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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
(UNLIMITED JURISDICTION)

EVERETT SCHOOL DISTRICT No. 2,

Plaintiff,

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.

23ST CV 15655

COMPLAINT

JURY TRIAL DEMANDED

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	JURISDICTION AND VENUE	4
III.	PARTIES	4
A.	Plaintiff	4
B.	Facebook and Instagram Defendants	5
C.	Snap Defendant	7
D.	TikTok Defendants	7
E.	YouTube Defendants	7
IV.	FACTUAL ALLEGATIONS	8
A.	Millions of Youth Have Become Excessive and Problematic Users of Social Media	8
B.	Research Has Confirmed the Harmful Effects of Social Media on Youth.....	12
C.	As a Result, America’s Youth Are Facing a Mental Health Crisis	15
D.	Defendants Intentionally Target Youth Users with the Marketing, Design, and Operation of Their Social Media Platforms.....	20
1.	Meta Intentionally Marketed to and Designed Their Social Media Platforms for Youth Users, Substantially Contributing to the Mental Health Crisis.....	26
2.	Snapchat Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	42
3.	TikTok Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	50
4.	YouTube Intentionally Marketed to and Designed Its Social Media Platform for Youth Users, Substantially Contributing to the Mental Health Crisis.....	67
E.	The Effect of Social Media Use on Schools	77
F.	Impact of Social Media Use on Plaintiff.....	81

V.	SECTION 230 IS NO SHIELD FOR DEFENDANTS’ CONDUCT	85
VI.	CAUSE OF ACTION	87
	COUNT One — Public Nuisance	87
VII.	PRAYER FOR RELIEF	91
VIII.	JURY TRIAL DEMAND	92

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. Continuing the Department of Health and Human Services’ ongoing efforts to
20 support President Joe Biden’s strategy to transform mental health care, the Surgeon General
21 released an advisory in early May 2023 on the country’s “[e]pidemic of [l]oneliness and
22 [i]solation,” where he outlined the profound health consequences of social disconnection and laid
23 out six pillars to improve connection across the country, one being the need to “[r]eform [d]igital
24

25 ² AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental
26 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
27 Health Crisis Further Exposed by COVID-19 Pandemic, U.S. Dep’t Health & Hum. Servs.
28 (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>.

1 [e]nvironments.”³ Within its recommendations to reform social media environments for youth,
2 the advisory encourages companies to introduce “age-appropriate protections and identity
3 assurance mechanisms, to ensure safe digital environments that enable positive social
4 connection, particularly for minors.”⁴

5 10. Later that month, on May 23, 2023, the Surgeon General issued a second
6 advisory, calling for urgent action by policymakers, technology companies, researchers, families,
7 and young people to gain a better understanding of the impact of social media platforms, and
8 create “safer, healthier online environments to protect children.”⁵

9 11. In his 2022 State of the Union Address, President Joe Biden also called attention
10 to the harm social media has wrought on youth and implored all to “hold social media platforms
11 accountable for the national experiment they’re conducting on our children for profit.”⁶

12 12. Plaintiff Everett School District No. 2 (“**Plaintiff**” or “**Everett Public Schools**”)
13 brings this action to do just that. Youth in Plaintiff’s community are experiencing the same
14 mental health crisis observed nationally.

15 13. Students experiencing anxiety, depression, and other mental health issues perform
16 worse in school, are less likely to attend school, are more likely to engage in substance use, and
17 are more likely to act out, all of which directly affects Plaintiff’s ability to fulfill its educational
18 mission.

19 14. That is why Plaintiff, like 96 percent of other school districts in the United States,
20 provides mental health services to its students. But Plaintiff needs a comprehensive, long-term
21

22 ³ *Our Epidemic of Loneliness and Isolation: The U.S. Surgeon General’s Advisory on the*
23 *Healing Effects of Social Connection and Community* at 51, U.S. Dep’t Health & Hum. Servs.
24 (2023), <https://www.hhs.gov/sites/default/files/surgeon-general-social-connection-advisory.pdf>
[\[https://perma.cc/574S-4VJD\]](https://perma.cc/574S-4VJD).

⁴ *Id.* at 63.

25 ⁵ *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental*
26 *Health* (“2023 Surgeon General Advisory Media Release”), U.S. Dep’t Health & Hum. Servs.
27 (May 23, 2023), [https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-](https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html)
[advisory-about-effects-social-media-use-has-youth-mental-health.html](https://perma.cc/FU9W-ZG2E)
[\[https://perma.cc/FU9W-ZG2E\]](https://perma.cc/FU9W-ZG2E).

28 ⁶ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at
<https://www.whitehouse.gov/state-of-the-union-2022/>).

1 plan and funding to drive a sustained reduction in the record rates of anxiety, depression, suicidal
2 ideation, and other tragic indices of the mental health crisis its youth are experiencing at
3 Defendants' hands.

4 15. Plaintiff, like many school districts across the state and country, is at a breaking
5 point. Meanwhile, Defendants profit tremendously from their wrongful conduct. To remedy this
6 wrong and hold Defendants accountable, Plaintiff brings this action.

7 **II. JURISDICTION AND VENUE**

8 16. This Court has original jurisdiction over this action pursuant to Article VI,
9 Section 10 of the California Constitution.

10 17. This Court has general personal jurisdiction over Defendants because each are
11 headquartered and/or have their principal places of business in the State of California and have
12 continuous and systematic operations within the State of California.

13 18. The Court also has specific personal jurisdiction over Defendants because they
14 actively conduct substantial business in Los Angeles County and the State of California.
15 Defendants have purposefully availed themselves of the privilege of conducting business in this
16 State through the design, development, programming, promotion, marketing, operations, and
17 distribution of their platforms at issue in this lawsuit and have purposed directed their activities
18 toward the State of California. Defendants have sufficient minimum contacts with the State of
19 California to render the exercise of jurisdiction by this Court permissible under California law
20 and the United States Constitution.

21 19. Venue is proper in this judicial district pursuant to California Code of Civil
22 Procedure Sections 395 and 395.5 because at least some Defendants reside in this County, their
23 principal places of business are in this County, and a substantial part of the events or omissions
24 giving rise to the claims at issue in this Complaint arose in this County.

25 **III. PARTIES**

26 **A. Plaintiff**

27 20. Plaintiff Everett Public Schools is a public school district in Everett, Washington.
28 Everett Public Schools operates twenty-seven schools and serves nearly 20,000 students in

grades pre-kindergarten through 12th grade.⁷ Everett Public Schools operates eighteen elementary schools, five middle schools, and four high schools.⁸

B. Facebook and Instagram Defendants

21. Defendant Meta Platforms, Inc. (“**Meta**”), formerly known as Facebook, Inc., is a Delaware corporation with its principal place of business in Menlo Park, California.

22. Defendant Meta develops and maintains social media platforms, communication platforms, and electronic devices that are widely available to users throughout the United States. The platforms developed and maintained by Meta include Facebook (including its self-titled app, Marketplace, and Workplace), Messenger (including Messenger Kids), Instagram, and a line of electronic virtual reality devices and services called Meta Quest (collectively, “**Meta platforms**”).

23. 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.

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

25. 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.

⁷ District Overview: Fall 2022 Quick Facts, Everett Pub. Schs., <https://www.everettsd.org/Page/39981> (last visited June 15, 2023).

⁸ District Information: Schools, Everett Pub. Schs., <https://www.everettsd.org/Page/6672> (last visited June 15, 2023).

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

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

10 28. Defendant Meta Platforms Technologies, LLC (“**Meta Technologies**”) was
11 organized under the laws of the state of Delaware as “Oculus VR, LLC” on March 21, 2014, and
12 acquired by Meta on March 25, 2014. In November 2018, the entity’s name was amended to
13 Facebook Technologies, LLC. In June 2022, the entity’s name was amended again, this time to
14 Meta Platforms Technologies, LLC. Meta Technologies develops Meta’s virtual and augmented
15 reality technology, such as the Meta Quest line of services, among other technologies related to
16 Meta’s platforms, and its principal place of business is in Menlo Park, California. Defendant
17 Meta is the sole member of Meta Technologies.

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

24 30. Defendant Siculus, Inc. (“**Siculus**”) was incorporated in Delaware on October 19,
25 2011. Siculus is a wholly owned subsidiary of Meta, which supports Meta platforms by
26 constructing data facilities and other projects. Siculus’s principal place of business is in
27 Menlo Park, California.

1 **C. Snap Defendant**

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

9 **D. TikTok Defendants**

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

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

26 **E. YouTube Defendants**

27 34. Defendant Alphabet Inc. is a Delaware corporation with its principal place of
28 business in Mountain View, California. Alphabet Inc. is the sole stockholder of XXVI Holdings

1 Inc.

2 35. Defendant XXVI Holdings Inc. is a Delaware corporation with its principal place
3 of business in Mountain View, California. XXVI Holdings, Inc. is a wholly owned subsidiary of
4 Alphabet Inc. and the managing member of Google LLC (“Google”).

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

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

23 IV. FACTUAL ALLEGATIONS

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

25 38. Researchers studying the effect social media⁹ has on the brain have shown that
26 social media exploits “the same neural circuitry” as “gambling and recreational drugs to keep

27 ⁹ The term “social media” is commonly used to refer to text, photos, videos, and ideas that are
28 exchanged among virtual communities. The interactive technologies that allow for the virtual
exchange of these media among networks of users are known as social media platforms.

1 consumers using their products as much as possible.”¹⁰

2 39. As described below, each Defendant designed and marketed its exploitive social
3 media platform(s) to be extremely popular with youth. And they have been successful. Ninety
4 percent of children ages 13–17 use social media.¹¹ Even younger children also regularly use
5 social media. One study reported that 38 percent of children ages 8–12 used social media in
6 2021.¹² Other studies reveal numbers as high as 49 percent for children ages 10–12 and 32
7 percent for children ages 7–9.¹³

8 40. The most popular of these platforms among youth is YouTube. Ninety-five
9 percent of children ages 13-17 have used YouTube.¹⁴

10 41. TikTok has skyrocketed in popularity with teenagers since its merger with
11 Musical.ly in 2018. As of July 2020, “TikTok classified more than a third of its 49 million *daily*
12 users in the United States as being 14 years old or younger[,]” and that likely underestimates
13 those under 14 and older teenagers (i.e., those between 15 and 18 years old) because TikTok
14 claims not to know how old a third of its daily users are.¹⁵ TikTok is now the second most
15 popular social media platform among youth, with over 67 percent of children ages 13–17 having
16
17

18 ¹⁰ *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).

19 ¹¹ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018),
20 https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

21 ¹² Victoria Rideout et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021* at
22 5, Common Sense Media (2022),
23 https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

24 ¹³ *Sharing Too Soon? Children and Social Media Apps*, C.S. Mott Child.’s Hosp. Univ. Mich.
25 Health (Oct. 18, 2021),
26 https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

27 ¹⁴ Emily Vogels et al., *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
28 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

¹⁵ 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-ftp.html>.

