessly, and its algorithm will continually
17 generate new recommendations, encouraging users to use the app for unlimited periods of time.

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

23 **f. For Years, Meta Has Been Aware That Its Platforms Harm Children**

24 135. In an internal slide presentation in 2019, Meta’s own researchers, studying
25 Instagram’s effects on children, concluded, “**We make body image issues worse for one in**

26 ¹²⁰ Vanessa Romo, *4 Takeaways from Senators' Grilling of Instagram's CEO About Kids and*
27 *Safety*, NPR (Dec. 8, 2021, 10:13 PM),
28 [https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli)
[brush-aside-his-promises-to-self-poli](https://www.npr.org/2021/12/08/1062576576/instagrams-ceo-adam-mosseri-hears-senators-brush-aside-his-promises-to-self-poli).

¹²¹ *Id.*

1 **three teen girls[.]”**¹²² This presentation was one of many documents leaked by former Meta
2 employee Frances Haugen to journalists at the *Wall Street Journal* and federal regulators in
3 2021.¹²³ The *Wall Street Journal*’s reporting on the documents began in September 2021 and
4 caused a national and international uproar.

5 136. The leaked documents confirmed what social scientists have long suspected, that
6 social media platforms like Meta’s—and Instagram in particular—can cause serious harm to the
7 mental and physical health of children. Moreover, this capacity for harm is by design—what
8 makes the Meta platforms profitable is precisely what harms its young users.

9 137. Upon information and belief, at least as far back as 2019, Meta initiated a
10 Proactive Incident Response experiment, which began researching the effect of Meta on the
11 mental health of today’s children.¹²⁴ Meta’s own in-depth analyses show significant mental-
12 health issues stemming from the use of Instagram among teenage girls, many of whom linked
13 suicidal thoughts and eating disorders to their experiences on the app.¹²⁵ In this regard, Meta’s
14 researchers have repeatedly found that Instagram is harmful for a sizable percentage of teens that
15 use the platform.¹²⁶

16 138. In particular, the researchers found that “[s]ocial comparison,” or individuals’

17
18 ¹²² Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
19 *Documents Show; Its own in-depth research shows a significant teen mental-health issue that*
20 *Facebook plays down in public*, Wall St. J. (Sept. 14, 2021),
[https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739)
21 [documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739) (emphasis added).

22 ¹²³ The *Wall Street Journal* and *Digital Wellbeing* published several of these documents in
23 November 2021. See Paul Marsden, *The ‘Facebook Files’ on Instagram Harms—All Leaked*
24 *Slides on a Single Page*, Digit. Wellbeing (Oct. 20, 2021), [https://digitalwellbeing.org/the-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page/)
25 [facebook-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
26 publishing these documents in November 2021. See Dell Cameron *et al.*, *Read the Facebook*
27 *Papers for Yourself*, Gizmodo (Apr. 18, 2022), [https://gizmodo.com/facebook-papers-how-to-](https://gizmodo.com/facebook-papers-how-to-read-1848702919)
28 [read-1848702919](https://gizmodo.com/facebook-papers-how-to-read-1848702919).

¹²⁴ See Facebook Whistleblower Testifies on Protecting Children Online, C-SPAN (Oct. 5,
2021), [https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook)
26 [regulate-facebook](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook).

¹²⁵ See Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
27 *Documents Show*, Wall St. J. (Sept. 14, 2021, 7:59 AM),
28 [https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline)
[documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739?mod=hp_lead_pos7&mod=article_inline).

¹²⁶ *Id.*

assessment of their own value relative to that of others, is “worse on Instagram” for teens than on other social media platforms.¹²⁷ One in five teens reported that Instagram “makes them feel worse about themselves.”¹²⁸ Roughly two in five teen users reported feeling “unattractive,” while one in 10 teen users reporting suicidal thoughts traced them to Instagram.¹²⁹ Teens “consistently” and without prompting blamed Instagram “for increases in the rate of anxiety and depression.”¹³⁰ And although teenagers identify Instagram as a source of psychological harm, they often lack the self-control to use Instagram less. Also, according to Meta’s own researchers, young users are not capable of controlling their Instagram use to protect their own health.¹³¹ Such users “often feel ‘addicted’ and know that what they’re seeing is bad for their mental health but feel unable to stop themselves.”¹³²

139. Similarly, in a March 2020 presentation posted to Meta’s internal message board, researchers found that “[t]hirty-two percent of teen girls said that when they felt bad about their bodies, Instagram made them feel worse.”¹³³ Sixty-six percent of teen girls and 40 percent of teen boys have experienced negative social comparison harms on Instagram.¹³⁴ Further, approximately 13 percent of teen-girl Instagram users say the platform makes thoughts of “suicide and self-harm” worse, and 17 percent of teen-girl Instagram users say the platform

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*; *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.*, Wall St. J. (Sept. 29, 2021), <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf>; see also *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019), <https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf>; Paul Marsden, *The ‘Facebook Files’ on Instagram arms – all leaked slides on a single page* at slide 14, Dig. Wellbeing (Oct. 20, 2021) <https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page> (hard life moment – mental health deep dive).

¹³⁴ *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 9, Wall St. J. (Sept. 29, 2021), <https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf>.

1 makes “[e]ating issues” worse.¹³⁵ Meta’s researchers also acknowledged that “[m]ental health
2 outcomes” related to the use of Instagram “can be severe,” including “Body Dissatisfaction,”
3 “Body Dysmorphia,” “Eating Disorders,” “Loneliness,” and “Depression.”¹³⁶

4 140. Not only is Meta aware of the harmful nature of the Meta platforms, the leaked
5 documents reveal that Meta is aware of the specific design features that lead to excessive use and
6 harm to children. For instance, Meta knows that Instagram’s Explore, Feed, and Stories features
7 contribute to social comparison harms “in different ways.”¹³⁷ Moreover, specific “[a]spects of
8 Instagram exacerbate each other to create a perfect storm” of harm to users, and that the “social
9 comparison sweet spot”—a place of considerable harm to users, particularly teenagers and teen
10 girls—lies at the center of Meta’s model and platforms’ features.¹³⁸ In this regard, Meta’s
11 researchers wrote that “[s]ocial comparison and perfectionism are nothing new, but young people
12 are dealing with this on an unprecedented scale,” and “[c]onstant comparison on Instagram is
13 ‘the reason’ why there are higher levels of anxiety and depression in young people.”¹³⁹

14 2. Snapchat Intentionally Marketed to and Designed Its Social Media Platform 15 for Youth Users, Substantially Contributing to the Mental Health Crisis

16 a. The Snapchat Platform

17 141. Snapchat was created in 2011 by Stanford University students Evan Spiegel and
18 Bobby Murphy, who serve as Snap Inc.’s CEO and CTO, respectively.¹⁴⁰

19 142. Snapchat started as a photo-sharing platform that allows users to form groups and

20 ¹³⁵ *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-](https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf)
22 [1.pdf](https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf); Paul Marsden, *The Facebook Files’ on Instagram arms – all leaked slides on a single*
page at slide 14, Dig. 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)
23 [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).

24 ¹³⁶ *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the*
U.S. at 34, Wall St. J. (Sept. 29, 2021), [https://digitalwellbeing.org/wp-](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
25 [content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf)
Instagram.pdf.

26 ¹³⁷ *Id.* at 31.

27 ¹³⁸ *Id.* at 33.

28 ¹³⁹ See *Hard Life Moments-Mental Health Deep Dive* at 53, Facebook (Nov. 2019),
[https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-](https://about.fb.com/wp-content/uploads/2021/09/Instagram-Teen-Annotated-Research-Deck-1.pdf)
1.pdf.

¹⁴⁰ Katie Benner, *How Snapchat is Shaping Social Media*, N.Y. Times (Nov. 30, 2016),
<https://www.nytimes.com/2016/11/30/technology/how-snapchat-works.html>.

1 share photos, known as “snaps,” that disappear after being viewed by the recipients. Snapchat
2 became well known for this self-destructing content feature. But Snapchat quickly evolved
3 beyond a simple photo-sharing app, as Snap made design changes and rapidly developed new
4 features aimed at and ultimately increasing Snapchat’s popularity among teenage users.

5 143. In 2012, Snap added video sharing capabilities, pushing the number of “snaps” to
6 50 million per day.¹⁴¹ A year later, Snap added the “Stories” function, which allows users to
7 upload a rolling compilation of snaps that the user’s friends can view for 24 hours.¹⁴² The
8 following year, Snap added a feature that enabled users to communicate with one another in real
9 time via text or video.¹⁴³ It also added the “Our Story” feature, expanding on the original stories
10 function by allowing users in the same location to add their photos and videos to a single
11 publicly viewable content stream.¹⁴⁴ At the same time, Snap gave users the capability to add
12 filters and graphic stickers onto photos indicating a user’s location, through a feature it refers to
13 as “Geofilters.”¹⁴⁵

14 144. In 2015, Snap added a “Discover” feature that promotes videos from news outlets
15 and other content creators.¹⁴⁶ Users can watch that content by scrolling through the Discover
16 feed. After the selected video ends, Snapchat automatically plays other video content in a
17 continuous stream, which does not cease until a user manually exits the stream.

18 145. In 2020, Snap added the “Spotlight” feature, through which it serves users “an
19 endless feed of user-generated content” that Snap curates from the 300 million daily Snapchat
20

21 ¹⁴¹ J.J. Colao, *Snapchat Adds Video, Now Seeing 50 Million Photos A Day*, Forbes (Dec. 14,
22 2012), [https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-](https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-a-day/?sh=55425197631b)
23 [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).

24 ¹⁴² Ellis Hamburger, *Snapchat’s Next Big Thing: ‘Stories’ That Don’t Just Disappear*, Verge
(Oct. 3, 2013), [https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-](https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-that-dont-just-disappear)
25 [that-dont-just-disappear](https://www.theverge.com/2013/10/3/4791934/snapchats-next-big-thing-stories-that-dont-just-disappear).

26 ¹⁴³ Romain Dillet, *Snapchat Adds Ephemeral Text Chat and Video Calls*, TechCrunch (May 1,
27 2014), <https://techcrunch.com/2014/05/01/snapchat-adds-text-chat-and-video-calls/>.

28 ¹⁴⁴ Laura Stampler, *Snapchat Just Unveiled a New Feature*, Time (June 17, 2014),
<https://time.com/2890073/snapchat-new-feature/>.

¹⁴⁵ 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>.

¹⁴⁶ Steven Tweedie, *How to Use Snapchat’s New ‘Discover’ Feature*, Bus. Insider (Jan. 27,
2015), <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

1 users.¹⁴⁷

2 146. Today, Snapchat is one of the largest social media platforms in the world. By its
3 own estimates, Snapchat has 363 million daily users, including 100 million daily users in North
4 America.¹⁴⁸ Snapchat reaches 90 percent of people ages 13–24 in over twenty countries and
5 reaches nearly half of all smartphone users in the United States.¹⁴⁹

6 **b. Snap Markets Its Platform to Youth**

7 147. Snapchat’s commercial success is due to its advertising. In 2014, Snap began
8 running advertisements on Snapchat.¹⁵⁰ Since then, Snapchat’s business model has revolved
9 around its advertising revenue, which has boomed. Snap now expects to generate \$4.86 billion in
10 Snapchat advertising revenue for 2022.¹⁵¹

11 148. Snap specifically markets Snapchat to children ages 13–17 because they are a key
12 demographic for Snap’s advertising business. Internal documents describe users between the
13 ages of 13–34 as “critical” to Snap’s advertising success because of the common milestones
14 achieved within that age range.¹⁵²

21 ¹⁴⁷ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC
22 (Nov. 23, 2020), <https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html>.

23 ¹⁴⁸ *October 2022 Investor Presentation* at 5, Snap Inc. (Oct. 20, 2022),
24 <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

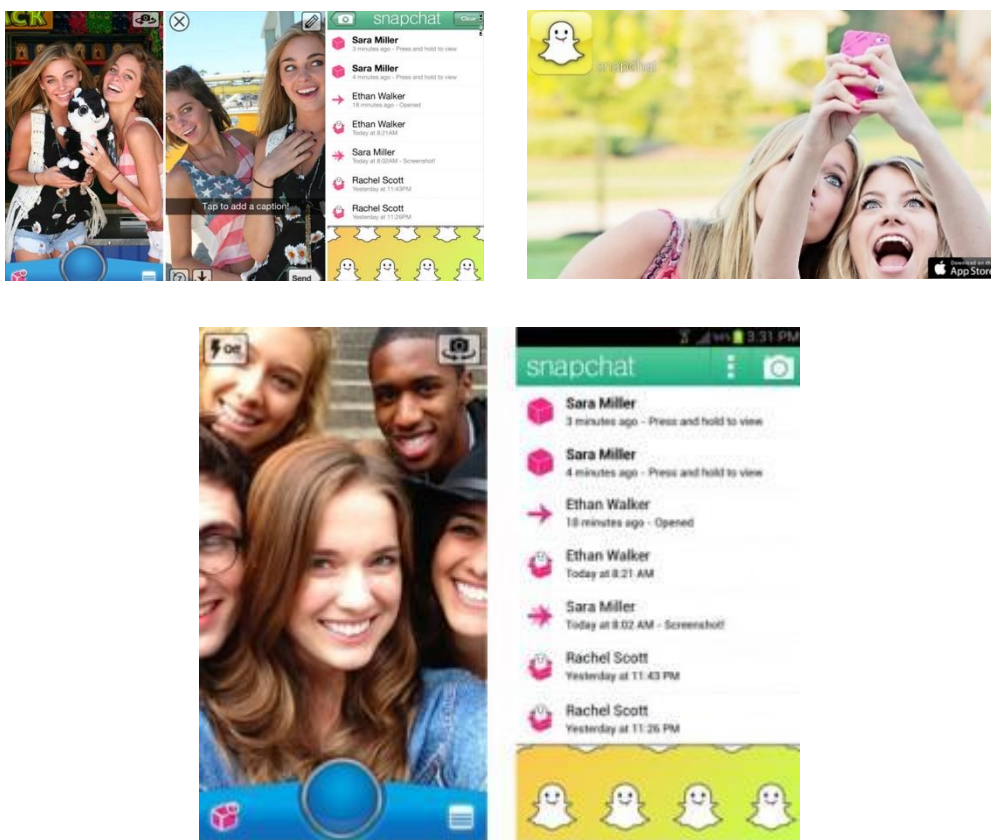
24 ¹⁴⁹ *Id.* at 6–7.

25 ¹⁵⁰ Sara Fischer, *A timeline of Snap’s advertising, from launch to IPO*, Axios (Feb. 3, 2017),
26 <https://www.axios.com/2017/12/15/a-timeline-of-snaps-advertising-from-launch-to-ipo-1513300279>.

27 ¹⁵¹ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*,
28 Reuters (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/>.

¹⁵² *October 2022 Investor Presentation* at 27, Snap Inc. (Oct. 20, 2022),
<https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

149. While Snap lumps teenagers in with younger adults in its investor materials, Snap marketing materials featuring young models reveal its priority market:



150. In addition to its marketing, Snap has targeted a younger audience by designing Snapchat in a manner that older individuals find hard to use.¹⁵³ The effect of this design is that Snapchat is a platform where its young users are insulated from older users including their parents. As Snap's CEO explained, "[w]e've made it very hard for parents to embarrass their children[.]"¹⁵⁴

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

152. Moreover, Snap added as a feature the ability for users to create cartoon avatars

¹⁵³ 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>.

¹⁵⁴ Max Chafkin & Sarah Frier, *How Snapchat Built a Business by Confusing Olds*, Bloomberg (Mar. 3, 2016), <https://www.bloomberg.com/features/2016-how-snapchat-built-a-business/>.

modeled after themselves.¹⁵⁵ By using an artform generally associated with and directed at younger audiences, Snap further designed Snapchat to entice teenagers and younger children.