1 used the app.¹⁶

2 42. Instagram's numbers are comparable to TikTok, with 62 percent of children ages
3 13–17 reporting they have used the app.¹⁷

4 43. Snapchat also remains popular with youth, with 59 percent of children ages 13–17
5 reporting they have used the app.¹⁸

6 44. Facebook rounds out the five most popular social media platforms, with 32
7 percent of children ages 13–17 reporting they have used Facebook's app or website.¹⁹

8 45. Teenagers who use these social media platforms are also likely to use them every
9 day. One study estimates that 62 percent of children ages 13–18 use social media every day.²⁰ An
10 increasing number of younger children also use social media daily with 18 percent of children
11 ages 8–12 reporting using a social media site at least once a day.²¹

12 46. Daily use for many teenagers does not consist of logging onto a platform just
13 once. Rather, many teenage users check social media repeatedly throughout the day. In one
14 study, teenage users reported checking Snapchat thirty times a day on average.²²

15 47. Even more alarming, some teenagers never stop looking at social media.²³

16 ¹⁶ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
17 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

18 ¹⁷ *Id.*

19 ¹⁸ *Id.*

20 ¹⁹ *Id.*

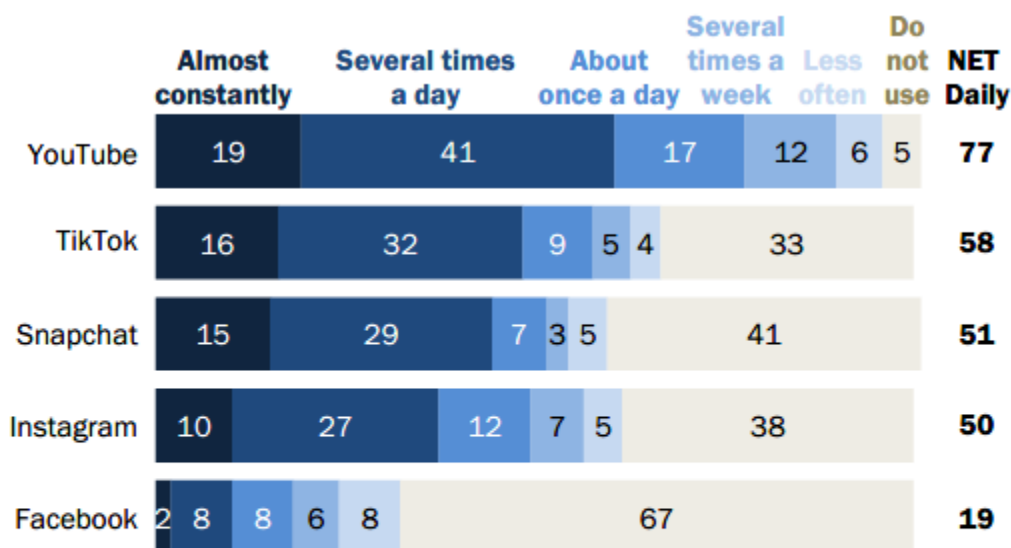
21 ²⁰ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at
22 4, Common Sense Media (2022),
23 https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

24 ²¹ *Id.* at 5.

25 ²² Erinn Murphy *et al.*, *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021),
26 tinyurl.com/89ct4p88.

27 ²³ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
28 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

48. As shown in the chart below, nearly 20 percent of teens report using YouTube almost constantly.²⁴ TikTok and Snapchat are close behind, with near constant use rates among teens at 16 percent and 15 percent respectively.²⁵ Meanwhile, 10 percent of teens use Instagram almost constantly.²⁶ And two percent of teens report using Facebook almost constantly.²⁷



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

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49. Teenagers are aware of the grip social media has on their lives yet still cannot stop using it. Thirty-six percent of teenagers admit they spend too much time on social media.²⁸ And over half of teens say that giving up social media would be somewhat hard, with nearly one-in-five teens saying giving up social media would be very hard.²⁹ And of the subgroup of teenagers who use at least one platform "almost constantly," 71 percent said giving up social media would be hard, with 32 percent saying giving up social media would be very hard.³⁰

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

50. The more that teenagers use social media, the harder they find it to give up. Teenagers who say they spend too much time on social media are almost twice as likely to say that giving up social media would be hard as teens who see their social media usage as about right.³¹

51. Another study shows that among teenagers who regularly use social media, 32 percent “wouldn’t want to live without” YouTube.³² Twenty percent of teenagers said the same about Snapchat; 13 percent said the same about both TikTok and Instagram; and 6 percent said the same about Facebook.³³

52. Despite using social media frequently, most youth do not enjoy it. Only 27 percent of boys and 42 percent of girls ages 8–18 reported enjoying social media “a lot” in 2021.³⁴

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

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

54. In general, moderate or high rates of any electronic screen use are associated with lower psychological well-being for children and adolescents.³⁵ Those with high screen time (7+ hours/day) are twice as likely to receive diagnoses of depression, anxiety, or need treatment for

³¹ *Id.*

³² 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.

³³ *Id.*

³⁴ *Id.* at 34.

³⁵ 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/>.

1 mental or behavior health conditions compared to low-screen-time users (1 hour/day).³⁶

2 55. Researchers have found that high-volume social media use is associated with
3 increased levels of depression and anxiety for adults.³⁷ Social media has particularly detrimental
4 effects on the mental health of adolescents. Depressive symptoms, suicide-related outcomes, and
5 suicide rates among adolescents increased between 2010 and 2015, at the same time that youth
6 use of social media increased.³⁸ Researchers examining the link between these increases found
7 that adolescents who spent more time on screen activities were significantly more likely to have
8 high depressive symptoms or have at least one suicide-related outcome, and that the highest
9 levels of depressive symptoms were reported by adolescents with high social media use and
10 fewer in-person social interactions.³⁹

11 56. One of the primary reasons the use of social media is associated with depressive
12 symptoms among adolescents is because it encourages unhealthy social comparison and
13 feedback-seeking behaviors.⁴⁰ Because adolescents spend a majority of their time on social
14 media looking at other users' profiles and photos, rather than updating their own profiles, they
15 are likely to engage in negative comparisons with their peers.⁴¹ Specifically, adolescents are
16 likely to engage in harmful upward comparisons with others they perceive to be more popular.⁴²

17 57. Clinicians have also observed a clear relationship between youth social media use

18 ³⁶ *Id.*

19 ³⁷ Ariel Shensa *et al.*, *Social Media Use and Depression and Anxiety Symptoms: A Cluster*
20 *Analysis*, 42(2) *Am. J. Health Behav.* 116–28 (2018),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5904786/>.

21 ³⁸ Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and*
22 *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>.

23 ³⁹ *Id.*

24 ⁴⁰ Jacqueline Nesi & Mitchell J Prinstein, *Using Social Media for Social Comparison and*
Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms,
25 43 *J. Abnormal Child Psych.* 1427–38 (2015),
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/>.

26 ⁴¹ *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
27 *at 3*, *BMC Psych.* 10, 279 (2022), <https://doi.org/10.1186/s40359-022-00990-7> (explaining that
28 youth are particularly vulnerable because they “use social networking sites for construing their
identity, developing a sense of belonging, and for comparison with others”).

⁴² *Id.*

1 and disordered eating behavior.⁴³ One study found that the more social media accounts an
2 adolescent has, the higher their scores on evaluations of disordered eating behaviors and
3 cognitions.⁴⁴ Additionally, the study found that, for girls, greater daily time spent using
4 Instagram and Snapchat was associated with significantly higher scores on evaluations of
5 disordered eating behaviors.⁴⁵

6 58. Social media use also contributes to sleep deprivation. Young adults who spend a
7 lot of time on social media during the day or check it frequently throughout the week are more
8 likely to suffer sleep disturbances than their peers who use social media infrequently.⁴⁶ In turn,
9 disturbed and insufficient sleep is associated with poor health outcomes.⁴⁷ One study found that
10 young children are losing approximately one night's worth of sleep every week, staying up to use
11 social media or even waking themselves up in the middle of the night to check notifications,
12 driven by fear of missing out.⁴⁸

13 59. Defendants exacerbate the disruption of sleep by sending push notifications and
14 emails either at night when children should be sleeping or during school hours when they should
15 be studying, thereby prompting children to re-engage with Defendants' platforms at times when
16 using them is harmful to their health and well-being.

17 60. Further, children are especially vulnerable to developing harmful behaviors
18 because the prefrontal cortex is not fully developed in children and teens.⁴⁹ Consequently, they

19
20 ⁴³ 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),

21 <https://pubmed.ncbi.nlm.nih.gov/31797420/>.

22 ⁴⁴ *Id.*

23 ⁴⁵ *Id.*

24 ⁴⁶ Jessica C. Levenson *et al.*, *The Association Between Social Media Use and Sleep Disturbance*
Among Young Adults, 85 *Preventive Med.* 36–41 (Apr. 2016),

25 <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

26 ⁴⁷ *Id.*

27 ⁴⁸ 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),
28 <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).

⁴⁹ 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>.

1 find it particularly difficult to exercise the self-control required to regulate their own use of
2 Defendants’ platforms. In this regard, self-regulation allows people to delay gratification,
3 postponing an immediate reward for a better reward later. Adolescents’ low capacity for self-
4 regulation means they are particularly vulnerable to the immediately pleasurable, but ultimately
5 harmful, effects of the repeated dopamine spikes caused by an external stimulus, such as “likes”
6 that activate the reward system in the brain.⁵⁰

7 61. As discussed in further detail *infra* Section IV.D, these reward-based learning
8 systems “contribute to the maintenance of excessive usage patterns.”⁵¹ Researchers investigating
9 the “directionality between social networking [platforms] and problematic use,” have found that
10 “increases in the intensity of use . . . predict[] problematic use.”⁵² And empirical studies have
11 found that problematic use is associated with “insomnia, stress, relationship dissatisfaction,
12 anxiety, social anxiety, and depressive symptoms.”⁵³

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

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

17 63. The number of youth using Defendants’ social media platforms and the intensity
18 of such use have both increased significantly since 2008, which has contributed to a wide range
19 of negative effects on youth mental health. Over that same time the number of youth
20 experiencing depression, contemplating suicide, seeking emergency room help for mental health
21 issues and—tragically—committing suicide has skyrocketed.

22 64. These issues led the United States Surgeon General to issue an advisory on youth
23 the mental health crisis in December 2021.⁵⁴ In issuing the advisory, the Surgeon General noted,

25 ⁵⁰ *Id.*

26 ⁵¹ *Id.*

27 ⁵² *Id.*

28 ⁵³ *Id.* (collecting sources).

⁵⁴ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory*, U.S. Dep’t Health &
Hum. Servs. (Dec. 7, 2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

1 “[m]ental health challenges in children, adolescents, and young adults are real and widespread.
2 Even before the pandemic, an alarming number of young people struggled with feelings of
3 helplessness, depression, and thoughts of suicide—and rates have increased over the past
4 decade.”⁵⁵

5 65. While the report highlights ways in which the COVID-19 pandemic has
6 exacerbated mental health issues for American youth, it also highlights the mental health
7 challenges youth faced before the pandemic. Specifically, the report notes that before the
8 pandemic, “mental health challenges were the leading cause of disability and poor life outcomes
9 in young people.”⁵⁶

10 66. In fact, before the pandemic, one in five children ages 3–17 in the United States
11 had a mental, emotional, developmental, or behavior disorder.⁵⁷

12 67. From 2009 to 2019, the rate of high school students who reported persistent
13 feelings of sadness or hopelessness increased by 40 percent (to one out of every three kids).⁵⁸
14 The proportion of kids seriously considering attempting suicide increased by 36 percent and the
15 proportion creating a suicide plan increased by 44 percent.⁵⁹

16 68. From 2007 to 2019, suicide rates among youth ages 10–24 in the United States
17 increased by 57 percent.⁶⁰ By 2018, suicide was the second leading cause of death for youth ages
18 10–24.⁶¹

19 69. From 2007 to 2016, emergency room visits for youth ages 5–17 rose 117 percent

20 ⁵⁵ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by*
21 *COVID-19 Pandemic*, U.S. Dep’t Health & Hum. Servs. (Dec. 7, 2021),
22 <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>.

23 ⁵⁶ *Id.*

24 ⁵⁷ *Id.*

25 ⁵⁸ *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>.

26 ⁵⁹ *Id.*

27 ⁶⁰ *Id.*

28 ⁶¹ *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health*, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>.

1 for anxiety disorders, 44 percent for mood disorders, and 40 percent for attention disorders.⁶²

2 70. This and other data led the American Academy of Pediatrics, the American
3 Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association to join
4 the Surgeon General in declaring a national emergency in child and adolescent mental health in
5 December 2021.⁶³

6 71. President Biden highlighted the Defendants’ role in the youth mental health crisis
7 in his 2022 state of the union address⁶⁴ and again in 2023, demanding to “finally hold social
8 media companies accountable for [the] experimenting they’re doing – running [on] children for
9 profit.”⁶⁵

10 72. The national youth mental health crisis continues to worsen. In May 2023, the
11 Surgeon General issued a new advisory about the effects of social media on youth mental health
12 based on the most recent research.⁶⁶

13 73. For example, the Surgeon General cites research that indicates that youth who
14 spend more than three hours per day on social media platforms face twice the risk of
15 experiencing poor mental health outcomes, such as symptoms of depression and anxiety.⁶⁷ And
16 the most recent data, as the Surgeon General notes, indicates social media use by young people is
17 “nearly universal,” with up to 95% of youth ages 13–17 using social media platforms and more

18
19 ⁶² Matt Richtel, *A Teen’s Journey Into the Internet’s Darkness and Back Again*, N.Y. Times
20 (Aug. 22, 2022), <https://www.nytimes.com/2022/08/22/health/adolescents-mental-health-technology.html>.

21 ⁶³ AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental
22 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/>.

23 ⁶⁴ President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at
24 <https://www.whitehouse.gov/state-of-the-union-2022/>).

25 ⁶⁵ President Biden, State of the Union Address (Feb. 7, 2023) (transcript available at
26 <https://www.whitehouse.gov/state-of-the-union-2023/>).

27 ⁶⁶ *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health* (“2023 Surgeon General Advisory Media Release”), U.S. Dep’t Health & Hum. Servs.
28 (May 23, 2023), <https://www.hhs.gov/about/news/2023/05/23/surgeon-general-issues-new-advisory-about-effects-social-media-use-has-youth-mental-health.html>.

⁶⁷ *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* (“Social Media and Youth Mental Health Advisory”) at 6, U.S. Dep’t Health & Hum. Servs. (2023),
<https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

1 than 33% of youth saying they use social media “almost constantly.”⁶⁸ On average, the data
2 reveals that 8th and 10th graders now spend 3.5 hours per day on social media.⁶⁹

3 74. The Surgeon General’s advisory highlights two primary ways in which social
4 media platforms can harm youth. First, “[e]xtreme, inappropriate, and harmful content continues
5 to be easily and widely accessible by children and adolescents,” which the advisory notes “can
6 be spread through direct pushes, unwanted context exchanges, and algorithmic designs.”⁷⁰
7 Second, “[e]xcessive and problematic use of social media can harm children and adolescents by
8 disrupting important healthy behaviors.”⁷¹ As the advisory explains, “[s]ocial media platforms
9 are often designed to maximize user engagement, which has the potential to encourage excessive
10 use and behavioral dysregulation.”⁷² Moreover, the advisory cites research indicating that “social
11 media exposure can overstimulate the reward center in the brain and, when the stimulation
12 becomes excessive, can trigger pathways comparable to addiction.”⁷³ Youth are more vulnerable
13 to these risks because their brains are still developing, and many self-identify as having
14 “addictions” to social media.⁷⁴ A study published in 2023 on the gender-specific impacts of
15 social media found that more than one-third of girls aged 11–15 say they feel “addicted” to
16 certain social media platforms.⁷⁵

17 75. “Our children,” as the Surgeon General explained in his advisory, “have become
18 unknowing participants in a decades-long experiment.”⁷⁶ The risk of harm to an entire generation
19 is too great to wait, especially in the face of what the Surgeon General described as “*ample*
20 indicators that social media can [] have a profound risk of harm to the mental health and well-
21 being of children and adolescents.”⁷⁷ Therefore, the Surgeon General issued a call in his 2023
22

23 ⁶⁸ *Id.* at 4.

24 ⁶⁹ *Id.* at 7 (citation omitted).

25 ⁷⁰ [*Id.* at 8.](#)

26 ⁷¹ *Id.* at 9.

27 ⁷² *Id.*

28 ⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.* at 11.

⁷⁷ *Id.* at 4 (emphasis added).

1 advisory to “urgently take action to create safe and healthy digital environments that minimize
2 harm and safeguard children’s and adolescents’ mental health and well-being during critical
3 stages of development.”⁷⁸

4 76. The White House echoed these concerns, announcing in May 2023 that the
5 “United States is experiencing an unprecedented youth mental health crisis” and “there is now
6 *undeniable* evidence that social media and other online platforms have contributed to [this] youth
7 mental health crisis.”⁷⁹ The White House explained that “online platforms often use manipulative
8 design techniques embedded in their products to promote addictive and compulsive use by young
9 people to generate more revenue.”⁸⁰ The White House also specifically recognized the impact on
10 school districts, noting that “[s]ocial media use in schools is affecting students’ mental health
11 and disrupting learning.”⁸¹

12 77. Given the totality of these findings, the Surgeon General urged social media
13 companies to take responsibility in creating safe online environments by changing their practices
14 and adopting specific policies to, for example:

- 15 a. “Prioritize and leverage expertise in developmental psychology and user mental
16 health and well-being in product teams to minimize risks of harm to children and
17 adolescents[;]”⁸²
- 18 b. Design platforms and algorithms to prioritize health and safety as the first principle;⁸³
- 19 c. “[A]void design features that attempt to maximize time, attention, and
20 engagement[;]”⁸⁴
- 21 d. “Create effective and timely systems and processes to adjudicate requests and

22 ⁷⁸ *Id.*

23 ⁷⁹ *Fact Sheet: Biden-Harris Administration Announces Actions to Protect Youth Mental Health,*
24 *Safety & Privacy Online*, The White House (May 23, 2023),
25 [https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-](https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/)
[harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/](https://www.whitehouse.gov/briefing-room/statements-releases/2023/05/23/fact-sheet-biden-harris-administration-announces-actions-to-protect-youth-mental-health-safety-privacy-online/)
(emphasis added).

26 ⁸⁰ *Id.*

27 ⁸¹ *Id.*

27 ⁸² *Social Media and Youth Mental Health Advisory*, *supra* note 66.

28 ⁸³ *Id.*

⁸⁴ *Id.*

- complaints” from youth, families, and educators “to address online abuse, harmful content and interactions, and other threats to children’s health and safety[;]”⁸⁵
- e. “Share data relevant to the health impact of platforms and strategies” with the public and independent researchers;⁸⁶
- f. “Conduct and facilitate transparent and independent assessments of the impact of social media products and services on children and adolescents[;]”⁸⁷
- g. Minimize risk of harm by creating default settings for children that are set to the highest safety and priority standards, written in easy-to-read and highly visible formats;⁸⁸ and
- h. “Adhere to and enforce age minimums...that respect the privacy of youth users.”⁸⁹

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

78. 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.

79. Defendants each run and operate social media platforms. The interactive features Defendants provide on their platforms are similar in many respects. For example, Facebook, Instagram, Snap, TikTok, and YouTube all offer tailored “feeds” of content curated by complex algorithms intended to learn users’ interests; ways to publicly express affirmation for such curated content through “likes,” comments, and sharing or reposting the content; and, in fact, each is known to copy the designs and features of one another.⁹⁰ The salient features of Defendants’ social media platforms are described in more detail below.

80. Defendants make money from their social media platforms by using them as

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ See, e.g., Kevin Hurler, *For Sites Like Instagram and Twitter, Imitation Is the Only Form of Flattery*, Gizmodo (Aug. 16, 2022), <https://gizmodo.com/instagram-tiktok-snapchat-facebook-meta-1849395419>.

1 advertising platforms. Defendants collect data on their users’ viewing habits and behaviors—
2 highly valuable information from an advertiser’s perspective—and use that data to offer
3 advertisers the opportunity to target advertising to the platforms’ users. Advertisers pay a
4 premium to target advertisements to specific categories of users, including youth.

5 81. Defendants view their population of adolescent and even pre-adolescent users as
6 one of their most valuable commodities. Young users are central to Defendants’ business model
7 and advertising revenue as an audience for advertisements because children are more likely than
8 adults to use social media. Today, 95 percent of children ages 13–17 have cellphones,⁹¹ 90
9 percent use social media,⁹² and 28 percent buy products and services through social media.⁹³

10 82. To profit from these young users, Defendants intentionally market their platforms
11 to children and adolescents. For children under age thirteen, the Children’s Online Privacy
12 Protection Act (“**COPPA**”)⁹⁴ regulates the conditions under which platforms like Defendants’
13 can collect and use their information.

14 83. COPPA requires platforms that either target children under age thirteen or have
15 actual knowledge of users under age thirteen to obtain “verifiable parental consent” prior to
16 collecting and using information about children under age thirteen.⁹⁵ Defendants have blatantly
17 violated COPPA or turned a blind eye to younger users on their platforms by leaving users to
18 self-report their age.

19 84. Seeking to capture even younger audiences, Defendants have each offered “kid
20 versions” of their platforms, which, while not collecting users’ information, are reportedly
21
22

23 ⁹¹ Emily Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10,
24 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

25 ⁹² *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018),
26 https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

27 ⁹³ Erinn Murphy *et al.*, *Taking Stock with Teens, Fall 2021* at 13, Piper Sandler (2021),
tinyurl.com/89ct4p88.

28 ⁹⁴ See 15 U.S.C. §§ 6501-6506.

⁹⁵ *Id.*

“designed to fuel [kids’] interest in the grown-up version.”⁹⁶

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

86. One way Defendants maximize the time users spend on their platforms involves the design of feeds—whether of photos, videos, or sponsored or promoted content. Each Defendant uses algorithms to serve users personalized content for them to consume ad nauseum. Google’s former design ethicist, Tristan Harris, explained that this never-ending stream is designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or leave.”⁹⁷ Defendants’ feeds take “an experience that was bounded and finite, and turn it into a bottomless flow that keeps going.”⁹⁸ This “flow state,” as psychologists describe it, “fully immerse[s]” users, distorts their perception of time, and “has been shown to be associated with problematic use of social networking sites.”⁹⁹

87. A second way social media platforms manipulate users is through social 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.¹⁰⁰ Sociologist Phillip Kunz best illustrated the automatic nature of reciprocity through his

⁹⁶ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

⁹⁷ 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>.