153. In 2013, Snap also marketed Snapchat specifically to kids under 13 through a feature it branded “SnapKidz.”¹⁵⁶ This feature—part of the Snapchat platform—allowed children under 13 to take photos, draw on them, and save them locally on the device.¹⁵⁷ Kids could also send these images to others or upload them to other social media sites.¹⁵⁸

154. While SnapKidz feature was later discontinued and Snap purports to now prohibit users under the age of 13, its executives have admitted that its age verification “is effectively useless in stopping underage users from signing up to the Snapchat app.”¹⁵⁹

155. Snap’s efforts to attract young users have been successful. *See supra* Section IV.A. Teenagers consistently name Snapchat as a favorite social media platform. The latest figures show 13 percent of children ages 8–12 used Snapchat in 2021,¹⁶⁰ and almost 60 percent of children ages 13–17 use Snapchat.¹⁶¹

c. Snap Intentionally Maximizes the Time Users Spend on its Platform

156. Snap promotes excessive use of its platform through design features and manipulative algorithms intended to maximize users’ screen time.

157. Snap has implemented inherently and intentionally exploitive features into

¹⁵⁵ Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Bus. Insider (July 19, 2016), <https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7>.

¹⁵⁶ Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23, 2013), <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>.

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*, Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

¹⁶⁰ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens, 2021* at 5, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

¹⁶¹ Emily 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/>.

Snapchat, including “Snapstreaks,” various trophies and reward systems, quickly disappearing (“ephemeral”) messages, and filters. Snap designed these features, along with others, to maximize the amount of time users spend on Snapchat.

158. Snaps are intended to manipulate users by activating the rule of reciprocity.¹⁶² Whenever a user gets a snap, they feel obligated to send a snap back. And Snapchat tells users each time they receive a snap by pushing a notification to the recipient’s cellphone. These notifications are designed to prompt users to open Snapchat and view content, increasing the amount of time users spend on Snapchat. Further, because snaps disappear within ten seconds of being viewed, users feel compelled to reply immediately. This disappearing nature of snaps is a defining characteristic of Snapchat and intended keep users on the platform.

159. Snap also keeps users coming back to the Snapchat platform through the “Snapstreaks” feature.¹⁶³ A “streak” is a counter within Snapchat that tracks how many consecutive days two users have sent each other snaps. If a user fails to snap the other user within 24 hours, the streak ends. Snap adds extra urgency by putting an hourglass emoji next to a friend’s name if a Snapchat streak is about to end.¹⁶⁴ This design implements a system where a user must “check constantly or risk missing out.”¹⁶⁵ And this feature is particularly effective on teenage users. “For teens in particular, streaks are a vital part of using the app, and of their social lives as a whole.”¹⁶⁶ Some children become so obsessed with maintaining a Snapstreak that they

¹⁶² Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015), <https://www.nirandfar.com/psychology-of-snapchat/>.

¹⁶³ See Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you 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), <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>.

¹⁶⁴ Lizette Chapman, *Inside the Mind of a Snapchat Streaker*, Bloomberg (Jan. 30, 2017), <https://www.bloomberg.com/news/features/2017-01-30/inside-the-mind-of-a-snapchat-streaker>.

¹⁶⁵ *Id.*

¹⁶⁶ Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you 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->

1 give their friends access to their accounts when they may be away from their phone for a day or
2 more, such as on vacation.¹⁶⁷

3 160. Snap also designed features that operate on IVR principles to maximize the time
4 users are on its platform. The “rewards” come in the form of a user’s “Snapscore,” and other
5 signals of recognition similar to “likes” used in other platforms. For example, a Snapscore
6 increases with each snap a user sends and receives. The increase in score and other trophies and
7 charms users can earn by using the app operate on variable reward patterns. Like Snapstreaks,
8 these features are designed to incentivize sending snaps and increase the amount of time users
9 spend on Snapchat.

10 161. Snap also designs photo and video filters and lenses, which are central to
11 Snapchat’s function as a photo and video sharing social media platform. Snap designed its filters
12 and lenses in a way to further maximize the amount of time users spend on Snapchat. One way
13 Snap uses its filters to hook young users is by creating temporary filters that impose a sense of
14 urgency to use them before they disappear. Another way Snap designed its filters to increase
15 screen use is by gamification. Many filters include games,¹⁶⁸ creating competition between users
16 by sending each other snaps with scores. Further, Snap tracks data on the most commonly used
17 filters and develops new filters based on this data.¹⁶⁹ And Snap personalizes filters to further
18 entice individuals to use Snapchat more.¹⁷⁰ Snap designs and modifies these filters to maximize
19 the amount of time users spend on Snapchat.

21 [keep-you-hooked-13](#); see generally Cathy Becker, *Experts warn parents how Snapchat can*
22 *hook in teens with streaks*, ABC News (July 27, 2017),
23 [https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-](https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296)
[streaks/story?id=48778296](https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296).

24 ¹⁶⁷ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017),
25 <https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>; Jon
26 Brooks, *7 Specific Tactics Social Media Companies Use to Keep You Hooked*, KQED (June 9,
27 2017), [https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-](https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked)
[have-you-hooked](https://www.kqed.org/futureofyou/397018/7-specific-ways-social-media-companies-have-you-hooked).

28 ¹⁶⁸ Josh Constine, *Now Snapchat Has ‘Filter Games’*, TechCrunch (Dec. 23, 2016),
<https://techcrunch.com/2016/12/23/snapchat-games/>.

¹⁶⁹ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
(last visited Dec. 8, 2022).

¹⁷⁰ *Id.*

1 **d. Snapchat’s Algorithms Are Manipulative and Harmful**

2 162. Snap also uses complex algorithms to suggest friends to users and recommend
3 content in order to keep users using Snapchat.

4 163. Snap notifies users based on an equation Snap uses to determine whether someone
5 should add someone else as a friend on Snapchat. This is known as “Quick Add.” By using an
6 algorithm to suggest friends to users, Snapchat increases the odds users will add additional
7 friends, send additional snaps, and spend more time on the app.

8 164. Snapchat also contains “Discover” and “Spotlight” features that use algorithms to
9 recommend content to users. The Discover feature includes content from news and other media
10 outlets.¹⁷¹ A user’s Discover page is populated by an algorithm and constantly changes
11 depending on how a user interacts with the content.¹⁷² Similarly, the Spotlight feature promotes
12 popular videos from other Snapchat users and is based on an algorithm that determines whether a
13 user has positively or negatively engaged with similar content.¹⁷³ Snap programs its algorithms
14 to push content to users that will keep them engaged on Snapchat and, thereby, increase the
15 amount of time users spend on Snapchat, worsening their mental health.

16 **e. Snap’s Conduct in Designing and Operating Its Platform Has**
17 **Harmed Youth Mental Health**

18 165. The way in which Snap has designed and operated Snapchat has caused youth to
19 suffer increased anxiety, depression, disordered eating, and sleep deprivation.

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

24 167. Snap should know that its conduct has negatively affected youth. Snap’s conduct

25 ¹⁷¹ Steven Tweedie, *How to Use Snapchat’s New ‘Discover’ Feature*, Bus. Insider (Jan. 27,
26 2015), <https://www.businessinsider.com/how-to-use-snapchat-discover-feature-2015-1>.

27 ¹⁷² *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
(last visited Dec. 8, 2022).

28 ¹⁷³ Sara Fischer, *Snapchat launches Spotlight, a TikTok competitor*, Axios (Nov. 23, 2020),
<https://www.axios.com/2020/11/23/snapchat-launches-spotlight-tiktok-competitor>;
<https://snap.com/en-US/privacy/your-information>.

1 has been the subject of inquiries by the United States Senate regarding Snapchat’s use “to
2 promote bullying, worsen eating disorders, and help teenagers buy dangerous drugs or engage in
3 reckless behavior.”¹⁷⁴ Further, Senators from across the ideological spectrum have introduced
4 bills that would ban many of the features Snapchat uses, including badges and other awards
5 recognizing a user’s level of engagement with the platform.¹⁷⁵ Despite these calls for oversight
6 from Congress, Snap has failed to curtail its use of streaks, badges, and other awards that
7 recognize users’ level of engagement with Snapchat.

8 168. Snap also knows or should know of Snapchat’s other negative effects on youth
9 because of published research findings. For instance, researchers coined the phrase “Snapchat
10 dysmorphia” after the pernicious effect Snapchat has had on how young people view
11 themselves.¹⁷⁶ The researchers and doctors use the phrase to describe people, usually young
12 women, seeking plastic surgery to make themselves look like the way they do through Snapchat
13 filters.¹⁷⁷ The cause of this trend appears to be Snapchat’s and other social media platforms’
14 beauty filters, which create a “sense of unattainable perfection” that is alienating and damaging
15 to a person’s self-esteem.¹⁷⁸ One social psychologist summed the effect as “the pressure to
16 present a certain filtered image on social media can certainly play into [depression and anxiety]
17 for younger people who are just developing their identities.”¹⁷⁹

18 169. Despite knowing Snapchat harms its young users, Snap continues to update and

19 ¹⁷⁴ Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and*
20 *TikTok*, Nat’l Pub. Radio (Oct. 26, 2021),
21 <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

22 ¹⁷⁵ See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, Nat’l
23 Pub. 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*,
24 S. 2314, 116th Cong. (2019); *Kids Internet Design and Safety Act*, S. 2918, 117th Cong. (2021).

25 ¹⁷⁶ ‘Snapchat Dysmorphia’: When People Get Plastic Surgery To Look Like A Social Media
26 Filter, WBUR (Aug 29, 2018), <https://www.wbur.org/hereandnow/2018/08/29/snapchat-dysmorphia-plastic-surgery>.

27 ¹⁷⁷ *Id.*

28 ¹⁷⁸ Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-real-virtual-beauty-filters/story?id=77427989>.

¹⁷⁹ *Id.*

add features intentionally designed to maximize the amount of time users spend on Snapchat. Snap continues its harmful conduct because its advertising revenue relies on Snapchat's users consuming large volumes of content on its platform.

3. TikTok Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis

a. TikTok's Platform

170. TikTok is a social media platform that describes itself as "the leading destination for short-form mobile video."¹⁸⁰ According to TikTok, it is primarily a platform where users "create and watch short-form videos."¹⁸¹

171. TikTok's predecessor, Musical.ly, launched in 2014 as a place where people could create and share 15-second videos of themselves lip-syncing or dancing to their favorite music.¹⁸²

172. In 2017, ByteDance launched an international version of a similar platform that also enabled users to create and share short lip-syncing videos that it called TikTok.¹⁸³

173. That same year, ByteDance acquired Musical.ly to leverage its young user base in the United States, of almost 60 million monthly active users.¹⁸⁴

174. Months later, the apps were merged under the TikTok brand.¹⁸⁵

175. Since then, TikTok has expanded the length of time for videos from 15-seconds to

¹⁸⁰ About: Our Mission, TikTok, <https://www.tiktok.com/about> (last visited Dec. 8, 2022).

¹⁸¹ Protecting Kids Online: Snapchat, TikTok, and YouTube: Hearing Before the Subcomm. On Consumer Protection, Product Safety, and Data Security, 117 Cong. (2021) (statement of Michael Beckerman, VP and Head of Public Policy, Americas, TikTok).

¹⁸² 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-musically-2016-5>.

¹⁸³ Paresh Dave, *China's ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1, 2018), <https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW>.

¹⁸⁴ Liza Lin & Rolfe Winkler, *Social-Media App Musical.ly Is Acquired for as Much as \$1 Billion; With 60 million monthly users, startup sells to Chinese maker of news app Toutiao*, Wall St. J. (Nov. 10, 2017), <https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123>.

¹⁸⁵ Paresh Dave, *China's ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug. 1, 2018), <https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW>.

up to 10 minutes;¹⁸⁶ created a fund that was expected to grow to over \$1 billion within three years to incentivize users to create videos that even more people will watch;¹⁸⁷ and had users debut their own songs, share comedy skits,¹⁸⁸ and “challenge” others to perform an activity.¹⁸⁹

176. The videos users create on TikTok are only one part of the equation.

177. “[O]ne of the defining features of the TikTok platform,” is its “For You” feed.¹⁹⁰ There, users are served with an unending stream of videos TikTok curates for them based on complex, machine-learning algorithms intended to keep users on its platform. TikTok itself describes the feed as “central to the TikTok experience and where most of our users spend their time.”¹⁹¹ The *New York Times* described it this way:

It’s an algorithmic feed based on videos you’ve interacted with, or even just watched. It never runs out of material. It is not, unless you train it to be, full of people you know, or things you’ve explicitly told it you want to see. It’s full of things that you seem to have demonstrated you want to watch, no matter what you actually say you want to watch.¹⁹²

178. The “For You” feed has quickly garnered TikTok hundreds of millions of users. Since 2018, TikTok has grown from 271 million global users to more than 1 billion global monthly users as of September 2021.¹⁹³

b. TikTok Markets Its Platform to Youth

179. TikTok, like the other Defendants’ platforms, has built its business plan around

¹⁸⁶ Andrew Hutchinson, *TikTok Confirms that 10 Minute Video Uploads are Coming to All Users*, SocialMediaToday (Feb. 28, 2022), <https://www.socialmediatoday.com/news/tiktok-confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/>.

¹⁸⁷ Vanessa Pappas, *Introducing the \$200M TikTok Creator Fund*, TikTok (July 29, 2021), <https://newsroom.tiktok.com/en-us/introducing-the-200-million-tiktok-creator-fund>.

¹⁸⁸ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and 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>.

¹⁸⁹ John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019), <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>.

¹⁹⁰ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

¹⁹¹ *Id.*

¹⁹² John Herrman, *How TikTok is Rewriting the World*, N.Y. Times (Mar. 10, 2019), <https://www.nytimes.com/2019/03/10/style/what-is-tik-tok.html>.

¹⁹³ 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 advertising revenue, which has boomed. In 2022, TikTok is projected to receive \$11 billion in
2 advertising revenue, over half of which (i.e., \$6 billion) is expected to come from the United
3 States.¹⁹⁴

4 180. TikTok, since its inception as Musical.ly, has been designed and developed with
5 youth in mind.

6 181. Alex Zhu and Louis Yang, the other co-founder of Musical.ly, raised \$250,000 to
7 build an app that experts could use to create short three- to five-minute videos explaining a
8 subject.¹⁹⁵ The day they released the app, Zhu said they knew “[i]t was doomed to be a failure,”
9 because “[i]t wasn’t entertaining, and it didn’t attract teens.”¹⁹⁶

10 182. According to Zhu, he stumbled upon the idea that would become known as
11 TikTok while observing teens on a train, half of whom were listening to music while the other
12 half took selfies or videos and shared the results with friends.¹⁹⁷ “That’s when Zhu realized he
13 could combine music, videos, and a social network to attract the early-teen demographic.”¹⁹⁸

14 183. Zhu and Yang thereafter developed the short-form video app that is now known
15 as TikTok, which commentators have observed “encourages a youthful audience in subtle and
16 obvious ways.”¹⁹⁹

17 184. Among the more subtle ways the app was marketed to youth, are its design and
18 content. For example, the Federal Trade Commission (“FTC”) alleged that the app initially
19 centered around a child-oriented activity (i.e., lip syncing); featured music by celebrities that
20 then appealed primarily to teens and tweens, such as Selena Gomez and Ariana Grande; labelled
21 folders with names meant to appeal to youth, such as “Disney” and “school”; included songs in

22 ¹⁹⁴ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*,
23 Reuters (Apr. 11, 2022), [https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-
twitter-snapchat-combined-2022-report-2022-04-11/](https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/).

24 ¹⁹⁵ Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app
25 you’ve probably never heard of*, Bus. Insider (May 28, 2016),
<https://www.businessinsider.com/what-is-musically-2016-5>.

26 ¹⁹⁶ *Id.*

27 ¹⁹⁷ *Id.*

¹⁹⁸ *Id.*

¹⁹⁹ John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. Times (Sept.
28 16, 2016), [https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-
by-children-tests-the-limits-of-online-regulation.html](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html).