⁹⁸ *Id.*

⁹⁹ 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>.

¹⁰⁰ 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.

1 Christmas card experiment in the 1970s. In the experiment, Mr. Kunz sent a group of complete
2 strangers holiday cards with pictures of his family and included a brief note.¹⁰¹ Those people,
3 whom he had never met or communicated with before, reciprocated, flooding him with holiday
4 cards.¹⁰² The majority of the responses did not even ask Mr. Kunz who he was.¹⁰³ They simply
5 responded to his initial gesture with a reciprocal action.

6 88. Reciprocity is why Facebook and Snapchat automatically tell a “sender when you
7 ‘saw’ their message, instead of letting you avoid disclosing whether you read it. As a
8 consequence, you feel more obligated to respond[,]” immediately.¹⁰⁴ Through these alerts and
9 other push notifications, users feel psychologically compelled to return to the platform.

10 89. A third way Defendants manipulate users to keep using or coming back to their
11 platforms is through the use of intermittent variable rewards (“**IVR**”). Also referred to as random
12 rewards or random reinforcement, IVR is another principle of behavioral psychology that has
13 been recognized and studied for decades. The rewards are variable because the behavior is not
14 rewarded every time. Slot machines are the classic example of how IVR works.¹⁰⁵ With each pull
15 of the lever on the slot machine, the user may or may not win a prize. Slot machine winnings are
16 intermittent and vary in value. As casinos owners know, IVR creates behaviors that are very hard
17 to stop, even when the rewards are no longer given out.

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

23 ¹⁰¹ Phillip R. Kunz & Michael Woolcott, *Season’s Greetings: From my status to yours*, 5(3) Soc.
24 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).

24 ¹⁰² *Id.*

25 ¹⁰³ *Id.*

26 ¹⁰⁴ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
27 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

28 ¹⁰⁵ 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>.

1 91. Defendants integrate IVR into the design and operations of their respective
2 platforms by “link[ing] a user’s action (like pulling a lever) with a variable reward.”¹⁰⁶ For
3 example, when “we swipe down our finger to scroll the Instagram feed, we’re playing a slot
4 machine to see what photo comes next.”¹⁰⁷ Meta also delays the time it takes to load the feed.
5 “This is because without that three-second delay, Instagram wouldn’t feel variable.”¹⁰⁸ Without
6 that delay, there would be no time for users’ anticipation to build. In slot machine terms, there
7 would be “no sense of *will I win?* because you’d know instantly. So the delay isn’t the app
8 loading. It’s the cogs spinning on the slot machine.”¹⁰⁹ Each of the Defendants’ platforms
9 exploits this biochemical reaction among its users, typically using “likes,” “hearts,” or other
10 indications of social approval that serve as the reward. *See infra* Section IV.D.1–4.

11 92. “Everyone innately responds to social approval, but some demographics, in
12 particular teenagers, are more vulnerable to it than others.”¹¹⁰

13 93. Youth are especially vulnerable to the ways in which Defendants manipulate
14 users to maximize their “watch time,” and to the resulting harms. Children’s brains undergo a
15 fundamental shift around age ten that makes “preteens extra sensitive to attention and admiration
16 from others.”¹¹¹ Consequently, for young users of social media, Defendants’ use of IVR,
17 reciprocity, and other “rewards” taps into this heightened sensitivity at a critical time in their
18 development.

19 94. Adolescence is a period of rapid growth and development in the human brain,
20 second only to infancy in that regard. As a result of many of these changes during adolescence,
21

22 ¹⁰⁶ Von Tristan Harris, *The Slot Machine in Your Pocket*, Spiegel Int’l (July 27, 2016),
23 <https://www.spiegel.de/international/zeitgeist/smartphone-addiction-is-part-of-the-design-a-1104237.html>.

24 ¹⁰⁷ *Id.*

25 ¹⁰⁸ 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>.

26 ¹⁰⁹ *Id.*

27 ¹¹⁰ 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>.

28 ¹¹¹ Zara Abrams, *Why young brains are especially vulnerable to social media*, Am. Psych. Ass’n
(Aug. 25, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

1 preteens and teens are highly sensitive to both positive and negative social stimuli. the structures
2 of the brain “closely tied” to social media activity and that drive instinctual behavior begin to
3 change.¹¹² The ventral striatum is one of those structures. It receives a rush of dopamine and
4 oxytocin, known as the “happy hormones[,]” whenever we experience social rewards.¹¹³
5 Between the ages of 10 and 12, the receptors for those happy hormones begin to multiply in this
6 region of the brain, which makes compliments on a new hairstyle, laughter from a classmate, or
7 other social rewards “start to feel a lot more satisfying.”¹¹⁴

8 95. These biological changes incentivize kids and teens to develop healthy social
9 skills and connections. “But arriving at school in a new pair of designer jeans, hoping your crush
10 will smile at you in the hallway, is worlds away from posting a video on TikTok that may get
11 thousands of views and likes,” according to Mitch Prinstein, Chief Science Officer for the
12 American Psychology Association.¹¹⁵

13 96. Part of what makes interactions on social media so different is that they are often
14 permanent and public in nature. There is no public ledger tracking the number of consecutive
15 days you have spoken to someone, like there is for Snap “streaks.” Similarly, “[a]fter you walk
16 away from a regular conversation, you don’t know if the other person liked it, or if anyone else
17 liked it[.]”¹¹⁶ Conversely, on Defendants’ platforms, kids, their friends, and even complete
18 strangers can publicly deliver or withhold social rewards in the form of likes, comments, views,
19 and follows.¹¹⁷

20 97. These social rewards release dopamine and oxytocin in the brains of youth and
21 adults alike but there are two key differences, as Chief Science Officer Prinstein explained:
22 “First, adults tend to have a fixed sense of self that relies less on feedback from peers. Second,
23 adults have a more mature prefrontal cortex, an area that can help regulate emotional responses
24

25 ¹¹² *Id.*

26 ¹¹³ *Id.*

27 ¹¹⁴ *Id.*

28 ¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

to social rewards.”¹¹⁸

98. Adolescents, by contrast, are in a “period of personal and social identity formation,” much of which “is now reliant on social media.”¹¹⁹ “Due to their limited capacity for self-regulation and their vulnerability to peer pressure,” adolescents “are at greater risk of developing mental disorder.”¹²⁰

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

100. Defendants’ efforts worked. The majority of teenagers use the same five social media platforms: YouTube, TikTok, Instagram, Snapchat, and Facebook.¹²¹ Each of these platforms individually boasts high numbers of teenage users.

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

a. Meta Platforms

101. Meta platforms, including Facebook and Instagram, are among the most popular

¹¹⁸ *Id.*

¹¹⁹ Betul Keles *et al.*, *A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents*, Int’l J. Adolescence & Youth (202) 25:1, 79–93 (Mar. 3, 2019), 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.

¹²⁰ *Id.*

¹²¹ 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/>.

social networking platforms in the world, with more than 3.6 billion users worldwide.¹²²

(i) The Facebook Platform

102. Facebook is a social networking platform that is one of Meta’s platforms.

103. Facebook was founded in 2004 and has become the largest social network in the world. As of October 2021, Facebook had approximately 2.9 billion monthly active users, approximately 2 billion of whom use Facebook every day.¹²³

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

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

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

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

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

- 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”;

¹²² Felix Richter, *Meta Reaches 3.6 Billion People Each Month*, Statista (Oct. 29, 2021), <https://www.statista.com/chart/2183/facebook-mobile-users/>.

¹²³ 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 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

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

110. 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.

111. 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.¹²⁴

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

113. For example, in August 2020, Instagram began hosting and recommending short

¹²⁴ 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/>.

1 videos to users, called Reels.¹²⁵ Like TikTok, Instagram allows users to view an endless feed of
2 Reels that are recommended and curated to users by Instagram’s algorithm.

3 114. Instagram has become the most popular photo sharing social media platform
4 among children in the United States—approximately 72 percent of children aged 13–17 in the
5 United States use Instagram.¹²⁶

6 **b. Meta Markets Its Platforms to Youth**

7 115. To maximize the revenue generated from relationships with advertisers, Meta has
8 expended significant effort to attract youth, to its platforms, including designing features that
9 appeal to a teen and preteen audience. Meta explicitly targets teenagers for multiple reasons. In
10 part, Meta views teenagers as a way to attract other potential users, such as by using teenagers to
11 recruit parents who want to participate in their children’s lives as well as younger siblings who
12 look to older siblings as models for which social media platforms to use and how to use them.¹²⁷

13 116. Most importantly, Meta recognizes that teenagers are the “pipeline” for the
14 continued growth of the company. As an internal Instagram strategy memo warned in 2020, “If
15 we lose the teen foothold in the U.S. we lose the pipeline.”¹²⁸ A 2018 marketing presentation
16 declared the loss of teenage users to other social media platforms an “existential threat.”¹²⁹ In
17 response, starting in 2018, Instagram devoted almost all of its annual marketing budget to
18 attracting teenagers—hundreds of millions of dollars annually.¹³⁰

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21
22
23 ¹²⁵ *Introducing Instagram Reels*, Instagram (Aug. 5, 2020),

24 <https://about.instagram.com/blog/announcements/introducing-instagram-reels-announcement>.

25 ¹²⁶ 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/>.

26 ¹²⁷ 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-](https://www.nytimes.com/2021/10/16/technology/instagram-teens.html)
27 [teens.html](https://www.nytimes.com/2021/10/16/technology/instagram-teens.html).

28 ¹²⁸ *Id.*

¹²⁹ *Id.*

¹³⁰ *Id.*

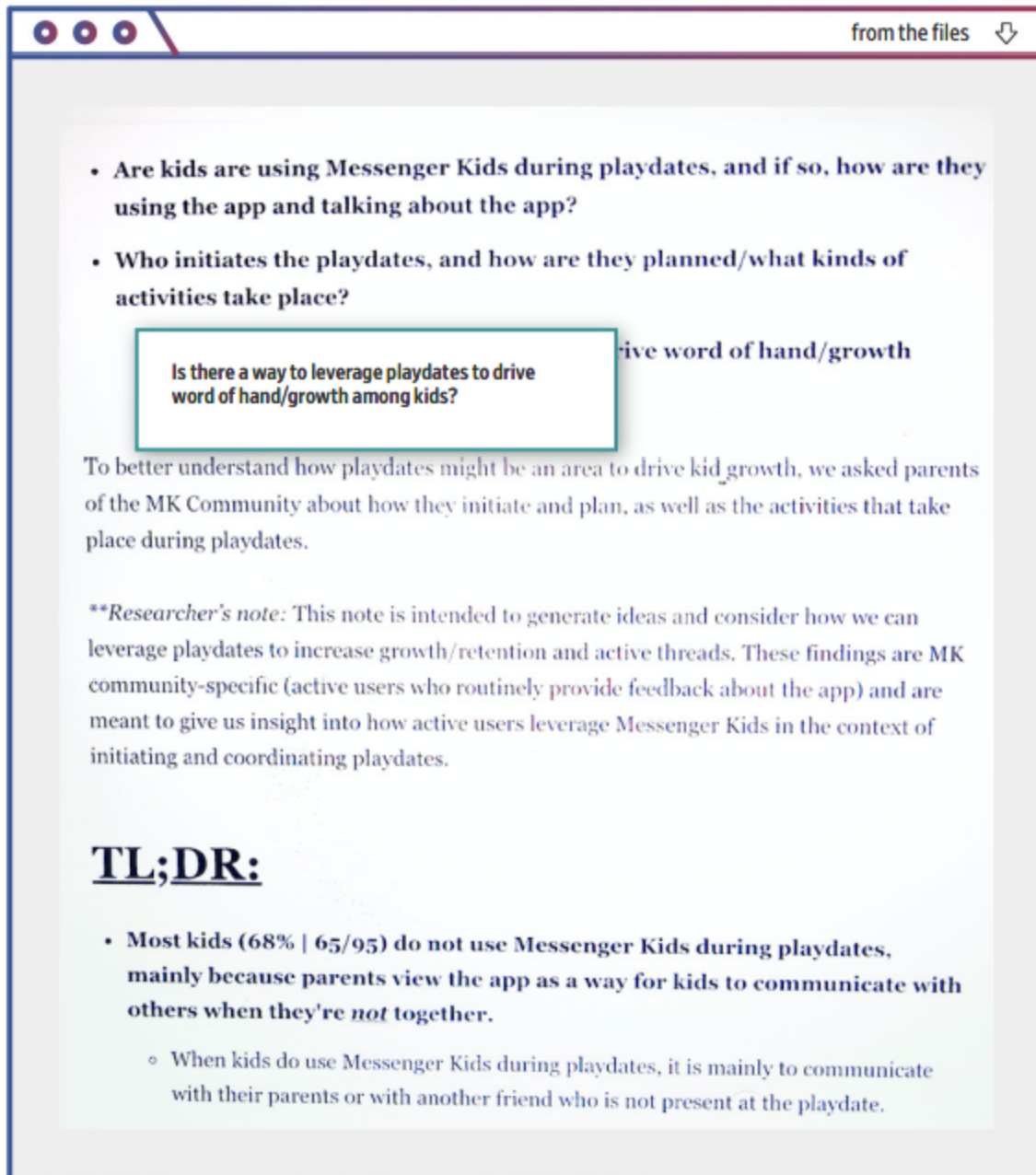
Why do we care about tweens?

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



117. Meta also views preteens or “tweens” as a “valuable but untapped audience,” even contemplating “exploring playdates as a growth lever.”¹³¹ Meta formed a team to study preteens, endeavored to create more products designed for them, and commissioned strategy papers regarding the “business opportunities” created.¹³²

118. 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.

1 Internal Meta documents establish that Meta spends hundreds of millions of dollars researching,
2 analyzing, and marketing to children and teens to find ways to make its platforms more
3 appealing to these age groups and to maximize the time they spend on its platforms, as these age
4 groups are seen as essential to Meta’s long-term profitability and market dominance.¹³³ For
5 instance, after Instagram’s founders left Meta in September 2018, “Facebook went all out to turn
6 Instagram into a main attraction for young audiences,” and “began concentrating on the ‘teen
7 time spent’ data point,” in order to “drive up the amount of time that teenagers were on the app
8 with features including Instagram Live, a broadcasting tool, and Instagram TV, where people
9 upload videos that run as long as an hour.”¹³⁴

10 119. In fact, Meta’s acquisition of Instagram in 2012 was primarily motivated by its
11 desire to make up for declines in the use of Facebook by youth, and Meta views Instagram as
12 central to its ability to attract and retain young audiences. A Meta presentation from 2019
13 indicated that “Instagram is well positioned to resonate and win with young people,” and “[t]here
14 is a path to growth if Instagram can continue their trajectory.”¹³⁵

15 120. Although Meta’s policy is that children younger than thirteen cannot register an
16 account, it lacks effective age-verification protocols—an issue long known to Meta. Since at
17 least 2011, Meta has known that its age-verification protocols are largely inadequate, estimating
18
19

20 ¹³¹ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond*
21 *Instagram Kids, Documents Show; It has investigated how to engage young users in response*
22 *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>.

23 ¹³² *Id.*

24 ¹³³ *Id.*

25 ¹³⁴ 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>.

26 ¹³⁵ Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
27 *Documents Show; Its own in-depth research shows a significant teen mental-health issue that*
28 *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>.

1 at that time that it removed 20,000 children under age thirteen from Facebook every day.¹³⁶ A
2 decade later, in 2021, an Instagram executive acknowledged that users under thirteen can still
3 “lie about [their] age now” to register an account.¹³⁷

4 121. Meta has yet to implement protocols to verify a user’s age. Meta also has
5 agreements with cell phone manufacturers and/or providers and/or retailers, who often pre-install
6 its platforms on mobile devices prior to sale and without regard to the age of the intended user of
7 each such device. That is, even though Meta is prohibited from providing the Meta platforms to
8 users under the age of thirteen, Meta actively promotes and provides underage users access to its
9 platforms by encouraging and allowing cell phone manufacturers to pre-install the platforms on
10 mobile devices indiscriminately. Consequently, approximately 11 percent of United States
11 children between the ages of 9 and 11 used Instagram in 2020,¹³⁸ despite Meta claiming to
12 remove approximately 600,000 underage users per quarter.¹³⁹

13 122. Ultimately, as discussed above, Meta’s efforts to attract young users have been
14 successful.

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

16 123. Once users begin using its platforms, Meta employs a variety of strategies to keep
17 them there, using features that exploit the natural human desire for social interaction and the
18 neurophysiology of the brain’s reward systems to keep users endlessly scrolling, posting,
19 “liking,” commenting, and counting the number of “likes” and comments to their own posts. As

20 ¹³⁶ Austin Carr, *Facebook Booting “20,000” Underage Users Per Day: Reaction to Growing*
21 *Privacy Concerns?*, Fast Co. (Mar. 22, 2011),
22 <https://www.fastcompany.com/1741875/facebook-booting-20000-underage-users-day-reaction-growing-privacy-concerns>.

23 ¹³⁷ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram*
24 *Kids, Documents Show; It has investigated how to engage young users in response to*
25 *competition from Snapchat, TikTok; ‘Exploring playdates as a growth lever*, Wall St. J. (Sept.
26 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>.

27 ¹³⁸ Brooke Auxier et al., *Parenting Children in the Age of Screens*, Pew Rsch. Ctr. (July 28,
28 2020), <https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/>.

¹³⁹ 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>.

discussed above, the rapidly developing adolescent brain, highly attuned to social rewards, is particularly vulnerable to such exploitation.

124. Many of the features Meta has designed utilize the well-established principle of intermittent variable rewards or IVR, discussed above, including one of its most defining features: the “Like” button. Meta knows “Likes” are a source of social comparison harm for many users, as detailed below. Several Meta employees involved in creating the Like button have since left Meta and have spoken publicly about the manipulative nature of Meta’s platforms and the harm they cause users.¹⁴⁰

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

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

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

128. The Meta platforms are designed to encourage users to post content and to like,

¹⁴⁰ See, e.g., Paul Lewis, *‘Our minds can be hijacked’: the tech insiders who fear a smartphone dystopia*, Guardian (Oct. 6, 2017), <https://www.theguardian.com/technology/2017/oct/05/smartphone-addiction-silicon-valley-dystopia>.

comment, and interact with other users' posts. Each new post that appears on a user's feed can function as a dopamine-producing social interaction in the user's brain. Similarly, likes, comments, and other interactions with the user's own posts function as an even stronger dopamine-producing stimulus than does seeing new posts from other users. This in turn drives users to post more content they expect will generate even more likes and comments. In this regard, Meta has designed its platforms to effectively trap users—especially youth—in endless cycles of what Facebook whistleblower Frances Haugen called “little dopamine loops.”¹⁴¹

d. Meta's Algorithms Are Manipulative and Harmful

129. 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.

130. 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

¹⁴¹ 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>.

1 prioritization.¹⁴²

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

12 132. Although Meta claims that the goal of this engagement-based ranking is “helping
13 you have more meaningful social interactions,”¹⁴³ Meta’s algorithms covertly operate on the
14 principle that intense reactions invariably compel attention. Because these algorithms measure
15 reactions and contemporaneously immerse users in the most reactive content, these algorithms
16 effectively work to steer users toward the most negative content, because negative content
17 routinely elicits passionate reactions. In other words, the algorithm is designed to prioritize the
18 number of interactions rather than the quality of interactions.

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

24 134. Meta’s shift from chronological ranking to algorithm-driven content and
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26 ¹⁴² See, e.g., Adam Mosseri, *Shedding More Light on How Instagram Works*, Instagram (June 8,
27 2021), [https://about.instagram.com/blog/announcements/shedding-more-light-on-how-](https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works)
28 [instagram-works](https://about.instagram.com/blog/announcements/shedding-more-light-on-how-instagram-works).

¹⁴³ Mark Zuckerberg, Facebook (Jan. 11, 2018, 4:28 PM),
<https://www.facebook.com/zuck/posts/10104413015393571?pnref=story>.

1 recommendations has changed the Meta platforms in ways that are profoundly dangerous and
2 harmful to children. Meta’s algorithms exploit vulnerabilities that are heightened in preteens and
3 teens due to the their social and psychological development—and Meta designs its platforms
4 with these specific vulnerabilities in mind.

5 **e. Meta’s Harmful “Feeds”**

6 135. Both Facebook and Instagram show each user an algorithm-generated “feed” that
7 consists of a series of photos and videos posted by accounts that the user follows, along with
8 advertising and content specifically selected and promoted by Meta.

9 136. These feeds are virtually bottomless lists of content that enable users to scroll
10 endlessly without any natural end points that would otherwise encourage them to move on to
11 other activities. In this regard, “[u]nlike a magazine, television show, or video game,” the Meta
12 platforms only rarely prompt their users to take a break by using “stopping cues.”¹⁴⁴ Meta’s
13 “bottomless scrolling” feature is designed to encourages users to use its platforms for unlimited
14 periods of time.

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

19 138. As Senator Richard Blumenthal, Chair of the Subcommittee on Consumer
20 Protection, Product Safety, and Data Security, explained during one of a series of Senate
21 hearings in 2021 on “Protecting Kids Online,” Meta utilizes private information of its child users
22 to “precisely target [them] with content and recommendations, assessing what will provoke a
23 reaction,” including encouragement of “destructive and dangerous behaviors,” which is how
24 Meta “can push teens into darker and darker places.”¹⁴⁵ Whistleblower Frances Haugen testified

25 _____
26 ¹⁴⁴ 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>.

27 ¹⁴⁵ See Facebook Whistleblower Frances Haugen Testifies on Children & Social Media Use:
28 *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>.

1 that Meta’s “amplification algorithms, things like engagement based ranking . . . can lead
2 children . . . all the way from just something innocent like healthy recipes to anorexia promoting
3 content over a very short period of time.”¹⁴⁶ Meta thus specifically selects and pushes this
4 harmful content on its platforms, for which it is then paid, and does so both for direct profit and
5 also to increase user engagement, resulting in additional profits down the road.