1 such folders related to Disney television shows and movies, such as “Can You Feel the Love
2 Tonight” from the movie “The Lion King” and “You’ve Got a Friend in Me” from the movie
3 “Toy Story” and songs covering school-related subjects or school-themed television shows and
4 movies.²⁰⁰

5 185. The target demographic was also reflected in the sign-up process. In 2016, the
6 birthdate for those signing up for the app defaulted to the year 2000 (i.e., 16 years old).²⁰¹

7 186. TikTok also cultivated a younger demographic in unmistakable, albeit concealed,
8 ways. In 2020, the *Intercept* reported on a document TikTok prepared for its moderators. In the
9 document, TikTok instructs its moderators that videos of “senior people with too many wrinkles”
10 are disqualified for the “For You” feed because that would make “the video . . . much less
11 attractive [and] not worth[] . . . recommend[ing.]”²⁰²

12 187. In December 2016, Zhu confirmed the company had actual knowledge that “a lot
13 of the top users are under 13.”²⁰³

14 188. The FTC alleged that despite the company’s knowledge of these and a
15 “significant percentage” of other users who were under 13, the company failed to comply with
16 the COPPA.²⁰⁴

17 189. TikTok settled those claims in 2019 by agreeing to pay what was then the largest
18 ever civil penalty under COPPA and to several forms of injunctive relief.²⁰⁵

20 ²⁰⁰ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief (“**Musical.ly**
21 **Complaint**”) at p. 8, ¶¶ 26–27, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D.
22 Cal. Feb. 27, 2019) Dkt. # 1.

23 ²⁰¹ Melia Robinson, *How to use Musical.ly, the app with 150 million users that teens are obsessed*
24 *with*, *Bus. Insider* (Dec. 7, 2016), [https://www.businessinsider.com/how-to-use-musically-app-](https://www.businessinsider.com/how-to-use-musically-app-2016-12)
25 [2016-12](https://www.businessinsider.com/how-to-use-musically-app-2016-12).

26 ²⁰² Sam Biddle *et al.*, *Invisible Censorship: TikTok Told Moderators to Suppress Posts by*
27 *“Ugly” People and the Poor to Attract New Users*, *Intercept* (Mar. 15, 2020),
28 <https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>.

²⁰³ Jon Russell, *Muscal.ly defends its handling of young users, as it races past 40M MAUs at*
8:58–11:12, *TechCrunch* (Dec. 6, 2016), [https://techcrunch.com/2016/12/06/musically-](https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/)
[techcrunch-disrupt-london/](https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/).

²⁰⁴ See generally *Musical.ly Complaint*, *supra* note 202.

²⁰⁵ Lesley Fair, *Largest FTC COPPA settlement requires Musical.ly to change its tune*, *FTC*
(Feb. 27, 2019), [https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-](https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune)
[settlement-requires-musically-change-its-tune](https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune).

1 190. In an attempt to come into compliance with the consent decree and COPPA,
2 TikTok made available to users under 13 what it describes as a “limited, separate app
3 experience.”²⁰⁶ The child version of TikTok restricts users from posting videos through the app.
4 Children can still, however, record and watch videos on TikTok.²⁰⁷ For that reason, experts fear
5 the app is “designed to fuel [kids’] interest in the grown-up version.”²⁰⁸

6 191. These subtle and obvious ways TikTok markets to and obtained a young userbase
7 are manifestations of Zhu’s views about the importance of user engagement to growing TikTok.
8 Zhu explained the target demographic to the *New York Times*: “[T]eenage culture doesn’t exist”
9 in China because “teens are super busy in school studying for tests, so they don’t have the time
10 and luxury to play social media apps.”²⁰⁹ By contrast, Zhu describes “[t]eenagers in the U.S. [as]
11 a golden audience.”²¹⁰

12 192. TikTok’s efforts to attract young users have been successful. *See supra*
13 Section IV.A. Over 66 percent of children ages 13–17 report having used the TikTok app.

14 **c. TikTok Intentionally Maximizes the Time Users Spend on its**
15 **Platform**

16 193. TikTok employs design elements and complex algorithms to simulate variable
17 reward patterns in a flow-inducing stream of short-form videos intended to captivate its user’s
18 attention well after they are satiated.

19 194. Like the other Defendants’ social media platforms, TikTok developed features
20 that exploit psychological phenomenon such as IVR and reciprocity to maximize the time users
21 spend on its platform.

22 195. TikTok drives habitual use of its platform using design elements that operate on

23 ²⁰⁶ Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, Verge (Feb.
24 27, 2019), [https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-](https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law)
25 [settlement-13-childrens-privacy-law](https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law).

26 ²⁰⁷ *Id.*

27 ²⁰⁸ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022),
28 <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

²⁰⁹ Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.
Times (Aug. 9, 2016), [https://www.nytimes.com/2016/08/10/technology/china-homegrown-](https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html)
[internet-companies-rest-of-the-world.html](https://www.nytimes.com/2016/08/10/technology/china-homegrown-internet-companies-rest-of-the-world.html).

²¹⁰ *Id.*

principles of IVR. For example, TikTok designed its platform to allow users to like and reshare videos. Those features serve as rewards for users who create content on the platform. Receiving a like or reshare indicates that others approve of that user's content and satisfies their natural desire for acceptance.²¹¹ Studies have shown that "likes" activate the reward region of the brain.²¹² The release of dopamine in response to likes creates a positive feedback loop.²¹³ Users will use TikTok—again and again—in hope of another pleasurable experience.²¹⁴

196. TikTok also uses reciprocity to manipulate users to use the platform. TikTok invokes reciprocity through features like "Duet." The Duet feature allows users to post a video side-by-side with a video from another TikTok user. Users use Duet as a way to react to the videos of TikTok content creators. The response is intended to engender a reciprocal response from the creator of the original video.

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

198. TikTok's defining features, its "For You" feed, is a curated, never-ending stream of short-form videos intended to keep users on its platform. In that way, TikTok feeds users beyond the point they are satiated. The ability to scroll ad infinitum, coupled with the variable reward pattern of TikTok induces a flow-like state for users that distorts their sense of time.²¹⁵ That flow is yet another way TikTok increases the time users spend on its platform.

²¹¹ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer 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/>.

²¹² *Id.*

²¹³ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction*, 11(7) J. Neurology & Neurophysiology 507 (2020), <https://www.iomcworld.org/open-access/neurotransmitter-dopamine-da-and-its-role-in-the-development-of-social-media-addiction.pdf>.

²¹⁴ *Id.*

²¹⁵ Christian Montag et al., *Addictive Features of Social Media/Messenger Platforms and Freemium 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>.

1 **d. TikTok’s Algorithms are Manipulative**

2 199. The first thing a user sees when they open TikTok is the “For You” feed, even if
3 they have never posted anything, followed anyone, or liked a video.²¹⁶

4 200. The “For You” page presents users with a “stream of videos” TikTok claims are
5 “curated to [each user’s] interests.”²¹⁷

6 201. According to TikTok, it populates each user’s “For You” feed by “ranking videos
7 based on a combination of factors,” that include, among others, any interests expressed when a
8 user registers a new account, videos a user likes, accounts they follow, hashtags, captions,
9 sounds in a video they watch, and certain device settings, such as their language preferences and
10 where they are located.²¹⁸

11 202. Critically, some factors weigh heavier than others. To illustrate, TikTok explains
12 that an indicator of interest, such as “whether a user finishes watching a longer video from
13 beginning to end, would receive greater weight than a weak indicator, such as whether the
14 video’s viewer and creator are both in the same country.”²¹⁹

15 203. TikTok claims it ranks videos in this way because the length of time a user spends
16 watching a video is a “strong indicator of interest[.]”²²⁰

17 204. But Zhu offered a different explanation, he repeatedly told interviewers that he
18 was “focused primarily on increasing the engagement of existing users.”²²¹ “Even if you have
19 tens of millions of users,” Zhu explained, “you have to keep them *always* engaged.”²²²

21 ²¹⁶ Brian Feldman, *TikTok is Not the Internet’s Eden*, N.Y. Mag. (Mar. 16, 2020),
22 <https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html>.

23 ²¹⁷ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020),
24 <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

25 ²¹⁸ *Id.*

26 ²¹⁹ *Id.*

27 ²²⁰ *Id.*

28 ²²¹ Joseph Steinberg, *Meet Musical.ly, the Video Social Network Quickly Capturing the Tween and 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>.

²²² 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-musically-2016-5> (emphasis added).

1 205. The decisions TikTok made in programming its algorithms are intended to do just
2 that, as TikTok candidly explained in an internal document titled, “TikTok Algo 101.” The
3 document, which TikTok has confirmed is authentic, “explains frankly that in the pursuit of the
4 company’s ‘ultimate goal’ of adding daily active users, it has chosen to optimize for two closely
5 related metrics in the stream of videos it serves: ‘retention’ — that is, whether a user comes back
6 — and ‘time spent.’”²²³

7 206. “This system means that watch time is key.”²²⁴ Guillaume Chaslot, the founder of
8 Algo Transparency, who reviewed the document at the request of the *New York Times*, explained
9 that “rather than giving [people] what they really want,” TikTok’s “algorithm tries to get people
10 addicted[.]”²²⁵

11 207. Put another way, the algorithm, coupled with the design elements, condition users
12 through reward-based learning processes to facilitate the formation of habit loops that encourage
13 excessive use.

14 208. The end result is that TikTok uses “a machine-learning system that analyzes each
15 video and tracks user behavior so that it can serve up a continually refined, never-ending stream
16 of TikToks optimized to hold [user’s] attention.”²²⁶

17 **e. TikTok’s Conduct in Designing and Operating its Platform Has**
18 **Harmed Youth Mental Health**

19 209. TikTok’s decision to program its algorithm to prioritize user engagement causes
20 harmful and exploitive content to be amplified to the young market it has cultivated.

21 210. The Integrity Institute, a nonprofit of engineers, product managers, data scientists,
22 and others, has demonstrated how prioritizing user engagement amplifies misinformation on
23 TikTok (and other platforms).²²⁷ That pattern, the Integrity Institute notes, is “true for a broad

24 ²²³ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021),
25 <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

26 ²²⁴ *Id.*

27 ²²⁵ *Id.*

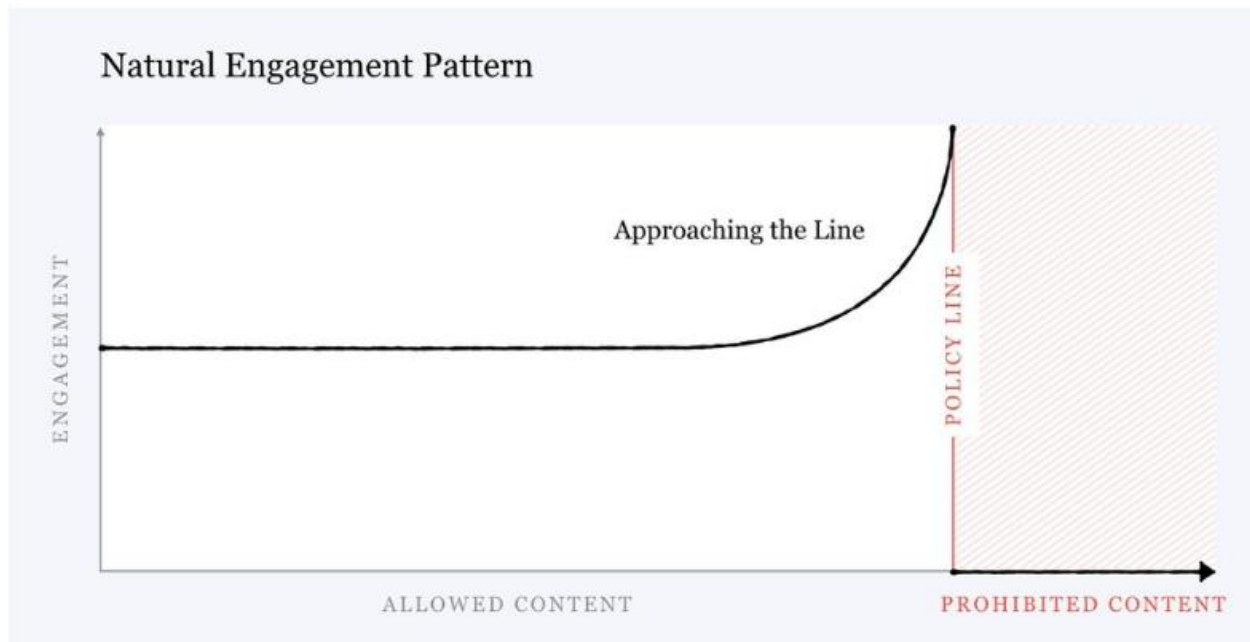
28 ²²⁶ Jia Tolentino, *How TikTok Holds Our Attention*, New Yorker (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

²²⁷ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13,
2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation->

range of harms,” such as hate speech and self-harm content, in addition to misinformation.²²⁸

211. The Integrity Institute’s analysis builds on a premise Mark Zuckerberg described as the “Natural Engagement Pattern.”²²⁹

212. This chart shows that as content gets closer and closer to becoming harmful, on average, it gets more engagement.



213. According to Zuckerberg “no matter where we draw the lines for what is allowed, as a piece of content gets close to that line, people will engage with it more on average[.]”²³⁰

214. This has important implications for platform design, as the Integrity Institute explains:

when platforms use machine learning models to predict user engagement on content, we should expect the predicted engagement to follow the actual engagement. When those predictions are used to rank and recommend content, specifically when a higher predicted engagement score means the content is more

[amplification-tracking-dashboard](#); see also Steven Lee Myers, *How Social Media Amplifies Misinformation More Than Information*, N.Y. Times (Oct. 13, 2022), <https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-report.html>.

²²⁸ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard>.

²²⁹ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook (May 5, 2021), <https://www.facebook.com/notes/751449002072082/>.

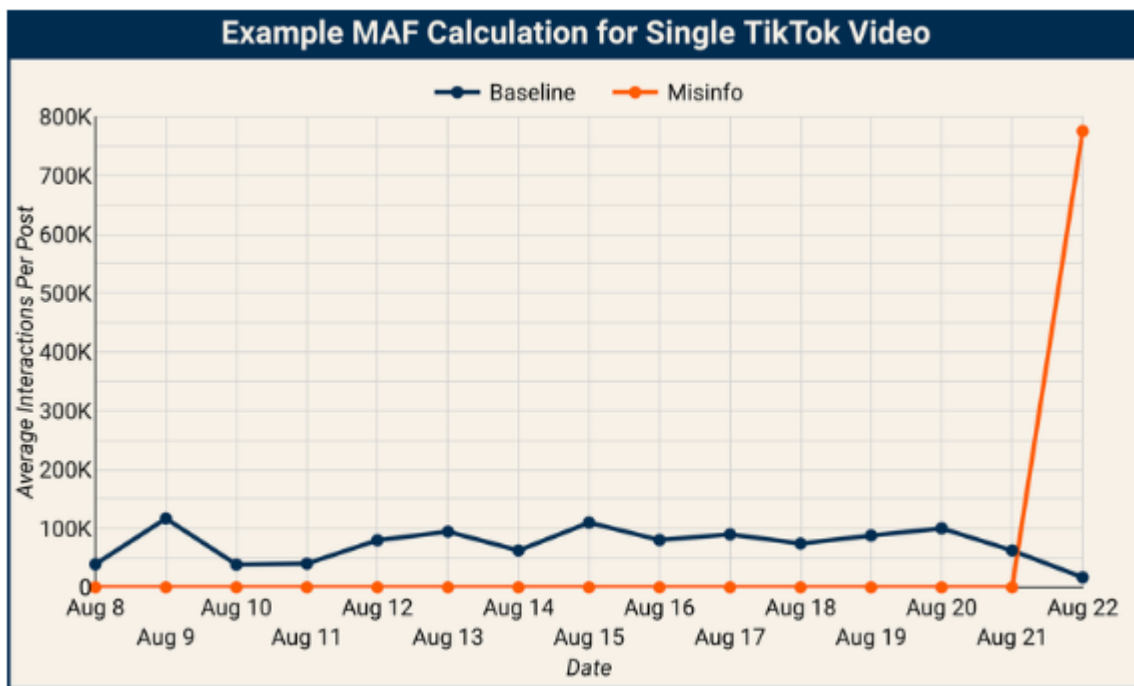
²³⁰ *Id.*

likely to be recommended or placed at the top of feeds, then we expect that misinformation will be preferentially distributed and amplified on the platform.²³¹

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

216. The Integrity Institute tested its theory by analyzing a category of harmful content: misinformation. Specifically, the Integrity Institute compared the amount of engagement (e.g., number of views) a post containing misinformation received as compared to prior posts from the same content creator.²³²

217. For example, a TikTok user’s historical posts received on average 75,000 views. When that same user posted a false statement (as determined by the International Fact Checking Network), the post received 775,000 views. In this case, TikTok amplified the misinformation 10 times more than this user’s typical content.²³³



218. After analyzing many other posts from other users, the Integrity Institute found

²³¹ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard>.