6 139. As part of the Senate Subcommittee’s investigation into social media companies,
7 Senators Richard Blumenthal, Marsha Blackburn and Mike Lee tested and confirmed the fact
8 that Meta’s platforms’ recommendation-based feeds and features promote harmful content by
9 opening test accounts purporting to be teenage girls. Senator Blumenthal stated that, “[w]ithin an
10 hour all our recommendations promoted pro-anorexia and eating disorder content.”¹⁴⁷ Likewise,
11 Senator Lee found that an account for a fake 13-year-old girl was quickly “flooded with content
12 about diets, plastic surgery and other damaging material for an adolescent girl.”¹⁴⁸

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

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

23 142. Instagram also features a feed called “Reels,” which presents short video posts by
24 users not previously followed. These videos play automatically, without input from the user,

25 ¹⁴⁶ *Id.* at 37:34.

26 ¹⁴⁷ Vanessa Romo, *4 Takeaways from Senators' Grilling of Instagram's CEO About Kids and*
27 *Safety*, NPR (Dec. 8, 2021, 10:13 PM),
[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)
28 [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).

¹⁴⁸ *Id.*

1 encouraging the user to stay on the app for indefinite periods of time. As with other feeds, Reels
2 content is selected and presented by an algorithm designed by Meta to maximize the amount of
3 time a user spends on the app.

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

5 143. In an internal slide presentation in 2019, Meta’s own researchers, studying
6 Instagram’s effects on children, concluded, “**We make body image issues worse for one in**
7 **three teen girls[.]**”¹⁴⁹ This presentation was one of many documents leaked by former Meta
8 employee Frances Haugen to journalists at the *Wall Street Journal* and federal regulators in
9 2021.¹⁵⁰ The *Wall Street Journal*’s reporting on the documents began in September 2021 and
10 caused a national and international uproar.

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

15 145. Upon information and belief, at least as far back as 2019, Meta initiated a
16 Proactive Incident Response experiment, which began researching the effect of Meta on the
17 mental health of today’s children.¹⁵¹ Meta’s own in-depth analyses show significant mental-
18 health issues stemming from the use of Instagram among teenage girls, many of whom linked
19

20 ¹⁴⁹ Georgia Wells *et al.*, *Facebook Knows Instagram Is Toxic for Teen Girls, Company*
21 *Documents Show; Its own in-depth research shows a significant teen mental-health issue that*
22 *Facebook plays down in public*, Wall St. J. (Sept. 14, 2021),
23 [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)
24 [documents-show-11631620739](https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739) (emphasis added).

25 ¹⁵⁰ The *Wall Street Journal* and *Digital Wellbeing* published several of these documents in
26 November 2021. See Paul Marsden, *The ‘Facebook Files’ on Instagram Harms—All Leaked*
27 *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/)
28 [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
publishing these documents in November 2021. See Dell Cameron *et al.*, *Read the Facebook*
Papers for Yourself, Gizmodo (Apr. 18, 2022), [https://gizmodo.com/facebook-papers-how-to-](https://gizmodo.com/facebook-papers-how-to-read-1848702919)
[read-1848702919](https://gizmodo.com/facebook-papers-how-to-read-1848702919).

¹⁵¹ 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)
[regulate-facebook](https://www.c-span.org/video/?515042-1/whistleblower-frances-haugen-calls-congress-regulate-facebook).

1 suicidal thoughts and eating disorders to their experiences on the app.¹⁵² In this regard, Meta’s
2 researchers have repeatedly found that Instagram is harmful for a sizable percentage of teens that
3 use the platform.¹⁵³

4 146. In particular, the researchers found that “[s]ocial comparison,” or individuals’
5 assessment of their own value relative to that of others, is “worse on Instagram” for teens than on
6 other social media platforms.¹⁵⁴ One in five teens reported that Instagram “makes them feel
7 worse about themselves.”¹⁵⁵ Roughly two in five teen users reported feeling “unattractive,” while
8 one in 10 teen users reporting suicidal thoughts traced them to Instagram.¹⁵⁶ Teens “consistently”
9 and without prompting blamed Instagram “for increases in the rate of anxiety and depression.”¹⁵⁷
10 And although teenagers identify Instagram as a source of psychological harm, they often lack the
11 self-control to use Instagram less. Also, according to Meta’s own researchers, young users are
12 not capable of controlling their Instagram use to protect their own health.¹⁵⁸ Such users “often
13 feel ‘addicted’ and know that what they’re seeing is bad for their mental health but feel unable to
14 stop themselves.”¹⁵⁹

15 147. Similarly, in a March 2020 presentation posted to Meta’s internal message board,
16 researchers found that “[t]hirty-two percent of teen girls said that when they felt bad about their
17 bodies, Instagram made them feel worse.”¹⁶⁰ Sixty-six percent of teen girls and 40 percent of

18 ¹⁵² See Georgia Wells et al., *Facebook Knows Instagram Is Toxic for Teen Girls*, *Company*
19 *Documents Show*, Wall St. J. (Sept. 14, 2021, 7:59 AM),
20 [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)
21 [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).

22 ¹⁵³ *Id.*

23 ¹⁵⁴ *Id.*

24 ¹⁵⁵ *Id.*

25 ¹⁵⁶ *Id.*

26 ¹⁵⁷ *Id.*

27 ¹⁵⁸ *Id.*

28 ¹⁵⁹ *Id.*

¹⁶⁰ *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*

1 teen boys have experienced negative social comparison harms on Instagram.¹⁶¹ Further,
2 approximately 13 percent of teen-girl Instagram users say the platform makes thoughts of
3 “suicide and self-harm” worse, and 17 percent of teen-girl Instagram users say the platform
4 makes “[e]ating issues” worse.¹⁶² Meta’s researchers also acknowledged that “[m]ental health
5 outcomes” related to the use of Instagram “can be severe,” including “Body Dissatisfaction,”
6 “Body Dysmorphia,” “Eating Disorders,” “Loneliness,” and “Depression.”¹⁶³

7 148. Not only is Meta aware of the harmful nature of the Meta platforms, the leaked
8 documents reveal that Meta is aware of the specific design features that lead to excessive use and
9 harm to children. For instance, Meta knows that Instagram’s Explore, Feed, and Stories features
10 contribute to social comparison harms “in different ways.”¹⁶⁴ Moreover, specific “[a]spects of
11 Instagram exacerbate each other to create a perfect storm” of harm to users, and that the “social
12 comparison sweet spot”—a place of considerable harm to users, particularly teenagers and teen
13 girls—lies at the center of Meta’s model and platforms’ features.¹⁶⁵ In this regard, Meta’s
14 researchers wrote that “[s]ocial comparison and perfectionism are nothing new, but young people
15 are dealing with this on an unprecedented scale,” and “[c]onstant comparison on Instagram is

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17
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19 *single page* at slide 14, Dig. Wellbeing (Oct. 20, 2021) [https://digitalwellbeing.org/the-](https://digitalwellbeing.org/the-facebook-files-on-instagram-harms-all-leaked-slides-on-a-single-page)
20 [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) (hard life moment –
21 mental health deep dive).

22 ¹⁶¹ *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the*
23 *U.S.* at 9, 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)
24 [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)
25 [Instagram.pdf](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf).

26 ¹⁶² *Hard Life Moments-Mental Health Deep Dive* at 14, Facebook (Nov. 2019),
27 [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)
28 [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)
[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).

¹⁶³ *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)
[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](https://digitalwellbeing.org/wp-content/uploads/2021/10/Facebook-Files-Teen-Girls-Body-Image-and-Social-Comparison-on-Instagram.pdf).

¹⁶⁴ *Id.* at 31.

¹⁶⁵ *Id.* at 33.

‘the reason’ why there are higher levels of anxiety and depression in young people.”¹⁶⁶

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

a. The Snapchat Platform

149. Snapchat was created in 2011 by Stanford University students Evan Spiegel and Bobby Murphy, who serve as Snap Inc.’s CEO and CTO, respectively.¹⁶⁷

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

151. In 2012, Snap added video sharing capabilities, pushing the number of “snaps” to 50 million per day.¹⁶⁸ A year later, Snap added the “Stories” function, which allows users to upload a rolling compilation of snaps that the user’s friends can view for 24 hours.¹⁶⁹ The following year, Snap added a feature that enabled users to communicate with one another in real time via text or video.¹⁷⁰ It also added the “Our Story” feature, expanding on the original stories function by allowing users in the same location to add their photos and videos to a single publicly viewable content stream.¹⁷¹ At the same time, Snap gave users the capability to add filters and graphic stickers onto photos indicating a user’s location, through a feature it refers to

¹⁶⁶ 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-1.pdf>.

¹⁶⁷ 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>.

¹⁶⁸ J.J. Colao, *Snapchat Adds Video, Now Seeing 50 Million Photos A Day*, Forbes (Dec. 14, 2012), <https://www.forbes.com/sites/jjcolao/2012/12/14/snapchat-adds-video-now-seeing-50-million-photos-a-day/?sh=55425197631b>.

¹⁶⁹ 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-that-dont-just-disappear>.

¹⁷⁰ Romain Dillet, *Snapchat Adds Ephemeral Text Chat and Video Calls*, TechCrunch (May 1, 2014), <https://techcrunch.com/2014/05/01/snapchat-adds-text-chat-and-video-calls/>.

¹⁷¹ Laura Stampler, *Snapchat Just Unveiled a New Feature*, Time (June 17, 2014), <https://time.com/2890073/snapchat-new-feature/>.

as “Geofilters.”¹⁷²

152. In 2015, Snap added a “Discover” feature that promotes videos from news outlets and other content creators.¹⁷³ Users can watch that content by scrolling through the Discover feed. After the selected video ends, Snapchat automatically plays other video content in a continuous stream, which does not cease until a user manually exits the stream.

153. In 2020, Snap added the “Spotlight” feature, through which it serves users “an endless feed of user-generated content” that Snap curates from the 300 million daily Snapchat users.¹⁷⁴

154. Today, Snapchat is one of the largest social media platforms in the world. By its own estimates, Snapchat has 363 million daily users, including 100 million daily users in North America.¹⁷⁵ Snapchat reaches 90 percent of people ages 13–24 in over twenty countries and reaches nearly half of all smartphone users in the United States.¹⁷⁶

b. Snap Markets Its Platform to Youth

155. Snapchat’s commercial success is due to its advertising. In 2014, Snap began running advertisements on Snapchat.¹⁷⁷ Since then, Snapchat’s business model has revolved around its advertising revenue, which has boomed. Snap now expects to generate \$4.86 billion in Snapchat advertising revenue for 2022.¹⁷⁸

156. Snap specifically markets Snapchat to children ages 13–17 because they are a key

¹⁷² 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>.

¹⁷³ 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>.

¹⁷⁴ Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC (Nov. 23, 2020), <https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html>.