²³² *Id.*

²³³ *Id.*

1 that TikTok on average amplified misinformation 29 times more than other content.²³⁴

2 219. A separate investigation by *NewsGuard* found TikTok’s search algorithm
3 similarly amplified misinformation. TikTok’s search engine, like its “For You” feed, is a favorite
4 among youth, with 40 percent preferring it (and Instagram) over Google.²³⁵ Unfortunately,
5 *NewsGuard* found that 1 in 5 of the top 20 TikTok search results on prominent news topics, such
6 as school shootings and COVID vaccines, contain misinformation.²³⁶

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

10 221. In one investigation, the *Wall Street Journal* found TikTok’s algorithm quickly
11 pushed users down rabbit holes where they were more likely to encounter harmful content. The
12 *Wall Street Journal* investigated how TikTok’s algorithm chose what content to promote to users
13 by having 100 bots scroll through the “For You” feed.²³⁷ Each bot was programmed with
14 interests, such as extreme sports, forestry, dance, astrology, and animals.²³⁸ Those interests were
15 not disclosed in the process of registering their accounts.²³⁹ Rather, the bots revealed their
16 interests through their behaviors, specifically the time they spent watching the videos TikTok
17 recommended to them. Consistent with TikTok’s internal “Algo 101” document, the *Wall Street*
18 *Journal* found that time spent watching videos to be “the most impactful data on [what] TikTok
19 serves you.”²⁴⁰

20 222. Over the course of 26 minutes, one bot watched 224 videos, lingering over videos
21 with hashtags for “depression” or “sad.”²⁴¹ From then on, 93 percent of the videos TikTok

22 ²³⁴ *Id.*

23 ²³⁵ Wanda Pogue, *Move Over Google. TikTok is the Go-To Search Engine for Gen Z*, Adweek
24 (Aug. 4, 2022), <https://www.adweek.com/social-marketing/move-over-google-tiktok-is-the-go-to-search-engine-for-gen-z/>.

25 ²³⁶ *Misinformation Monitor*, NewsGuard (Sept. 2022),
<https://www.newsguardtech.com/misinformation-monitor/september-2022/>.

26 ²³⁷ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),
<https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

27 ²³⁸ *Id.*

28 ²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *Id.*

showed this account were about depression or sadness.²⁴²

223. That is not an outlier. Guillaume Chaslot, a former engineer for Google who worked on the algorithm for YouTube and the founder of Algo Transparency, explained that 90–95 percent of the content users see on TikTok is based on its algorithm.²⁴³

224. “Even bots with general mainstream interests got pushed to the margin as recommendations got more personalized and narrow.”²⁴⁴ Deep in these rabbit holes, the *Wall Street Journal* found “users are more likely to encounter potential harmful content.”²⁴⁵ For example, one video the *Wall Street Journal* encountered encouraged suicide, reading “Just go. Leave. Stop trying. Stop pretending. You know it and so do they. Do Everyone a favor and leave.”²⁴⁶

225. Chaslot explained why TikTok feeds users this content:

[T]he algorithm is able to find the piece of content that you’re vulnerable to. That will make you click, that will make you watch, but it doesn’t mean you really like it. And that it’s the content that you enjoy the most. It’s just the content that’s most likely to make you stay on the platform.²⁴⁷

226. A follow-up investigation by the *Wall Street Journal* using bots found “that through its powerful algorithms, TikTok can quickly drive minors—among the biggest users of the app—into endless spools of content about sex and drugs.”²⁴⁸

227. The bots in this investigation were registered as users aged 13 to 15 and, as before, programmed to demonstrate interest by how long they watched the videos TikTok’s algorithms served them.²⁴⁹ Videos that did not match their interests, the bots scrolled through without pausing.²⁵⁰ The bots lingered on videos that matched any of their programmed

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ *Id.*

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ Rob Barry et al., *How TikTok Serves up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944?st=e92pu5734lvc7ta&reflink=desktopwebshare_permalink.

²⁴⁹ *Id.*

²⁵⁰ *Id.*

interests.²⁵¹

228. Every second the bot hesitated or re-watched a video again proved key to what TikTok recommended to the accounts, which the *Wall Street Journal* found was used to “drive users of any age deep into rabbit holes of content[.]”²⁵²

229. For example, one bot was programmed to pause on videos referencing drugs, among other topics. The first day on the platform, the “account lingered on a video of a young woman walking through the woods with a caption” referencing “stoner girls.”²⁵³ The following day the bot viewed a video of a “marijuana-themed cake.”²⁵⁴ The “majority of the next thousand videos” TikTok directed at the teenage account “tout[ed] drugs and drug use, including marijuana, psychedelics and prescription medication.”²⁵⁵

230. TikTok similarly zeroed in on and narrowed the videos it showed accounts whether the bot was programmed to express interest in drugs, sexual imagery, or a multitude of interests. In the first couple of days, TikTok showed the bots a “high proportion of popular videos.”²⁵⁶ “But after three days, TikTok began serving a high number of obscure videos.”²⁵⁷

231. For example, a bot registered as a 13-year-old was shown a series of popular videos upon signing up.²⁵⁸ The bot, which was programmed to demonstrate interest in sexual text and imagery, also watched sexualized videos. Later, “[i]t experienced one of the most extreme rabbit holes among the *Wall Street Journal*’s accounts. Many videos described how to tie knots for sex, recover from violent sex acts and discussed fantasies about rape.”²⁵⁹ At one point, “more than 90 percent of [one] account’s video feed was about bondage and sex.”²⁶⁰

232. At least 2,800 of the sexualized videos that were shown to the *Wall Street*

²⁵¹ *Id.*

²⁵² *Id.*

²⁵³ *Id.*

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ *Id.*

²⁵⁸ *Id.*

²⁵⁹ *Id.*

²⁶⁰ *Id.*

1 *Journal's* bots were labeled as being for adults only.²⁶¹ Yet, TikTok directed these videos to the
2 minor accounts because, as TikTok told the *Wall Street Journal*, it does not “differentiate
3 between videos it serves to adults and minors.”²⁶²

4 233. TikTok also directed a concentrated stream of videos at accounts programmed to
5 express interest in a variety of topics. One such account was programmed to linger over hundreds
6 of Japanese film and television cartoons. “In one streak of 150 videos, all but four” of the videos
7 TikTok directed at the account, “featured Japanese animation—many with sexual themes.”²⁶³

8 234. The relentless stream of content intended to keep users engaged “can be
9 especially problematic for young people,” because they may lack the capability to stop watching,
10 says David Anderson, a clinical psychologist at the nonprofit mental health care provider, The
11 Child Mind Institute.²⁶⁴

12 235. In a similar investigation, the *Wall Street Journal* found TikTok “flood[ed] teen
13 users with videos of rapid-weight-loss competitions and ways to purge food that health
14 professionals say contribute to a wave of eating-disorder cases spreading across the country.”²⁶⁵

15 236. In this investigation, the *Wall Street Journal* analyzed the tens of thousands of
16 videos TikTok recommended to a dozen bots registered as 13-year-olds. As before, the bots were
17 given interests. Bots scrolled quickly through videos that did not match their interests and
18 lingered on videos that did.²⁶⁶ The accounts registered as 13-year-olds were programmed at
19 different times to display interests in weight loss, gambling, and alcohol.²⁶⁷

23 ²⁶¹ *Id.*

24 ²⁶² *Id.*

25 ²⁶³ *Id.*

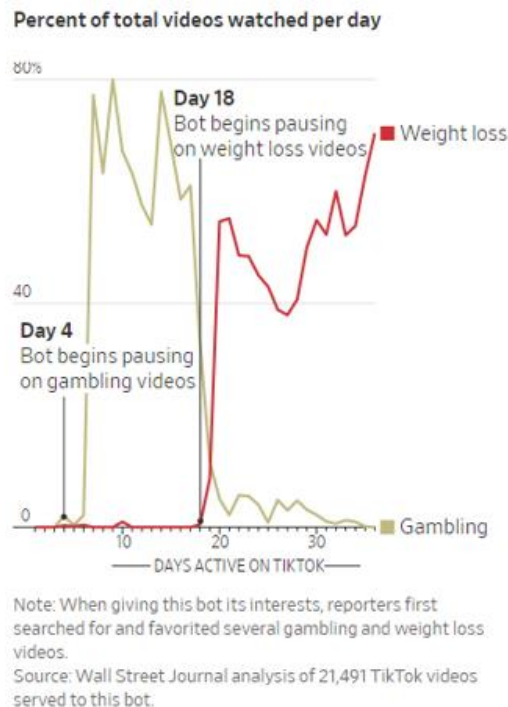
26 ²⁶⁴ *Id.*

27 ²⁶⁵ Tawnell D. Hobbs *et al.*, *The Corpse Bride Diet: How TikTok Inundates Teens with Eating-*
Disorder Videos, Wall St. J. (Dec. 17, 2021), [https://www.wsj.com/articles/how-tiktok-](https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848)
28 [inundates-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).

²⁶⁶ *Id.*

²⁶⁷ *Id.*

237. “TikTok’s algorithm quickly g[a]ve[] users the content they’ll watch, for as long
as they’ll watch it.”²⁶⁸ For example, TikTok streamed gambling videos to a bot registered to a
13-year-old after it first searched for and favorited several such videos.²⁶⁹ When the bot began
demonstrating interest in weight loss videos, the algorithm adapted quickly, as this chart
demonstrates.²⁷⁰



238. After the change in programming, weight-loss videos accounted for well over 40 percent of the content TikTok’s algorithm recommended to the user.²⁷¹

239. 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.”²⁷² Some encouraged purging, eating less than 300 calories a day, consuming nothing but water some days, and other hazardous

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ *Id.*

²⁷¹ *Id.*

²⁷² *Id.*

1 diets.²⁷³

2 240. According to Alyssa Moukheiber, a treatment center dietitian, TikTok’s powerful
3 algorithm and the harmful streams of content it directs at young users can tip them into unhealthy
4 behaviors or trigger a relapse.²⁷⁴

5 241. Unfortunately, it has for the several teenage girls interviewed by the *Wall Street*
6 *Journal*, who reported developing eating disorders or relapsing after being influenced by the
7 extreme diet videos TikTok promoted to them.²⁷⁵

8 242. They are not alone. Katie Bell, a co-founder of the Healthy Teen Project, “said the
9 majority of her 17 teenage residential patients told her TikTok played a role in their eating
10 disorders.”²⁷⁶

11 243. Others, like Stephanie Zerwas, an associate professor of psychiatry at the
12 University of North Carolina at Chapel Hill, could not recount how many of her young patients
13 told her that “I’ve started falling down this rabbit hole, or I got really into this or that influencer
14 on TikTok, and then it started to feel like eating-disorder behavior was normal, that everybody
15 was doing that.”²⁷⁷

16 244. This trend extends nationwide. The National Association of Anorexia Nervosa
17 and Associated Disorders has fielded 50 percent more calls to its hotline since the pandemic
18 began, most of whom it says are from young people or parents on their behalf.²⁷⁸

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

23
24
25
26 ²⁷³ *Id.*

27 ²⁷⁴ *Id.*

28 ²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *Id.*

1 **4. YouTube Intentionally Marketed to and Designed Its Social Media Platform**
2 **for Youth Users, Substantially Contributing to the Mental Health Crisis**

3 **a. The YouTube Platform**

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

7 247. YouTube reports that today it has over 2 billion monthly logged-in users.²⁷⁹ Even
8 more people use YouTube each month because consumers do not have to register an account to
9 view a video on YouTube. As a result, anyone can view most content on YouTube—regardless
10 of age.

11 248. Users, whether logged in or not, watch *billions of hours of videos every day*.²⁸⁰

12 249. Users with accounts can post their own videos, comment on others, and since
13 2010 express their approval of videos through “likes.”²⁸¹

14 250. Beginning in 2008 and through today, YouTube has recommended videos to
15 users.²⁸² Early on, the videos YouTube recommended to users were the most popular videos
16 across the platform.²⁸³ YouTube admits “[n]ot a lot of people watched those videos[,]” at least
17 not based on its recommendation.²⁸⁴

18 251. Since then, YouTube has designed and refined its recommendation system using
19 machine learning algorithms that today take into account a user’s “likes,” time spent watching a
20 video, and other behaviors to tailor its recommendations to each user.²⁸⁵

21 252. YouTube automatically plays those recommendations for a user after they finish
22 watching a video. This feature, known as “autoplay,” was implemented in 2015. YouTube turns
23 the feature on by default, which means videos automatically and continuously play for users

24 ²⁷⁹ YouTube for Press, YouTube, <https://blog.youtube/press/> (last visited Dec. 8, 2022).

25 ²⁸⁰ *Id.*

26 ²⁸¹ 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/>.

27 ²⁸² Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

28 ²⁸³ *Id.*

²⁸⁴ *Id.*

²⁸⁵ *Id.*

1 unless they turn it off.²⁸⁶

2 253. YouTube purports to disable by default its autoplay feature for users aged 13–
3 17.²⁸⁷ But, as mentioned above, YouTube does not require users to log in or even have an
4 account to watch videos. For them or anyone who does not self-report an age between 13 and 17,
5 YouTube defaults to automatically playing the videos its algorithm recommends to the user.

6 **b. YouTube Markets Its Platform to Youth**

7 254. The primary way YouTube makes money is through advertising and made \$19
8 billion in ad revenue in 2021 alone.²⁸⁸

9 255. “In 2012, YouTube concluded that the more people watched, the more ads it
10 could run[.]”²⁸⁹ “So YouTube . . . set a company-wide objective to reach one billion hours of
11 viewing a day[.]”²⁹⁰

12 256. “[T]he best way to keep eyes on the site,” YouTube realized, was “recommending
13 videos, alongside a clip or after one was finished.”²⁹¹ That is what led to the development of its
14 recommendation algorithm and autoplay feature described above. *See supra* Section IV.D.4.a.

15 257. YouTube has long known youth use its platforms in greater proportion than older
16 demographics.

17 258. Yet, YouTube has not implemented even rudimentary protocols to verify the age
18 of users. Anyone can watch a video on YouTube without registering an account or reporting their
19 age.

20 259. Instead, YouTube leveraged its popularity among youth to increase its revenue
21 from advertisements by marketing its platform to popular brands of children’s products. For

22 ²⁸⁶ Autoplay videos, YouTube Help,
23 <https://support.google.com/youtube/answer/6327615?hl=en#:~:text=For%20users%20aged%2013%2D17,turned%20off%20Autoplay%20for%20you> (last visited Dec. 8, 2022).

24 ²⁸⁷ *Id.*

25 ²⁸⁸ Alphabet Inc., Annual Report, Form 10-k at 60 (2021),
26 <https://www.sec.gov/ix?doc=/Archives/edgar/data/1652044/000165204422000019/goog-20211231.htm>.

27 ²⁸⁹ Mark Bergen, *YouTube Executive Ignores Warnings, Letting Toxic Videos Run Rampant*,
28 Bloomberg (Apr. 2, 2019), <https://www.bloomberg.com/news/features/2019-04-02/youtube-executives-ignored-warnings-letting-toxic-videos-run-rampant?leadSource=uverify%20wall>.

²⁹⁰ *Id.*

²⁹¹ *Id.*

1 example, Google pitched Mattel, the maker of Barbie and other popular kids' toys, by telling its
2 executives that "YouTube is today's leader in reaching children age 6–11 against top TV
3 channels."²⁹² When presenting to Hasbro, the maker of Play-Doh, My Little Pony, and other
4 kids' toys, Google touted that "YouTube was unanimously voted as the favorite website for kids
5 2-12," and that "93% of tweens visit YouTube to watch videos."²⁹³ In a different presentation to
6 Hasbro, YouTube was referred to as "[t]he new 'Saturday Morning Cartoons,'" and claimed that
7 YouTube was the "#1 website regularly visited by kids" and "the #1 source where children
8 discover new toys + games."²⁹⁴

9 260. In addition to turning a blind eye towards underage users of its platform,
10 YouTube developed and marketed a version of YouTube specifically for children under the age
11 of 13.

12 261. YouTube's efforts to attract young users have been successful. *See supra*
13 Section IV.A. A vast majority, 95 percent, of children ages 13–17 have used YouTube.²⁹⁵

14 **c. YouTube Intentionally Maximizes the Time Users Spend on its**
15 **Platform**

16 262. Google designed YouTube to maximize user engagement, predominantly through
17 the amount of time users spend watching videos. To that end, Google employs design elements
18 and complex algorithms to create a never-ending stream of videos intended to grip user's
19 attention.

20 263. Like the other Defendants' social media platforms, Google developed features
21 that exploit psychological phenomenon such as IVR to maximize the time users spend on
22 YouTube.

23 264. YouTube uses design elements that operate on principles of IVR to drive both
24 YouTube content creators and YouTube viewers into habitual, excessive use. Google designed
25 YouTube to allow users to like, comment, and share videos and to subscribe to content creator's

26 ²⁹² Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, Exhibit A,
27 *FTC v. Google LLC et al.*, No. 1-19-cv-02642-BAH (D.D.C. Sept. 4, 2019), Dkt. # 1-1.

28 ²⁹³ *Id.* Exhibit B.

²⁹⁴ *Id.* Exhibit C.

²⁹⁵ *Id.*

1 channels. These features serve as rewards for users who create and upload videos to YouTube.
2 As described above, receiving a like indicates others' approval and activates the reward region of
3 the brain.²⁹⁶ The use of likes, therefore, encourages users to use YouTube over and over, seeking
4 future pleasurable experiences.

5 265. YouTube also uses IVR to encourage users to view others content. One of the
6 ways Google employs IVR into YouTube's design is through subscriber push notifications and
7 emails, which are designed to prompt users to watch YouTube content and encourages excessive
8 use of the platform. When a user "subscribes" to another user's channel, they receive
9 notifications every time that user uploads new content, prompting them to open YouTube and
10 watch the video.²⁹⁷

11 266. One of YouTube's defining features is its panel of recommended videos.
12 YouTube recommends videos to users on both the YouTube home page and on every individual
13 video page in an "Up Next" panel.²⁹⁸ This list automatically populates next to the video a user is
14 currently watching. This recommended video list is a never-ending feed of videos intended to
15 keep users on the app watching videos without having to affirmatively click or search for other
16 videos. This constant video stream, comprised of videos recommended by YouTube's
17 algorithms, is the primary way Google increases the time users spend on YouTube.

18 **d. YouTube's Algorithms are Manipulative**

19 267. Google uses algorithms throughout YouTube to recommend videos to users.
20 These algorithms select videos that populate the YouTube homepage, rank results in user
21 searches, and suggest videos for viewers to watch next. These algorithms are manipulative by
22 design and increase the amount of time users spend on YouTube.

24
25 ²⁹⁶ See, e.g., Lauren E. Sherman et al., *The Power of the Like in Adolescence: Effects of Peer*
26 *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/>.

27 ²⁹⁷ *Manage YouTube Notifications*, YouTube,
28 <https://support.google.com/youtube/answer/3382248?hl=en&co=GENIE.Platform%3DDesktop>
(last visited Dec. 8, 2022).

²⁹⁸ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/> (last visited Dec. 8, 2022).

268. Google began building the YouTube recommendation system in 2008.²⁹⁹ When Google initially developed its recommendation algorithms, the end goal was to maximize the amount of time users spend watching YouTube videos. A YouTube spokesperson admitted as much, saying YouTube’s recommendation system was initially set up to “optimize” the amount of time users watch videos.³⁰⁰

269. Former YouTube engineer Guillame Chaslot has also stated that when he worked for YouTube designing its recommendation algorithm, the priority was to keep viewers on the site for as long as possible to maximize “watch time.”³⁰¹ Chaslot further stated that “[i]ncreasing users’ watch time is good for YouTube’s business model” because the more people watch videos, the more ads they see and YouTube’s advertising revenue increases.³⁰²

270. Early on, one of the primary metrics behind YouTube’s recommendation algorithm was clicks. As YouTube describes, “[c]licking on a video provides a strong indication that you will also find it satisfying.”³⁰³ But as YouTube learned, clicking on a video does not mean a user actually watched it. Thus, in 2012, YouTube also started tracking watch time—the amount of time a user spends watching a video.³⁰⁴ YouTube made this switch to keep people watching for as long as possible.³⁰⁵ In YouTube’s own words, this switch was successful. “These changes have so far proved very positive -- primarily less clicking, more watching. We saw the

²⁹⁹ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021), <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

³⁰⁰ Ben Popken, *As algorithms take over, YouTube’s recommendations highlight a human problem*, NBC (Apr. 19, 2018), <https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596>.

³⁰¹ 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>.

³⁰² Jesselyn Cook & Sebastian Murdock, *YouTube is a Pedophile’s Paradise*, Huffington Post (Mar. 20, 2020), https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db.

³⁰³ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021), <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

³⁰⁴ *Id.*

³⁰⁵ Dave Davies, *How YouTube became one of the planet’s most influential media businesses*, NPR (Sept. 8, 2022), <https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses>.

1 amount of time viewers spend watching videos across the site increase immediately[.]”³⁰⁶ And in
2 2016, YouTube started measuring “valued watchtime” via user surveys to ensure that viewers are
3 satisfied with their time spent watching videos on YouTube.³⁰⁷ All of these changes to
4 YouTube’s algorithms were made to ensure that users spend more time watching videos and ads.

5 271. YouTube’s current recommendation algorithm is based on deep-learning neural
6 networks that retune its recommendations based on the data fed into it.³⁰⁸ While this algorithm is
7 incredibly complex, its process can be broken down into two general steps. First, the algorithm
8 compiles a shortlist of several hundred videos by finding videos that match the topic and other
9 features of the video a user is currently watching.³⁰⁹ Then the algorithm ranks the list according
10 to the user’s preferences, which the algorithm learns by tracking a user’s clicks, likes, and other
11 interactions.³¹⁰ In short, the algorithms track and measure a user’s previous viewing habits and
12 then finds and recommends other videos the algorithm thinks will hold the consumer’s attention.

13 272. YouTube’s recommendation system “is constantly evolving, learning every day
14 from over 80 billion pieces of information.”³¹¹ Some of the information the recommendation
15 algorithm relies on to deliver recommended videos to users includes users’ watch and search
16 history, channel subscriptions, clicks, watch time, survey responses, shares, likes, dislikes, users’
17
18

19 ³⁰⁶ Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012),
20 <https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>.

21 ³⁰⁷ Cristos Goodrow, *On YouTube’s recommendation system*, YouTube (Sept. 15, 2021),
22 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

23 ³⁰⁸ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atl. (Nov. 8, 2018),
24 <https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/>; Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*,
25 Google (2016), [https://storage.googleapis.com/pub-tools-public-publication-
26 data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf).

27 ³⁰⁹ Karen Hao, *YouTube is experimenting with ways to make its algorithm even more addictive*,
28 MIT Tech. Rev. (Sept. 27, 2019),
29 [https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-
30 addictive/](https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/); Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*,
31 Google (2016), [https://storage.googleapis.com/pub-tools-public-publication-
32 data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf).

33 ³¹⁰ *Id.*

34 ³¹¹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
35 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

1 location (country) and the time of day.³¹²

2 273. The recommendation algorithm can determine what “signals” or factors are more
3 important to individual users.³¹³ For example, if a user shares every video they watch, including
4 videos the user gives a low rating, the algorithm learns not to heavily factor the user’s shares
5 when recommending content.³¹⁴ Thus, the recommendation algorithm “develops dynamically” to
6 individual user’s viewing habits and makes highly specific recommendations to keep individual
7 users watching videos.³¹⁵

8 274. In addition to the algorithm’s self-learning, Google engineers consistently update
9 YouTube’s recommendation and ranking algorithms, making several updates every month,
10 according to YouTube Chief Product Officer Neal Mohan.³¹⁶ The end goal is to increase the
11 amount of time users spend watching content on YouTube.

12 275. Because Google has designed and refined its algorithms to be manipulative, these
13 algorithms are incredibly successful at getting users to view content based on the algorithm’s
14 recommendation. Mohan stated in 2018 that YouTube’s AI-driven recommendations are
15 responsible for 70 percent of the time users spend on YouTube.³¹⁷ In other words, 70 percent of
16 all YouTube content that users watch was recommended to users by YouTube’s algorithms as
17 opposed to users purposely searching for and identifying the content they watch.

18 276. Mohan also stated that recommendations keep mobile device users watching
19 YouTube for more than 60 minutes at a time on average.³¹⁸

22 ³¹² *Recommended Videos*, YouTube, [https://www.youtube.com/howyoutubeworks/product-](https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content)
23 [features/recommendations/#signals-used-to-recommend-content](https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content) (last visited Dec. 8, 2022).

24 ³¹³ *Id.*

25 ³¹⁴ *Id.*

26 ³¹⁵ *Id.*

27 ³¹⁶ Nilay Patel, *YouTube Chief Product Officer Neal Mohan on The Algorithm, Monetization,*
28 *and the Future for Creators*, Verge (Aug. 3, 2021),
<https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview>.

³¹⁷ 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-](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/)
[mohan/](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/).

³¹⁸ *Id.*

277. Given that people watch more than one billion hours of YouTube videos daily,³¹⁹ YouTube’s recommendation algorithms are responsible for hundreds of millions of hours that users spend watching videos on YouTube.

e. YouTube’s Conduct in Designing and Operating its Platform Has Harmed Youth Mental Health

278. By designing YouTube’s algorithms to prioritize and maximize the amount of time users spend watching videos, Google has harmed youth mental health. In particular, YouTube has harmed youth mental health by recommending content to youth through its algorithms.

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

280. Research by the Tech Transparency Project (“TTP”) shows that YouTube Kids fed children content that involved drug culture, guns, and beauty and diet tips that could lead to harmful body image issues.³²⁰ Among the videos TTP found were step-by-step instructions on how to conceal a gun, guides on how to bleach one’s face at home, and workout videos emphasizing the importance of burning calories and telling kids to “[w]iggle your jiggle.”³²¹ This research shows that YouTube Kids not only lets inappropriate content slip through its algorithmic filters, but actively directed the content to kids through its recommendation engine.

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

³¹⁹ Shira Ovide, *The YouTube Rabbit Hole is Nuanced*, N.Y. Times (Apr. 21, 2022), <https://www.nytimes.com/2022/04/21/technology/youtube-rabbit-hole.html>.

³²⁰ Alex Hern, *YouTube Kids shows videos promoting drug culture and firearms to toddlers*, Guardian (May 5, 2022), <https://www.theguardian.com/technology/2022/may/05/youtube-kids-shows-videos-promoting-drug-culture-firearms-toddlers>.

³²¹ *Guns, Drugs, and Skin Bleaching: YouTube Kids Poses Risks to Children*, Tech Transparency Project (May 5, 2022), <https://www.techtransparencyproject.org/articles/guns-drugs-and-skin-bleaching-youtube-kids-still-poses-risks-children>.

1 animated hippo's butt."³²² Another parent recounted that YouTube Kids' autoplay function led
2 her 6-year-old daughter to an animated video that encouraged suicide.³²³

3 282. Other youth are fed content by YouTube's algorithms that encourages self-harm.
4 As reported by PBS Newshour, a middle-schooler named Olivia compulsively watched YouTube
5 videos every day after she came home from school.³²⁴ Over time she became depressed and
6 started searching for videos on how to commit suicide. Similar videos then gave her the idea of
7 overdosing. Weeks later she was in the hospital after "downing a bottle of Tylenol."³²⁵
8 Ultimately, she was admitted into rehab for digital addiction because of her compulsive
9 YouTube watching.³²⁶

10 283. According to the Pew Research Center, 46 percent of parents say their child has
11 encountered inappropriate videos on YouTube.³²⁷ And children are not encountering these videos
12 on their own volition. Rather, they are being fed harmful and inappropriate videos through
13 YouTube's algorithms. Again, YouTube's AI-driven recommendations are responsible for 70
14 percent of the time users spend on YouTube.³²⁸

15 284. Other reports have also found that YouTube's recommendation algorithm
16 suggests a wide array of harmful content, including videos that feature misinformation, violence,
17 and hate speech, along with other content that violates YouTube's policies.³²⁹ A 2021
18 crowdsourced investigation from the Mozilla Foundation involving 37,000 YouTube users
19

20 ³²² Rebecca Heilweil, *YouTube's kids app has a rabbit hole problem*, Vox (May 12, 2021),
21 <https://www.vox.com/recode/22412232/youtube-kids-autoplay>.

22 ³²³ *Id.*

23 ³²⁴ Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for*
24 *'digital addiction'*, PBS (May 16, 2017), [https://www.pbs.org/newshour/health/compulsively-](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction)
25 [watching-youtube-teenage-girl-lands-rehab-digital-addiction](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction).

26 ³²⁵ *Id.*

27 ³²⁶ *Id.*

28 ³²⁷ Brooke Auxier *et al.*, *Parenting Children in The Age of Screens*, Pew Rsch. Ctr. (July 28,
2020), <https://www.pewresearch.org/internet/2020/07/28/parental-views-about-youtube/>.

³²⁸ 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-](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/)
[mohan/](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/).

³²⁹ Brandy Zadrozny, *YouTube's recommendations still push harmful videos, crowdsourced*
study finds, NBC News (July 17, 2021), [https://www.nbcnews.com/tech/tech-news/youtubes-](https://www.nbcnews.com/tech/tech-news/youtubes-recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355)
[recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355](https://www.nbcnews.com/tech/tech-news/youtubes-recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355).

revealed that 71 percent of all reported negative user experiences came from videos recommended by YouTube to users.³³⁰ And users were 40 percent more likely to report a negative experience with a video recommended by YouTube’s algorithm than with a video they searched for.³³¹

285. The inappropriate and disturbing content YouTube’s algorithms expose children to has adverse effects on mental health. Mental health experts have warned that YouTube is a growing source of anxiety and inappropriate sexual behavior among kids under the age of 13.³³²

286. Even though much of the content YouTube’s algorithms feed to youth is harmful, it can activate the reward circuitry in the brain such that it encourages youth to spend more time watching videos on YouTube. According to Donna Volpitta, founder of The Center for Resilient Leadership, watching “fear-inducing videos cause the brain to receive a small amount of dopamine,” which acts as a reward and creates a desire to do something over and over.³³³ This dopaminergic response is in addition to the reward stimulus YouTube provides users through IVR.