¹⁷⁵ *October 2022 Investor Presentation* at 5, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

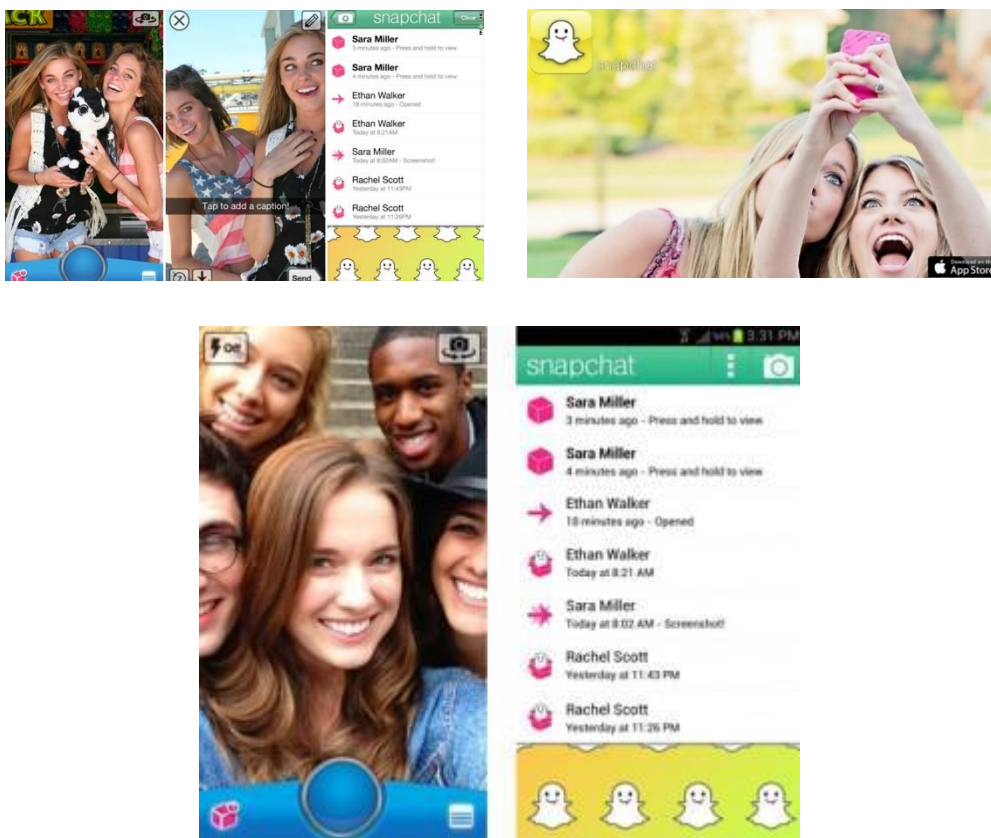
¹⁷⁶ *Id.* at 6–7.

¹⁷⁷ Sara Fischer, *A timeline of Snap’s advertising, from launch to IPO*, Axios (Feb. 3, 2017), <https://www.axios.com/2017/12/15/a-timeline-of-snaps-advertising-from-launch-to-ipo-1513300279>.

¹⁷⁸ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/>.

demographic for Snap’s advertising business. Internal documents describe users between the ages of 13–34 as “critical” to Snap’s advertising success because of the common milestones achieved within that age range.¹⁷⁹

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



158. In addition to its marketing, Snap has targeted a younger audience by designing Snapchat in a manner that older individuals find hard to use.¹⁸⁰ 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[.]”¹⁸¹

¹⁷⁹ October 2022 Investor Presentation at 27, Snap Inc. (Oct. 20, 2022), <https://investor.snap.com/events-and-presentations/presentations/default.aspx>.

¹⁸⁰ 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>.

¹⁸¹ 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/>.

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

4 160. Moreover, Snap added as a feature the ability for users to create cartoon avatars
5 modeled after themselves.¹⁸² By using an artform generally associated with and directed at
6 younger audiences, Snap further designed Snapchat to entice teenagers and younger children.

7 161. In 2013, Snap also marketed Snapchat specifically to kids under 13 through a
8 feature it branded “SnapKidz.”¹⁸³ This feature—part of the Snapchat platform—allowed children
9 under 13 to take photos, draw on them, and save them locally on the device.¹⁸⁴ Kids could also
10 send these images to others or upload them to other social media sites.¹⁸⁵

11 162. While SnapKidz feature was later discontinued and Snap purports to now prohibit
12 users under the age of 13, its executives have admitted that its age verification “is effectively
13 useless in stopping underage users from signing up to the Snapchat app.”¹⁸⁶

14 163. Snap’s efforts to attract young users have been successful. *See supra*
15 Section IV.A. Teenagers consistently name Snapchat as a favorite social media platform. The
16 latest figures show 13 percent of children ages 8–12 used Snapchat in 2021,¹⁸⁷ and almost 60
17 percent of children ages 13–17 use Snapchat.¹⁸⁸

18
19 ¹⁸² Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Bus.
20 Insider (July 19, 2016), <https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7>.

21 ¹⁸³ Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23,
22 2013), <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>.

23 ¹⁸⁴ *Id.*

24 ¹⁸⁵ *Id.*

25 ¹⁸⁶ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively*
26 *useless*, Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

27 ¹⁸⁷ Victoria Rideout *et al.*, *Common Sense Census: Media use by tweens and teens, 2021* at 5,
28 Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

¹⁸⁸ 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 c. **Snap Intentionally Maximizes the Time Users Spend on its Platform**

2 164. Snap promotes excessive use of its platform through design features and
3 manipulative algorithms intended to maximize users' screen time.

4 165. Snap has implemented inherently and intentionally exploitive features into
5 Snapchat, including "Snapstreaks," various trophies and reward systems, quickly disappearing
6 ("ephemeral") messages, and filters. Snap designed these features, along with others, to
7 maximize the amount of time users spend on Snapchat.

8 166. Snaps are intended to manipulate users by activating the rule of reciprocation.¹⁸⁹
9 Whenever a user gets a snap, they feel obligated to send a snap back. And Snapchat tells users
10 each time they receive a snap by pushing a notification to the recipient's cellphone. These
11 notifications are designed to prompt users to open Snapchat and view content, increasing the
12 amount of time users spend on Snapchat. Further, because snaps disappear within ten seconds of
13 being viewed, users feel compelled to reply immediately. This disappearing nature of snaps is a
14 defining characteristic of Snapchat and intended keep users on the platform.

15 167. Snap also keeps users coming back to the Snapchat platform through the
16 "Snapstreaks" feature.¹⁹⁰ A "streak" is a counter within Snapchat that tracks how many
17 consecutive days two users have sent each other snaps. If a user fails to snap the other user
18 within 24 hours, the streak ends. Snap adds extra urgency by putting an hourglass emoji next to a
19 friend's name if a Snapchat streak is about to end.¹⁹¹ This design implements a system where a
20 user must "check constantly or risk missing out."¹⁹² And this feature is particularly effective on

21 _____
22 ¹⁸⁹ Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 14, 2015),
<https://www.nirandfar.com/psychology-of-snapchat/>.

23 ¹⁹⁰ See Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure*
24 *you in and get you 'addicted'*, Bus. Insider (Feb. 17 2018),
25 [https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
26 [2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13](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 &
27 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>.

28 ¹⁹¹ 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>.

¹⁹² *Id.*

1 teenage users. “For teens in particular, streaks are a vital part of using the app, and of their social
2 lives as a whole.”¹⁹³ Some children become so obsessed with maintaining a Snapstreak that they
3 give their friends access to their accounts when they may be away from their phone for a day or
4 more, such as on vacation.¹⁹⁴

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

12 169. Snap also designs photo and video filters and lenses, which are central to
13 Snapchat’s function as a photo and video sharing social media platform. Snap designed its filters
14 and lenses in a way to further maximize the amount of time users spend on Snapchat. One way
15 Snap uses its filters to hook young users is by creating temporary filters that impose a sense of
16 urgency to use them before they disappear. Another way Snap designed its filters to increase
17 screen use is by gamification. Many filters include games,¹⁹⁵ creating competition between users
18 by sending each other snaps with scores. Further, Snap tracks data on the most commonly used
19
20

21 ¹⁹³ Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you*
22 *in and get you ‘addicted’*, Bus. Insider (Feb. 17 2018), [https://www.businessinsider.com/how-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
23 [app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13)
24 [keep-you-hooked-13](https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13); see generally Cathy Becker, *Experts warn parents how Snapchat can*
hook in teens with streaks, ABC News (July 27, 2017),
[https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-](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).

25 ¹⁹⁴ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017),
26 <https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>; Jon
27 Brooks, *7 Specific Tactics Social Media Companies Use to Keep You Hooked*, KQED (June 9,
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).

28 ¹⁹⁵ Josh Constine, *Now Snapchat Has ‘Filter Games’*, TechCrunch (Dec. 23, 2016),
<https://techcrunch.com/2016/12/23/snapchat-games/>.

1 filters and develops new filters based on this data.¹⁹⁶ And Snap personalizes filters to further
2 entice individuals to use Snapchat more.¹⁹⁷ Snap designs and modifies these filters to maximize
3 the amount of time users spend on Snapchat.

4 **d. Snapchat's Algorithms Are Manipulative and Harmful**

5 170. Snap also uses complex algorithms to suggest friends to users and recommend
6 content in order to keep users using Snapchat.

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

11 172. Snapchat also contains "Discover" and "Spotlight" features that use algorithms to
12 recommend content to users. The Discover feature includes content from news and other media
13 outlets.¹⁹⁸ A user's Discover page is populated by an algorithm and constantly changes
14 depending on how a user interacts with the content.¹⁹⁹ Similarly, the Spotlight feature promotes
15 popular videos from other Snapchat users and is based on an algorithm that determines whether a
16 user has positively or negatively engaged with similar content.²⁰⁰ Snap programs its algorithms
17 to push content to users that will keep them engaged on Snapchat and, thereby, increase the
18 amount of time users spend on Snapchat, worsening their mental health.

19 **e. Snap's Conduct in Designing and Operating Its Platform Has**
20 **Harmed Youth Mental Health**

21 173. The way in which Snap has designed and operated Snapchat has caused youth to
22

23 ¹⁹⁶ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
24 (last visited Dec. 8, 2022).

25 ¹⁹⁷ *Id.*

26 ¹⁹⁸ 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>.

27 ¹⁹⁹ *How We Use Your Information*, Snap Inc., <https://snap.com/en-US/privacy/your-information>
(last visited Dec. 8, 2022).

28 ²⁰⁰ 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 suffer increased anxiety, depression, disordered eating, and sleep deprivation.

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

6 175. Snap should know that its conduct has negatively affected youth. Snap's conduct
7 has been the subject of inquiries by the United States Senate regarding Snapchat's use "to
8 promote bullying, worsen eating disorders, and help teenagers buy dangerous drugs or engage in
9 reckless behavior."²⁰¹ Further, Senators from across the ideological spectrum have introduced
10 bills that would ban many of the features Snapchat uses, including badges and other awards
11 recognizing a user's level of engagement with the platform.²⁰² Despite these calls for oversight
12 from Congress, Snap has failed to curtail its use of streaks, badges, and other awards that
13 recognize users' level of engagement with Snapchat.