287. Mental health professionals across the country have seen an increase in children experiencing mental health issues because of YouTube. Natasha Daniels, a child psychotherapist in Arizona, has said she has seen a rise in cases of children suffering from anxiety because of videos they watched on YouTube.³³⁴ Because of their anxiety, these children “exhibit loss of appetite, sleeplessness, crying fits, and fear.”³³⁵

288. In addition to causing anxiety, watching YouTube is also associated with insufficient sleep.³³⁶ In one study on the effect of app use and sleep, YouTube was the only app

³³⁰ *Id.*

³³¹ *Id.*

³³² Josephine Bila, *YouTube’s dark side could be affecting your child’s mental health*, CNBC (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

³³³ *Id.*

³³⁴ *Id.*

³³⁵ *Id.*

³³⁶ Meg Pillion *et al.*, *What’s ‘app’-ning to adolescent sleep? Links between device, app use, and sleep outcomes*, 100 Sleep Med. 174–82 (Dec. 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1389945722010991?via%3Dihub>.

consistently associated with negative sleep outcomes.³³⁷ For every 15 minutes teens spent watching YouTube, they had a 24 percent greater chance of getting fewer than seven hours of sleep.³³⁸ YouTube is particularly problematic on this front because of YouTube’s recommendation and autoplay feature make it “so easy to finish one video” and watch the next, said Dr. Alon Avidan, director of the UCLA Sleep Disorders Center.³³⁹ In turn, insufficient sleep is associated with poor health outcomes.³⁴⁰ Thus, YouTube exacerbates an array of youth mental health issues by contributing to sleep deprivation.

289. Despite the extensive evidence that YouTube’s design and algorithms harm millions of youth, Google continues to promote YouTube unchanged, manipulating youth into staying on the platform and watching more and more videos so that it can increase its ad revenue.

E. The Effect of Social Media Use on Schools

290. School districts are uniquely harmed by the current youth mental health crisis. This is because schools are one of the main providers for mental health services for school-aged children.³⁴¹ Indeed, over 3.1 million children ages 12–17 received mental health services through an education setting in 2020, more than any other non-specialty mental health service setting.³⁴²

291. Most schools offer mental health services to students. In the 2021–22 school year, 96 percent of public schools reported offering at least one type of mental health service to their students.³⁴³ But 88 percent of public schools did not strongly agree that they could effectively provide mental health services to all students in need.³⁴⁴ The most common barriers to providing

³³⁷ *Id.*

³³⁸ *Id.*

³³⁹ Cara Murez, *One App is Especially Bad for Teens’ Sleep*, U.S. News (Sept. 13, 2022), <https://www.usnews.com/news/health-news/articles/2022-09-13/one-app-is-especially-bad-for-teens-sleep>.

³⁴⁰ Jessica C. Levenson *et al.*, *The Association Between Social Media Use and Sleep Disturbance Among Young Adults*, 85 *Preventive Med.* 36–41 (Apr. 2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

³⁴¹ *National Survey on Drug Use and Health*, SAMHSA (2019 & 1st & 4th Qs. 2020), <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables>.

³⁴² *Id.*

³⁴³ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health 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.

³⁴⁴ *Id.*

effective mental health services are (1) insufficient number of mental health professionals; (2) inadequate access to licensed mental health professionals; and (3) inadequate funding.³⁴⁵ Student opinions also reflect that schools are unable to provide adequate mental health services. Less than a quarter of students in grades 6–12 report accessing counseling or psychological services when they are upset, stressed, or having a problem.³⁴⁶ And of the students who access mental health services, only 41 percent of middle schoolers and 36 percent of high schoolers are satisfied with the services they receive.³⁴⁷

292. In part, schools are struggling to provide adequate mental health services because of the increase in students seeking these services. More than two-thirds of public schools reported an increase in the percent of students seeking mental health services from school since the start of the pandemic.³⁴⁸

293. During this same period, adolescents increased their social media use, also raising levels of excessive and problematic use of digital media.³⁴⁹ And these higher rates of social media use are related to higher “ill-being.”³⁵⁰ Thus, the increase in adolescent social media use during the pandemic has caused an increase in adolescents experiencing mental health problems.

294. That relationship is reflected in reports from public schools. Over 75 percent of public schools reported an increase in staff expressing concerns about student depression, anxiety, and other disturbances since the start of the pandemic.³⁵¹ Students receiving mental health services in educational settings predominately do so because they “[f]elt depressed,”

³⁴⁵ *Id.*

³⁴⁶ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2, YouthTruth (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

³⁴⁷ *Id.*

³⁴⁸ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health 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.

³⁴⁹ Laura Marciano et al., *Digital Media Use and Adolescents' Mental Health During the Covid-19 Pandemic: A Systematic Review and Meta-Analysis*, *Frontiers Pub. Health* (Feb. 2022), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8848548/>.

³⁵⁰ *Id.*

³⁵¹ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health 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 “[t]hought about killing [themselves] or tried to” or “[f]elt very afraid and tense.”³⁵²

2 295. Anxiety disorders are also up, affecting 31.9 percent of adolescents between 13
3 and 18 years old.³⁵³ “Research shows that untreated teenagers with anxiety disorders are at
4 higher risk to perform poorly in school, miss out on important social experiences, and engage in
5 substance abuse.”³⁵⁴

6 296. According to the National Alliance on Mental Illness, “[s]tudents ages 6–17 with
7 mental, emotional or behavioral concerns are **3x times more likely** to repeat a grade,” and
8 “[h]igh school students with significant symptoms of depression are more than **twice as likely** to
9 drop out compared to their peers.”³⁵⁵

10 297. Schools are struggling not only to provide students with mental health services
11 but also to deliver an adequate education because of the youth mental health crisis. Students in
12 grades 6–12 identify depression, stress, and anxiety as the most prevalent obstacles to
13 learning.³⁵⁶ Most middle school and high school students also fail to get enough sleep on school
14 nights, which contributes to poor academic performance.³⁵⁷ These negative mental health
15 outcomes are also the most common symptoms of excessive social media use.

16 298. The youth mental health crisis has also caused a wide range of other behavioral
17 issues among students that interfere with schools’ ability to teach. In 2022, 61 percent of public

18 ³⁵² Rachel N. Lipari *et al.*, *Adolescent Mental Health Service Use and Reasons for Using*
19 *Services in Specialty, Educational, and General Medical Settings*, SAMHSA (May 5, 2016),
20 https://www.samhsa.gov/data/sites/default/files/report_1973/ShortReport-1973.html.

21 ³⁵³ *Anxiety Disorders: Facts and Statistics*, Anxiety & Depression Ass’n Am.,
22 <https://adaa.org/understanding-anxiety/facts-statistics> (last visited Dec. 8, 2022).

23 ³⁵⁴ *Id.*

24 ³⁵⁵ *Mental Health By the Numbers*, Nat’l All. Mental Health (June 2022),
25 <https://www.nami.org/mhstats> (citing *2018-2019 National Survey of Children’s Health*, Data
26 Res. Ctr. Child & Adolescent Health, Child and Adolescent Health Measurement Initiative,
27 <https://www.childhealthdata.org/browse/survey/results?q=7839&r=1&g=812> (last visited Apr.
28 19, 2023); and Véronique Dupéré *et al.*, *Revisiting the Link Between Depression Symptoms and*
High School Dropout: Timing of Exposure Matters, J. Adolescent Health 62 (2018) 205–211
(Sept. 24, 2017), [https://www.jahonline.org/article/S1054-139X\(17\)30491-3/fulltext](https://www.jahonline.org/article/S1054-139X(17)30491-3/fulltext)).

³⁵⁶ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2–3,
YouthTruth (2022), [https://youthtruthsurvey.org/wp-](https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf)
[content/uploads/2022/10/YouthTruth_EMH_102622.pdf](https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf).

³⁵⁷ Anne G. Wheaton *et al.*, *Short Sleep Duration Among Middle School and High School*
Students-United States, 2015, 67(3) Morbidity & Mortality Wkly. Rpt. 85–90 (Jan. 26, 2018),
<http://dx.doi.org/10.15585/mmwr.mm6703a1>.

schools saw an increase in classroom disruptions from student misconduct compared to school years before the pandemic.³⁵⁸ Fifty-eight percent of public schools also saw an increase in rowdiness outside of the classroom, 68 percent saw increases in tardiness, 27 percent saw increases in students skipping classes, 55 percent saw increases in the use of electronic devices when not permitted, 37 percent saw an increase in bullying, 39 percent saw an increase in physical fights between students, and 46 percent saw an increase in threats of fights between students.³⁵⁹

299. Further exacerbating school's struggle to teach is the fact students are not showing up to school. Indeed, student absenteeism has greatly increased. In the 2021–22 school year, 39 percent of public schools experienced an increase in chronic student absenteeism compared to the 2020–21 school year, and 72 percent of public schools saw increased chronic student absenteeism compared to school years before the pandemic.³⁶⁰ Following suit, vandalism has increased in 2022, with 36 percent of public schools reporting increased acts of student vandalism on school property.³⁶¹

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

- hiring additional mental health personnel (41 percent of public schools added staff to focus on student mental health);³⁶²
- developing additional mental health resources (46 percent of public schools created or expanded mental health programs for students, 27 percent added student classes on social, emotional, and mental health and 25 percent offered guest speakers for students on mental health);³⁶³
- training teachers to help students with their mental health (56 percent of public schools offered professional development to teachers on helping students with mental health);³⁶⁴

³⁵⁸ 2022 School Pulse Panel, U.S. Dep't Educ., Inst. Educ. Sci. (2022), <https://ies.ed.gov/schoolsurvey/spp/>.

³⁵⁹ *Id.*

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² *Id.*

³⁶³ *Id.*

³⁶⁴ *Id.*

- addressing property damaged as a result of students acting out because of mental, social, and emotional problems Defendants’ conduct caused;
- diverting time and resources from instruction activities to notify parents and guardians of students’ behavioral issues and attendance;
- updating its student handbook to address use of Defendants’ platforms; and
- updating school policies to address use of Defendants’ platforms.

F. Impact of Social Media Use on Plaintiff

301. Plaintiff Liberty Union is a public school district in northeastern Contra Costa County, California. Liberty Union serves over 8,200 students in grades 9th through 12th grade.³⁶⁵ Plaintiff operates five different high schools, consisting of three comprehensive high schools and two continuation high schools.

302. Liberty Union has been directly impacted by the mental health crisis among youth in its community.

303. There has been an increase in the proportion of youth in Plaintiff’s community, like youth across California, who report experiencing anxiety, depression, and suicidal ideation.

304. Across California, more and more youth are experiencing anxiety, depression, and suicidal ideation. The results of the 2017–19 *California Healthy Kids Survey* reflect that 30 percent of 7th graders, 33 percent of 9th graders, and 37 percent of 11th graders reported feelings of “incapacitating, chronic sadness, or hopelessness[.]”³⁶⁶ In all grades, these results are the highest reported in the past decade.³⁶⁷ Further, 17 percent of 9th graders and 16 percent of 11th graders contemplated suicide over the past twelve months.³⁶⁸ Other reports show that the percentage of children in California ages 3–17 who had anxiety or depression increased by 70

³⁶⁵ Search for Public School Districts: Liberty Union High, Nat’l Ctr. Educ. Stat., https://nces.ed.gov/ccd/districtsearch/district_detail.asp?Search=2&details=1&DistrictID=0621600&ID2=0621600 (last visited May 30, 2023).

³⁶⁶ Gregory Austin et al., *California healthy kids Survey: School Climate and Student Engagement and Well-being in California, 2017/19. Results of the Seventeenth Biennial State California Healthy Kids Survey, Grades 7, 9, and 11* at 27, WestEd for Cal. Dep’t Educ. (2020), https://data.calschls.org/resources/Biennial_State_1719.pdf.

³⁶⁷ *Id.*

³⁶⁸ *Id.*

1 percent from 2016 to 2020.³⁶⁹ The severity of these increases cannot be understated; a 2020
2 report shows that mental illness is the primary reason children in California ages birth-to-17 are
3 hospitalized.³⁷⁰

4 305. These increases in anxiety and depression also impact the number of students
5 attending school, which directly impacts school districts' mission to educate its students. The
6 2017–19 *California Healthy Kids Survey* also identifies that 5 percent of 7th graders, 8 percent of
7 9th graders and 11 percent of 11th graders reported missing school in the past thirty days because
8 they felt “very sad, hopeless, anxious, stressed, or angry.”³⁷¹

9 306. Contra Costa County, where Plaintiff is located, maintains similar numbers. In the
10 2019–21 *California Health Kids Survey*, 31 percent of 7th graders, 37 percent of 9th graders, 46
11 percent of 11th graders reported experiencing chronic sad or hopeless feelings during the past
12 twelve months.³⁷² Additionally, 14 percent of 7th graders, 15 percent of 9th graders, 18 percent
13 of 11th graders seriously considered attempting suicide during the past twelve months.³⁷³

14 307. Anxiety, depression, and suicidal ideation are also rampant among Plaintiff's
15 students. In the 2021–22 *California Healthy Kids Survey*, 37 percent of 9th graders, 39 percent of
16 11th graders, and 38 percent of non-traditional students in Plaintiff's schools reported
17 experiencing social emotional distress.³⁷⁴ Further, 43 percent of 9th graders, 41 percent of 11th
18 graders, and 55 percent of non-traditional students reported experiencing chronic sadness or
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21 ³⁶⁹ 2022 *Kids Count Data Book: State Trends in Child Well-Being* at 7, Annie E. Casey Found.
(2022), <https://assets.aecf.org/m/resourcedoc/aecf-2022kidscountdatabook-2022.pdf>.

22 ³⁷⁰ 2020 *California Children's Report Card* at 15, Child. Now (2020),
<https://files.eric.ed.gov/fulltext/ED603021.pdf>.

23 ³⁷¹ Gregory Austin et al., *California healthy kids Survey: School Climate and Student*
24 *Engagement and Well-being in California, 2017/19. Results of the Seventeenth Biennial State*
California Healthy Kids Survey, Grades 7, 9, and 11 at 27, WestEd for Cal. Dep't Educ.
(2020), https://data.calschls.org/resources/Biennial_State_1719.pdf.

25 ³⁷² *California Health Kids Survey, Contra Costa County Secondary 2019–2021: Main Report* at
26 31, WestEd for Cal. Dep't Educ. (Aug. 12, 2022), **Error! Hyperlink reference not valid.**
https://data.calschls.org/resources/Contra_Costa_County_1921_Sec_CHKS.pdf.

27 ³⁷³ *Id.*

28 ³⁷⁴ *California Healthy Kids Survey, Liberty Union High Secondary, 2021–2022: Main Report* at
4, WestEd for Cal. Dep't Educ. (Oct. 26, 2022),
https://data.calschls.org/resources/Liberty_Union_High_2122_Sec_CHKS.pdf.

1 hopelessness over the past twelve months.³⁷⁵ Finally, 22 percent of 9th graders, 18 percent of
2 11th graders, and 27 percent of non-traditional students seriously considered suicide over the
3 past twelve months.³⁷⁶

4 308. The mental health issues that Plaintiff's students are facing are so severe that
5 administrators estimate they call an ambulance once every two weeks for a student experiencing
6 a mental health crisis.

7 309. Additionally, an increased number of Plaintiff's students have sought to transfer
8 from one of Plaintiff's comprehensive high schools to an alternative school because of anxiety.
9 Similarly, an increasing number of Plaintiff's students have sought an Individualized Education
10 Program ("IEP") involving home instruction because of anxiety and other mental health issues.
11 The increase of students seeking IEPs has also caused Plaintiff's teachers to work outside of the
12 regular school day.

13 310. In lockstep with these increases in anxiety, depression, and suicidal thoughts,
14 student behavior problems have also increased in Plaintiff's schools, including disciplinary
15 incidents tied to social media. Because of the high number of disciplinary incidents on school
16 property, including those tied to social media challenges, Plaintiff has installed additional
17 cameras across school campuses in an attempt to deter student misconduct.

18 311. While Plaintiff's schools and staff must deal with increased behavioral issues on
19 the one hand, they must deal with chronic absenteeism on the other. And even when Plaintiff's
20 students attend school, there is still a significant amount of lost instructional time. For example,
21 administrators have seen an increasing number of students leaving class to go to the bathroom
22 where they stay to access social media.

23 312. The pandemic and corresponding increase in time youth spend on Defendants'
24 platforms have intensified the youth mental health crisis and the behavioral issues Plaintiff's
25 students are experiencing.

26 313. The current youth mental health crisis has led to a marked increase in the number
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28 ³⁷⁵ *Id.*

³⁷⁶ *Id.*

of Plaintiff's students in crisis, acting out, and in need of mental health services.

314. This increase has adversely impacted the educational experience for staff, teachers, students, and their families. Staff and teachers cannot ignore students who are in crisis and need to support those students, even if this comes at the expense of the educational goals and experience for the larger student body. School campuses are public spaces, and classes and activities are communal experiences. Increases in anxiety, depression, suicidal ideation, and other mental health crises impact both the students suffering from these problems and the other students, teachers, and staff who need to interact with these students.

315. The pernicious effects of Defendants' platforms are inescapable and have fundamentally changed the learning and teaching environment at Plaintiff's schools.

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

- a. hire additional personnel, including counselors and other professionals to address mental, emotional, and social health issues;
- b. re-direct resources to address mental, emotional, and social health issues;
- c. increase training for teachers and staff to identify students exhibiting symptoms affecting their mental, emotional, and social health;
- d. educate teachers, staff, and members of the community about the harms caused by Defendants' wrongful conduct;
- e. educate students about the dangers of using Defendants' platforms; and
- f. update school policies to address use of Defendants' platforms.

317. Additionally, more students have been acting out as a result of the decline Defendants caused in students' mental, emotional, and social health. Resultingly, Plaintiff has been forced to divert resources and expend additional resources to:

- a. repair property damaged as a result of the exploitive and harmful content Defendants directed to students;
- b. increase disciplinary services;
- c. confiscate devices on which students were compelled by Defendants' conduct to

1 use while in class or school campuses to access Defendants' platforms;

2 d. meet with students and the parents of students caught using Defendants' platforms
3 at school;

4 e. divert time and resources from instructional activities to notify parents and
5 guardians of students' behavioral issues and attendance; and

6 318. As of the 2022–23 school year, Plaintiff employs a variety of school-based
7 behavior support staff, including, counselors, school psychologists, and school nurses. Plaintiff
8 has also hired assistant principals specifically to address the increase in student behavioral issues.

9 319. In addition to the services Liberty Union provides students directly, Liberty Union
10 also contracts with a local community provider, Remarkable Services, to offer clinical services to
11 Plaintiff's students.³⁷⁷ Through this contract, Remarkable Services offers up to 40 hours of
12 clinical services a week at Plaintiff's comprehensive high schools and up to 20 hours a week at
13 Plaintiff's alternative high schools. Liberty Union currently pays Remarkable Services \$341,000
14 a year to provide mental health services to its students.

15 320. Liberty Union also contracts with Care Solace, which provides referral services to
16 local counseling agencies for students and families. Liberty Union currently pays Care Solace
17 \$29,000 a year for its referral services.

18 321. Liberty Union has also partnered with #ICanHelp to provide presentations about
19 responsible social media use at orientation events for Plaintiff's students.

20 322. Even with these costly and labor-intensive resources in place, Plaintiff cannot
21 keep up with the increased need for mental health services because of the youth mental health
22 crisis.

23 323. As a result, the rest of Plaintiff's staff must fill in the cracks to help students with
24 mental health concerns.

25 324. Ultimately, Plaintiff requires significant and long-term funding to address the
26 nuisance Defendants have created and amplified. Plaintiff cannot ignore the ever-increasing
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28 ³⁷⁷ Remarkable Services: *Creating Pathways to Reconnection*, Remarkable Marriage & Fam.
Inst. (2023), <https://rmfi.world/school-based-counseling-contra-costa/>.

1 mental health needs of its students, even if this means diverting resources away from important
2 school functions and lessening the educational experience for all students and the families. Such
3 funding should not come at the expense of the students and fall at the foot of the public. Rather,
4 Defendants must bear the burden of remedying their wrongs. It is time, as President Biden
5 declared, to get “all Americans the mental health services they need.”³⁷⁸ And “hold social media
6 companies accountable[.]”³⁷⁹

7 V. SECTION 230 IS NO SHIELD FOR DEFENDANTS’ CONDUCT

8 325. Plaintiff anticipates that Defendants will raise section 230 of the Communications
9 Decency Act, 47 U.S.C. § 230(c)(1), as a shield for their conduct. But section 230 is no shield for
10 Defendants’ own acts in designing, marketing, and operating social media platforms that are
11 harmful to youth.

12 326. Section 230 provides immunity from liability only to “(1) a provider or user of an
13 interactive computer service (2) whom a plaintiff seeks to treat, under a state law cause of action,
14 as a publisher or speaker (3) of information provided by another information content provider.”
15 *Barnes v. Yahoo!, Inc.*, 570 F.3d 1096, 1100–01 (9th Cir. 2009), *as amended* (Sept. 28, 2009).

16 327. Publication generally involves traditional editorial functions, such as reviewing,
17 editing, and deciding whether to publish or to withdraw from publication third-party content.
18 *Lemmon v. Snap, Inc.*, 995 F.3d 1085, 1091 (9th Cir. 2021).

19 328. Publication does not, however, include duties related to designing and marketing
20 a social media platform. *See id.* at 1092–93.

21 329. Plaintiff expressly disavows any claims or allegations that attempt to hold
22 Defendants liable as the publisher or speaker of any information provided by third parties.

23 330. Section 230 does not shield Defendants’ conduct because, among other
24 considerations: (1) Defendants are liable for their own affirmative conduct in recommending and
25 promoting harmful content to youth; (2) Defendants are liable for their own actions designing
26

27 ³⁷⁸ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at
<https://www.whitehouse.gov/state-of-the-union-2022/>).

28 ³⁷⁹ President Biden, State of the Union Address (Feb. 7, 2023) (transcript available at
<https://www.whitehouse.gov/state-of-the-union-2023/>).

1 and marketing their social media platforms in a way that causes harm; (3) Defendants are liable
2 for the content they create that causes harm; and (4) Defendants are liable for distributing,
3 delivering, and/or transmitting material that they know or have reason to know is harmful,
4 unlawful, and/or tortious.

5 331. First, Plaintiff is not alleging Defendants are liable for what third parties have said
6 on Defendants' platforms but, rather, for Defendants' own conduct. As described above,
7 Defendants affirmatively recommend and promote harmful content to youth, such as pro-
8 anorexia and eating disorder content. Recommendation and promotion of damaging material is
9 not a traditional editorial function and seeking to hold Defendants liable for these actions is not
10 seeking to hold them liable as a publisher or speaker of third party-content.

11 332. Second, Plaintiff's claims arise from Defendants' status as designers and
12 marketers of dangerous social media platforms that have injured the health, comfort, and repose
13 of its community. The nature of Defendants' platforms centers around Defendants' use of
14 algorithms and other designs features that encourage users to spend the maximum amount of
15 time on their platforms—not on particular third-party content. The algorithms Defendants
16 employ adapt to the social media activity of individual users to promote whatever content will
17 trigger a particular user's attention and maximize their screen time. That is, Defendants'
18 algorithms are user-focused rather than content-based and are indifferent to the nature and type
19 of content they promote to users, provided that such content increases the time users spend on
20 their platforms. In that respect, they are content neutral.

21 333. Third, Defendants are liable for the content they create. In addition to content
22 such as Snapchat filters which promote body dysmorphia, Defendants send emails and
23 notifications to youth including material they create which often promotes certain harmful
24 content.

25 334. Fourth, Plaintiff does not seek to hold Defendants liable as publishers or speakers
26 of information provided by other content providers, but instead Plaintiff seeks to hold them liable
27 for distributing material they know or should know is harmful or unlawful. *See Malwarebytes,*
28 *Inc. v. Enigma Software Grp. USA, LLC*, 141 S. Ct. 13 (2020) (statement of Justice Thomas

1 respecting denial of certiorari discussing the distinction between distributor and publisher
2 liability); *cf. Restatement (Second) of Torts* § 581 (Am. Law Inst. 1977) (“[O]ne who only
3 delivers or transmits defamatory matter published by a third person is subject to liability if, but
4 only if, he knows or has reason to know of its defamatory character.”).

5 335. Ultimately, Plaintiff’s claim is not predicated on information provided by another
6 information content provider. Rather, Plaintiff’s claim rests on Defendants’ conduct which has
7 resulted in the current public health crisis among youth mental health.

8 VI. CAUSE OF ACTION

9 COUNT ONE — PUBLIC NUISANCE

10 336. Plaintiff incorporates by reference each and every preceding paragraph.

11 337. Plaintiff brings this claim under California public nuisance law as to all
12 Defendants.

13 338. Under California law, “anything which is injurious to health...or is indecent or
14 offensive to the senses, or an obstruction to the free use of property, so as to interfere with the
15 comfortable enjoyment of life or property...is a nuisance.”³⁸⁰ “A public nuisance is one which
16 affects at the same time an entire community or neighborhood, or any considerable number of
17 persons, although the extent of the annoyance or damage inflicted upon individuals may be
18 unequal.”³⁸¹

19 339. Defendants have created a mental health crisis in Plaintiff’s schools, injuring the
20 public health and safety in Plaintiff’s community and interfering with the operations, use, and
21 enjoyment of the property of Liberty Union.

22 340. Defendants, by designing, developing, marketing, supplying, promoting,
23 advertising, operating, and distributing their respective social media platforms for use by
24 students in Plaintiff’s Schools in the manner described above, have engaged in conduct that
25 substantially interferes with the health and safety of the students of Liberty Union, substantially
26 interferes with the functions and operations of Liberty Union schools, and harms the health,
27

28 ³⁸⁰ Cal. Civ. Code § 3479 (West 2023).

³⁸¹ Cal. Civ. Code § 3480 (West 2023).

safety, and welfare of the Liberty Union community.

341. Each Defendant has created or assisted in the creation of a condition that is injurious to the health, safety, and welfare of the Liberty Union community and interferes with the educational environment for students, teachers, and administrators in Plaintiff's schools. Defendants have each created or assisted in the creation of a condition that significantly disrupts the daily operations and functioning of Plaintiff's schools.

342. The health and safety of the students and employees of Liberty Union, including those who use, have used, or will use Defendants' platforms, as well as those affected by others' use of their platforms, are matters of substantial public interest and of legitimate concern to Plaintiff.

343. Defendants' conduct has affected and continues to affect a substantial number of people within Plaintiff's community and is likely to continue causing significant harm.

344. Defendants' conduct is ongoing and continues to produce permanent and long-lasting damage.

345. Defendants' conduct substantially and unreasonably interferes with public health, safety, and the right to a public education in a safe and healthy environment. In that regard, and in other ways discussed herein, the public nuisance created or maintained by Defendants was connected to Plaintiff's property, including but not limited to school buildings.

346. This harm to youth mental health and the corresponding impacts to public health, safety, and the welfare of Plaintiff's community outweighs any social utility of Defendants' wrongful conduct.

347. The rights, interests, and inconvenience to Plaintiff's community far outweighs the rights, interests, and inconvenience to Defendants, who have profited tremendously from their wrongful conduct.

348. But for Defendants' actions, Plaintiff's students would not use social media platforms as frequently or long as they do today, be deluged with exploitive and harmful content to the same degree, and the public health crisis that currently exists as a result of Defendants' conduct would have been averted.

1 349. Logic, common sense, justice, policy, and precedent indicate Defendants’ unfair
2 and deceptive conduct has caused the damage and harm complained of herein. Defendants knew
3 or reasonably should have known that their design, development, marketing, supply, promotion,
4 advertisement, operation, and distribution of their platforms would cause students to use their
5 platforms excessively, that their marketing methods were designed to appeal to youth, and that
6 their active efforts to increase youth use of their platforms were causing harm to youth and to
7 schools, including youth who attend Plaintiff’s schools.

8 350. Thus, the public nuisance caused by Defendants was reasonably foreseeable,
9 including the financial and economic losses incurred by Plaintiff.

10 351. Alternatively, Defendants’ conduct was a substantial factor in bringing about the
11 public nuisance even if a similar result would have occurred without it. By designing,
12 developing, marketing, supplying, promoting, advertising, operating, and distributing their
13 platforms in a manner intended to maximize the time youth spend on their respective
14 platforms—despite knowledge of the harms to youth from their wrongful conduct—Defendants
15 directly facilitated the widespread, excessive, and habitual use of their platforms and the public
16 nuisance affecting Plaintiff. By seeking to capitalize on their success by refining their platforms
17 to increase the time youth spend on their platforms, Defendants directly contributed to the public
18 health crisis and the public nuisance affecting Plaintiff.

19 352. Defendants’ conduct is especially injurious to Plaintiff because, as a direct and
20 proximate cause of Defendants’ conduct creating or assisting in the creation of a public nuisance,
21 the educational environment within Plaintiff’s schools has been and will continue to be
22 substantially harmed.

23 353. Plaintiff has had to take steps to mitigate the harm and disruption caused by
24 Defendants’ conduct, including the following:

- 25 a. hiring additional personnel to address mental, emotional, and social health issues;
- 26 b. developing additional resources to address mental, emotional, and social health
27 issues;
- 28 c. increasing training for teachers and staff to identify students exhibiting symptoms

1 affecting their mental, emotional, and social health;

2 d. training teachers, staff, and members of the community about the harms caused by
3 Defendants' wrongful conduct;

4 e. developing lesson plans to teach students about the dangers of using Defendants'
5 platforms;

6 f. educating students about the dangers of using Defendants' platforms;

7 g. addressing property damaged as a result of students acting out because of mental,
8 social, and emotional problems Defendants' conduct is causing;

9 h. increasing disciplinary services;

10 i. confiscating devices on which students use Defendants' platforms while in class
11 or on Plaintiff's school campuses;

12 j. meeting with students and the parents of students caught using Defendants'
13 platforms at school or other disciplinary matters related to students' use of Defendants'
14 platforms;

15 k. diverting time and resources from instruction activities to notify parents and
16 guardians of students' behavioral issues and attendance;

17 l. updating its student handbook to address use of Defendants' platforms; and

18 m. updating school policies to address use of Defendants' platforms.

19 354. Fully abating the nuisance resulting from Defendants' conduct will require much
20 more than these steps.

21 355. As detailed herein, Plaintiff has suffered special damage different in kind or quality
22 from that suffered by the public in common. The damages suffered by Plaintiff have been greater
23 in degree and different in kind than those suffered by the general public including, but not limited
24 to, costs arising from: expending, diverting, and increasing personnel to provide mental health
25 services; expending, diverting, and increasing resources to address mental health issues;
26 expending, diverting, and increasing staff time to confiscate cell phones and other devices;
27 expending, diverting, and increasing staff time to communicate and engage with parents;
28 expending, diverting, and increasing staff time associated with student discipline; expending,

diverting, and increasing staff time associated with routing students to counselors; expending, diverting, and increasing staff time to train staff to identify students exhibiting symptoms affecting their mental health; expending, diverting, and increasing resources for modifications to mental health curriculum; and expending, diverting, and increasing resources to repair property damages as a result of the exploitive and harmful content Defendants directed to students.

356. As a result of Defendant's conduct, Plaintiff has incurred damages and is entitled to compensation therefor. Plaintiff requests all the relief to which it is entitled in its own right and relating to the special damage or injury it has suffered, including actual and compensatory damages in an amount to be determined at trial and an order providing for the abatement of the public nuisance that Defendants have created or assisted in the creation of, and enjoining Defendants from future conduct contributing to the public nuisance described above. Plaintiff's claim is not brought in any representative or *parens patriae* capacity on behalf of students.

357. Defendants engaged in conduct, as described above, that constituted malice and/or intentional, wanton, willful, or reckless disregard of Plaintiff's rights, being fully aware of the probable dangerous consequences of the conduct and deliberately failing to avoid those consequences.

358. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of consumers and users of their platforms with full knowledge of the dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or Plaintiff. Defendants' willful, knowing, and reckless conduct therefore warrants an award of aggravated or punitive damages.

359. Defendants are jointly and severally liable because the harms resulting from their acts are indivisible.

COUNT TWO — NEGLIGENCE

360. Plaintiff incorporates by reference each and every preceding paragraph.

361. Defendants owed Plaintiff a duty to not expose Plaintiff to an unreasonable risk of harm, and to act with reasonable care as a reasonably careful person and/or company would act under the circumstances.

362. At all times relevant to this litigation, Defendants owed a duty to consumers and the general public, including Plaintiff, to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of Defendants social media platforms, including the duty to take all reasonable steps necessary to design, research , market, advertise, promote, operate, and/or distribute their platforms in a way that is not unreasonably dangerous to consumers users, including youth.

363. At all times relevant to this litigation, Defendants owed a duty to consumers and the general public, including Plaintiff, to exercise reasonable care in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and distribution of their social media platforms, including the duty to provide accurate, true, and correct information about the risks of using Defendants' platforms; and appropriate, complete, and accurate warnings about the potential adverse effects of extended social media use, in particular, social media content Defendants directed via their algorithms to users, including youth.

364. At all times relevant to this litigation, Defendants knew or, in the exercise of reasonable care, should have known of the hazards and dangers of their respective social media platforms and specifically, the health hazards their platforms posed to youth in particular, especially extended or problematic use of such platforms.

365. Accordingly, at all times relevant to this litigation, Defendants knew or, in the exercise of reasonable care, should have known that use of Defendants' social media platforms by youth could cause Plaintiff's injuries and thus created a dangerous and unreasonable risk of injury to Plaintiff.

366. Defendants also knew or, in the exercise of reasonable care, should have known that users and consumers of Defendants' social media platforms were unaware of the risks and

1 the magnitude of the risks associated with the use of Defendants' platforms including but not
2 limited to the risks of extended or problematic social media use and the likelihood that
3 algorithm-based recommendations would expose child and adolescent users to content that is
4 violent, sexual, or encourages self-harm, among other types of harmful content.

5 367. As such, Defendants, by action and inaction, representation and omission,
6 breached their duty of reasonable care, failed to exercise ordinary care, and failed to act as a
7 reasonably careful person and/or company would act under the circumstances in the design,
8 research, development, testing, marketing, supply, promotion, advertisement, operation, and
9 distribution of their social media platforms, in that Defendants designed, researched, developed,
10 tested, marketed, supplied, promoted, advertised, operated, and distributed social media
11 platforms that Defendants knew or had reason to know would negatively impact the mental
12 health of consumers, particularly youth, and failed to prevent or adequately warn of these risks
13 and injuries.

14 368. Despite their ability and means to investigate, study, and test their social media
15 platforms and to provide adequate warnings, Defendants have failed to do so. Defendants have
16 wrongfully concealed information and have made false and/or misleading statements concerning
17 the safety and use of Defendants' social media platforms.

18 369. Defendants' negligence includes:

19 a. Designing, researching, developing, marketing, supplying, promoting,
20 advertising, operating, and distributing their social media platforms without thorough and
21 adequate pre- and post-market testing; design, research, development, testing, marketing, supply,
22 promotion, advertisement, operation, and distribution

23 b. Failing to sufficiently study and conduct necessary tests to determine whether or
24 not their social media platforms were safe for youth users;

25 c. Failing to use reasonable and prudent care in the research, design, development,
26 testing, marketing, supply, promotion, advertisement, operation, and distribution of their social
27 media platforms so as to avoid the risk encouraging extended social media use;

28 d. Designing their social media platforms to maximize the amount of time users

1 spend on the platform and causing excessive and problematic use of their platforms, particularly
2 among youth, through the use of algorithm-based feeds, social reciprocity, and IVR;

3 e. Failing to implement adequate safeguards in the design and operation of their
4 platforms to ensure they would not encourage excessive and problematic use of their platforms;

5 f. Designing and manufacturing their platforms to appeal to minors and young
6 people who lack the same cognitive development as adults and are particularly vulnerable to
7 social rewards like IVR and social reciprocity;

8 g. Failing to take adequate steps to prevent their platforms from being promoted,
9 distributed, and used by minors under the age of 13;

10 h. Failing to provide adequate warnings to child and adolescent users or parents who
11 Defendants could reasonably foresee would use their platforms;

12 i. Failing to disclose to, or warn, Plaintiff, users, consumers, and the general public
13 of the negative mental health consequences associated with social media use, especially for
14 children and adolescents;

15 j. Failing to disclose to Plaintiff, users, consumers, and the general public that
16 Defendants' platforms are designed to maximize the time users, particularly youth, spend on
17 Defendants' platforms and cause negative mental health consequences;

18 k. Representing that Defendants' platforms were safe for child and adolescent users
19 when, in fact, Defendants knew or should have known that the platforms presented acute mental
20 health concerns for young users;

21 l. Failing to alert users and the general public, including students at Plaintiff's
22 schools of the true risks of using Defendants' platforms;

23 m. Advertising, marketing; and recommending Defendants' platforms while
24 concealing and failing to disclose or warn of the dangers known by Defendants to be associated
25 with, or caused by, youth use of Defendants' platforms;

26 n. Continuing to design, research, develop, market, supply, promote, advertise,
27 operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are
28 unreasonably unsafe, addictive, and dangerous to youth mental health;

o. Failing to modify Defendants' algorithms, which are used to recommend content to users, in a manner that would no longer prioritize maximizing the amount of time users spend on Defendants' platforms over the safety of its youth users;

p. Failing to adequately modify Defendants' algorithm-based recommendations to filter out content that expose child and adolescent users to content that is violent, sexual, or encourages self-harm, among other types of harmful content.

q. Committing other failures, acts, and omissions set forth herein.

370. Defendants knew or should have known that it was foreseeable that Plaintiff would suffer injuries as a result of Defendants' failure to exercise reasonable care in designing, researching, developing, testing, marketing, supplying, promoting, advertising, operating, and distributing Defendants' platforms, particularly when Defendants' platforms were designed, developed, operated and marketed to maximize the time youth spend on Defendants' platforms.

371. Defendants could have reasonably foreseen the probable harm caused by their negligence. Each Defendant's acts and omissions were a substantial factor in causing harm to Plaintiff.

372. Plaintiff did not know the nature and extent of the injuries that could result from the intended use of Defendants' social media platforms by Plaintiff's students.

373. Defendants' negligence helped to and did produce, and was the proximate cause of, the injuries, harm, and economic losses that Plaintiff suffered and will continue to suffer, and such injuries, harm, and economic losses would not have happened without Defendants' negligence as described herein.

374. The mental health crisis caused and/or significantly contributed to by Defendants has caused an ongoing behavioral disruption in Plaintiff's schools, and Plaintiff has had to take steps to mitigate the harm and disruption caused by Defendants' conduct, including the following:

- a. hiring additional personnel to address mental, emotional, and social health issues;
- b. developing additional resources to address mental, emotional, and social health issues;

- c. increasing training for teachers and staff to identify students manifesting mental, emotional, and social health issues;
- d. training teachers, staff, and members of the community about the harms caused by Defendants' wrongful conduct;
- e. developing lesson plans to teach students about the dangers of using Defendants' platforms;
- f. educating students about the dangers of using Defendants' platforms;
- g. addressing property damaged as a result of students acting out because of mental, social, and emotional problems Defendants' conduct is causing;
- h. increasing disciplinary services;
- i. confiscating devices on which students use Defendants' platforms while in class or on Plaintiff's school campuses;
- j. meeting with students and the parents of students caught using Defendants' platforms at school or other disciplinary matters related to students' use of Defendants' platforms;
- k. diverting time and resources from instruction activities to notify parents and guardians of students' behavioral issues and attendance;
- l. investigating and responding to threats made against Plaintiff's schools and students over social media;
- m. updating its student handbook to address use of Defendants' platforms; and
- n. updating school policies to address use of Defendants' platforms.

375. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including Plaintiff, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including Plaintiff. Defendants regularly risk the health of consumers and users of their platforms with full knowledge of the dangers of their platforms. Defendants consciously decided not to redesign, warn, or inform the unsuspecting public, including Plaintiff's students or

1 Plaintiff. Defendants' willful, knowing, and reckless conduct therefore warrants an award of
2 aggravated or punitive damages.

3 **COUNT THREE — GROSS NEGLIGENCE**

4 376. Plaintiff incorporates by reference all preceding paragraphs.

5 377. Defendants owed Plaintiff a duty to not expose Plaintiff to an unreasonable risk of
6 harm, and to act with reasonable care as a reasonably careful person and/or company would act
7 under the circumstances.

8 378. Defendants owed a duty to users and the general public, including Plaintiff, to
9 exercise reasonable care in the design, research, development, testing, marketing, supply,
10 promotion, advertisement, operation, and distribution of Defendants social media platforms,
11 including the duty to take all reasonable steps necessary to design, research, market, advertise,
12 promote, operate, and/or distribute their platforms in a way that is not unreasonably dangerous to
13 users, including children.

14 379. Defendants owed a duty to users and the general public, including Plaintiff, to
15 exercise reasonable care in the design, research, development, testing, marketing, supply,
16 promotion, advertisement, operation, and distribution of their social media platforms, including
17 the duty to provide accurate, true, and correct information about the risks of using Defendants'
18 platforms; and appropriate, complete, and accurate warnings about the potential adverse effects
19 of extended social media use, in particular, social media content Defendants directed via their
20 algorithms to users.

21 380. Defendants knew or, in the exercise of reasonable care, should have known of the
22 hazards and dangers of their respective social media platforms and specifically, the health
23 hazards their platforms posed to youth in particular, especially extended or problematic use of
24 such platforms.

25 381. Defendants' platforms were the of the type that could endanger others,
26 particularly youth, if negligently made, promoted, or distributed. Defendants knew the risks that
27 young people would be attracted to their platforms yet unable to appropriately limit their use of
28 Defendants platforms because of their still-developing brains. Further, Defendants knew the risks

1 their platforms posed to youth, especially extended or problematic use of such platforms.

2 382. Defendants were grossly negligent in designing, researching, developing, testing,
3 marketing, supplying, promoting, advertising, operating, and distributing their social media
4 platforms.

5 383. As widely used platforms backed by powerful algorithms designed to maximize
6 the amount of time users spend on the platform, Defendants knew or should have known their
7 platforms needed to be designed, researched, developed, tested, marketed, supplying, promoted,
8 advertised, operated, and distributed with due care to avoid causing needless harm. Defendants
9 knew or should have known their products could cause serious risk of harm, particularly to
10 young persons like students in Plaintiff's schools.

11 384. Defendants engaged in willful and/or wanton conduct that lacked any care and
12 amounted to an extreme departure from what a reasonably careful person would do in the same
13 situation to prevent harm to others. Defendants' willful and wanton conduct caused Plaintiff to
14 suffer harm.

15 385. The willful and wanton conduct of Defendants includes, but is not limited to, the
16 following:

- 17 a. Designing researching, developing, marketing, supplying, promoting, advertising,
18 operating, and distributing their social media platforms without thorough and
19 adequate pre- and post-market testing; design, research, development, testing,
20 marketing, supply, promotion, advertisement, operation, and distribution;
- 21 b. Failing to sufficiently study and conduct necessary tests to determine whether or
22 not their social media platforms were safe for youth users;
- 23 c. Failing to use reasonable and prudent care in the research, design, development,
24 testing, marketing, supply, promotion, advertisement, operation, and distribution
25 of their social media platforms so as to avoid the risk encouraging extended social
26 media use;
- 27 d. Designing their social media platforms to maximize the amount of time users
28 spend on the platform and causing excessive and problematic use of their

platforms, particularly among youth, through the use of algorithm-based feeds, social reciprocity, and IVR;

- e. Failing to implement adequate safeguards in the design and operation of their platforms to ensure they would not encourage excessive and problematic use of their platforms;
- f. Designing and manufacturing their platforms to appeal to minors and young people who lack the same cognitive development as adults and are particularly vulnerable to social rewards like IVR and social reciprocity;
- g. Failing to take adequate steps to prevent their platforms from being promoted, distributed, and used by minors under the age of 13;
- h. Failing to provide adequate warnings to child and adolescent users or parents who Defendants could reasonably foresee would use their platforms;
- i. Failing to disclose to, or warn, Plaintiff, users, and the general public of the negative mental health consequences associated with social media use, especially for children and adolescents;
- j. Failing to disclose to Plaintiff, users, and the general public that Defendants' platforms are designed to maximize the time users, particularly youth, spend on Defendants' platforms and cause negative mental health consequences;
- k. Representing that Defendants' platforms were safe for child and adolescent users when, in fact, Defendants knew or should have known that the platforms presented acute mental health concerns for young users;
- l. Failing to alert users and the general public, including students at Plaintiff's schools of the true risks of using Defendants' platforms;
- m. Advertising marketing; and recommending Defendants' platforms while concealing and failing to disclose or warn of the dangers known by Defendants to be associated with, or caused by, youth use of Defendants' platforms;
- n. Continuing to design, research, develop, market, supply, promote, advertise, operate, and distribute Defendants' platforms with knowledge that Defendants'

platforms are unreasonably unsafe, addictive, and dangerous to youth mental health;

- o. Failing to modify Defendants' algorithms, which are used to recommend content to users, in a manner that would no longer prioritize maximizing the amount of time users spend on Defendants' platforms over the safety of its youth users;
- p. Failing to adequately modify Defendants' algorithm-based recommendations to filter out content that expose child and adolescent users to content that is violent, sexual, or encourages self-harm, among other types of harmful content; and
- q. Committing other failures, acts, and omissions set forth herein.

386. Defendants breached the duties they owed to Plaintiff and in doing so were wholly unreasonable. A responsible company, whose primary purpose it is to provide an online platform to connect individuals and foster communities would not design a platform to drive passive use that negatively affects the mental health of youth.

387. Defendants breached their duties through their false and misleading statements and omissions in the course of designing, manufacturing, distributing, and marketing their social media platforms.

388. As a foreseeable consequence of Defendants' breaches of their duties, Plaintiff has suffered and will continue to suffer direct and consequential economic and other injuries as a result of dealing with the youth mental health crisis in Plaintiff's school, as described herein.

389. Defendants engaged in conduct, as described above, that constituted malice, oppression, or fraud, with intent to cause injury and/or with willful and knowing disregard of the rights or safety of another, being fully aware of the probable dangerous consequences of the conduct and deliberate failing to avoid those consequences.

390. Defendants regularly risk the health and lives of users of its platforms with full knowledge of the dangers of its platforms. Defendants made conscious decisions not to redesign, warn, or inform the unsuspecting public, including Plaintiff and Plaintiff's students. Defendants' willful, knowing, and reckless conduct therefore warrants an award of aggravated or punitive damages.

1 **VII. PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff prays for judgment as follows:

3 391. Entering an Order that the conduct alleged herein constitutes a public nuisance
4 under California law;

5 392. Entering an Order that Defendants are jointly and severally liable;

6 393. Entering an Order requiring Defendants to abate the public nuisance described
7 herein and to deter and/or prevent the resumption of such nuisance;

8 394. Enjoining Defendants from engaging in further actions causing or contributing to
9 the public nuisance as described herein;

10 395. Awarding equitable relief to fund prevention education and treatment for
11 excessive and problematic use of social media;

12 396. Awarding actual, compensatory, and punitive damages;

13 397. Awarding statutory damages in the maximum amount permitted by law;

14 398. Awarding reasonable attorneys' fees and costs of suit;

15 399. Awarding pre-judgment and post-judgment interest; and

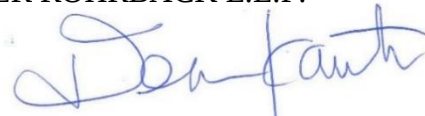
16 400. Such other and further relief as the Court deems just and proper under the
17 circumstances.

18 **VIII. JURY TRIAL DEMAND**

19 401. Plaintiff hereby demands a trial by jury.

20 RESPECTFULLY SUBMITTED this 22nd day of June, 2023.

21
22 KELLER ROHRBACK L.L.P.

23
24 By 

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