14 176. Snap also knows or should know of Snapchat's other negative effects on youth
15 because of published research findings. For instance, researchers coined the phrase "Snapchat
16 dysmorphia" after the pernicious effect Snapchat has had on how young people view
17 themselves.²⁰³ The researchers and doctors use the phrase to describe people, usually young
18 women, seeking plastic surgery to make themselves look like the way they do through Snapchat
19 filters.²⁰⁴ The cause of this trend appears to be Snapchat's and other social media platforms'
20 beauty filters, which create a "sense of unattainable perfection" that is alienating and damaging

21 ²⁰¹ Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and*
22 *TikTok*, Nat'l Pub. Radio (Oct. 26, 2021),
23 <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

24 ²⁰² See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, Nat'l
25 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*,
26 S. 2314, 116th Cong. (2019); *Kids Internet Design and Safety Act*, S. 2918, 117th Cong. (2021).

27 ²⁰³ 'Snapchat Dysmorphia': When People Get Plastic Surgery To Look Like A Social Media
28 *Filter*, WBUR (Aug 29, 2018), <https://www.wbur.org/hereandnow/2018/08/29/snapchat-dysmorphia-plastic-surgery>.

²⁰⁴ *Id.*

to a person’s self-esteem.²⁰⁵ One social psychologist summed the effect as “the pressure to present a certain filtered image on social media can certainly play into [depression and anxiety] for younger people who are just developing their identities.”²⁰⁶

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

178. TikTok is a social media platform that describes itself as “the leading destination for short-form mobile video.”²⁰⁷ According to TikTok, it is primarily a platform where users “create and watch short-form videos.”²⁰⁸

179. 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.²⁰⁹

180. 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.²¹⁰

181. That same year, ByteDance acquired Musical.ly to leverage its young user base in

²⁰⁵ 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>.

²⁰⁶ *Id.*

²⁰⁷ *About: Our Mission*, TikTok, <https://www.tiktok.com/about> (last visited Dec. 8, 2022).

²⁰⁸ *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).

²⁰⁹ 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>.

²¹⁰ Pares 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>.

1 the United States, of almost 60 million monthly active users.²¹¹

2 182. Months later, the apps were merged under the TikTok brand.²¹²

3 183. Since then, TikTok has expanded the length of time for videos from 15-seconds to
4 up to 10 minutes;²¹³ created a fund that was expected to grow to over \$1 billion within three
5 years to incentivize users to create videos that even more people will watch;²¹⁴ and had users
6 debut their own songs, share comedy skits,²¹⁵ and “challenge” others to perform an activity.²¹⁶

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

8 185. “[O]ne of the defining features of the TikTok platform,” is its “For You” feed.²¹⁷
9 There, users are served with an unending stream of videos TikTok curates for them based on
10 complex, machine-learning algorithms intended to keep users on its platform. TikTok itself
11 describes the feed as “central to the TikTok experience and where most of our users spend their
12 time.”²¹⁸ The *New York Times* described it this way:

13 It’s an algorithmic feed based on videos you’ve interacted with, or even just
14 watched. It never runs out of material. It is not, unless you train it to be, full of
15 people you know, or things you’ve explicitly told it you want to see. It’s full of

17 ²¹¹ Liza Lin & Rolfe Winkler, *Social-Media App Musical.ly Is Acquired for as Much as \$1*
18 *Billion; With 60 million monthly users, startup sells to Chinese maker of news app Toutiao*,
19 *Wall St. J.* (Nov. 10, 2017), [https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-](https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123)
20 [acquired-for-as-much-as-1-billion-1510278123](https://www.wsj.com/articles/lip-syncing-app-musical-ly-is-acquired-for-as-much-as-1-billion-1510278123).

21 ²¹² Paresh Dave, *China’s ByteDance scrubs Musical.ly brand in favor of TikTok*, Reuters (Aug.
22 1, 2018), [https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-](https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW)
23 [musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW](https://www.reuters.com/article/us-bytedance-musically/chinas-bytedance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW).

24 ²¹³ Andrew Hutchinson, *TikTok Confirms that 10 Minute Video Uploads are Coming to All*
25 *Users*, *SocialMediaToday* (Feb. 28, 2022), [https://www.socialmediatoday.com/news/tiktok-](https://www.socialmediatoday.com/news/tiktok-confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/)
26 [confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/](https://www.socialmediatoday.com/news/tiktok-confirms-that-10-minute-video-uploads-are-coming-to-all-users/619535/).

27 ²¹⁴ Vanessa Pappas, *Introducing the \$200M TikTok Creator Fund*, TikTok (July 29, 2021),
28 <https://newsroom.tiktok.com/en-us/introducing-the-200-million-tiktok-creator-fund>.

²¹⁵ 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-](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html)
[the-video-social-network-quickly-capturing-the-tween-and-teen-m.html](https://www.inc.com/joseph-steinberg/meet-musically-the-video-social-network-quickly-capturing-the-tween-and-teen-m.html).

²¹⁶ 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>.

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

²¹⁸ *Id.*

things that you seem to have demonstrated you want to watch, no matter what you actually say you want to watch.²¹⁹

186. 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 2021.²²⁰

b. TikTok Markets Its Platform to Youth

187. TikTok, like the other Defendants’ platforms, has built its business plan around advertising revenue, which has boomed. In 2022, TikTok is projected to receive \$11 billion in advertising revenue, over half of which (i.e., \$6 billion) is expected to come from the United States.²²¹

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

189. Alex Zhu and Louis Yang, the other co-founder of Musical.ly, raised \$250,000 to build an app that experts could use to create short three- to five-minute videos explaining a subject.²²² The day they released the app, Zhu said they knew “[i]t was doomed to be a failure,” because “[i]t wasn’t entertaining, and it didn’t attract teens.”²²³

190. According to Zhu, he stumbled upon the idea that would become known as TikTok while observing teens on a train, half of whom were listening to music while the other half took selfies or videos and shared the results with friends.²²⁴ “That’s when Zhu realized he could combine music, videos, and a social network to attract the early-teen demographic.”²²⁵

²¹⁹ 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>.

²²⁰ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27, 2021), <https://www.cnbc.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>.

²²¹ Bhanvi Staija, *TikTok’s ad revenue to surpass Twitter and Snapchat combined in 2022*, Reuters (Apr. 11, 2022), <https://www.reuters.com/technology/tiktoks-ad-revenue-surpass-twitter-snapchat-combined-2022-report-2022-04-11/>.

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>.

²²³ *Id.*

²²⁴ *Id.*

²²⁵ *Id.*

1 191. Zhu and Yang thereafter developed the short-form video app that is now known
2 as TikTok, which commentators have observed “encourages a youthful audience in subtle and
3 obvious ways.”²²⁶

4 192. Among the more subtle ways the app was marketed to youth, are its design and
5 content. For example, the Federal Trade Commission (“FTC”) alleged that the app initially
6 centered around a child-oriented activity (i.e., lip syncing); featured music by celebrities that
7 then appealed primarily to teens and tweens, such as Selena Gomez and Ariana Grande; labelled
8 folders with names meant to appeal to youth, such as “Disney” and “school”; included songs in
9 such folders related to Disney television shows and movies, such as “Can You Feel the Love
10 Tonight” from the movie “The Lion King” and “You’ve Got a Friend in Me” from the movie
11 “Toy Story” and songs covering school-related subjects or school-themed television shows and
12 movies.²²⁷

13 193. The target demographic was also reflected in the sign-up process. In 2016, the
14 birthdate for those signing up for the app defaulted to the year 2000 (i.e., 16 years old).²²⁸

15 194. TikTok also cultivated a younger demographic in unmistakable, albeit concealed,
16 ways. In 2020, the *Intercept* reported on a document TikTok prepared for its moderators. In the
17 document, TikTok instructs its moderators that videos of “senior people with too many wrinkles”
18 are disqualified for the “For You” feed because that would make “the video . . . much less
19 attractive [and] not worth[] . . . recommend[ing].”²²⁹

20 195. In December 2016, Zhu confirmed the company had actual knowledge that “a lot
21

22 ²²⁶ John Herrman, *Who’s Too Young for an App? Musical.ly Tests the Limits*, N.Y. Times (Sept.
23 16, 2016), [https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-](https://www.nytimes.com/2016/09/17/business/media/a-social-network-frequented-by-children-tests-the-limits-of-online-regulation.html)
24 [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).

25 ²²⁷ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief (“**Musical.ly**
26 **Complaint**”) at p. 8, ¶¶ 26–27, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D.
27 Cal. Feb. 27, 2019) Dkt. # 1.

28 ²²⁸ Melia Robinson, *How to use Musical.ly, the app with 150 million users that teens are obsessed*
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)
[2016-12](https://www.businessinsider.com/how-to-use-musically-app-2016-12).

²²⁹ Sam Biddle et al., *Invisible Censorship: TikTok Told Moderators to Suppress Posts by*
“Ugly” People and the Poor to Attract New Users, *Intercept* (Mar. 15, 2020),
<https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>.

of the top users are under 13.”²³⁰

196. The FTC alleged that despite the company’s knowledge of these and a “significant percentage” of other users who were under 13, the company failed to comply with the COPPA.²³¹

197. TikTok settled those claims in 2019 by agreeing to pay what was then the largest ever civil penalty under COPPA and to several forms of injunctive relief.²³²

198. In an attempt to come into compliance with the consent decree and COPPA, TikTok made available to users under 13 what it describes as a “limited, separate app experience.”²³³ The child version of TikTok restricts users from posting videos through the app. Children can still, however, record and watch videos on TikTok.²³⁴ For that reason, experts fear the app is “designed to fuel [kids’] interest in the grown-up version.”²³⁵

199. These subtle and obvious ways TikTok markets to and obtained a young userbase are manifestations of Zhu’s views about the importance of user engagement to growing TikTok. Zhu explained the target demographic to the *New York Times*: “[T]eenage culture doesn’t exist” in China because “teens are super busy in school studying for tests, so they don’t have the time and luxury to play social media apps.”²³⁶ By contrast, Zhu describes “[t]eenagers in the U.S. [as] a golden audience.”²³⁷

²³⁰ 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-techcrunch-disrupt-london/>.

²³¹ See generally *Musical.ly Complaint*, *supra* note 202.

²³² 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-settlement-requires-musically-change-its-tune>.

²³³ Dami Lee, *TikTok stops young users from uploading videos after FTC settlement*, Verge (Feb. 27, 2019), <https://www.theverge.com/2019/2/27/18243510/tiktok-age-young-user-videos-ftc-settlement-13-childrens-privacy-law>.

²³⁴ *Id.*

²³⁵ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

²³⁶ 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-internet-companies-rest-of-the-world.html>.

²³⁷ *Id.*

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

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

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

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

203. TikTok drives habitual use of its platform using design elements that operate on 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.²³⁸ Studies have shown that “likes” activate the reward region of the brain.²³⁹ The release of dopamine in response to likes creates a positive feedback loop.²⁴⁰ Users will use TikTok—again and again—in hope of another pleasurable experience.²⁴¹

204. 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.

²³⁸ *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/>.

²³⁹ *Id.*

²⁴⁰ 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>.

²⁴¹ *Id.*

205. 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.

206. 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.²⁴² That flow is yet another way TikTok increases the time users spend on its platform.

d. TikTok’s Algorithms are Manipulative

207. The first thing a user sees when they open TikTok is the “For You” feed, even if they have never posted anything, followed anyone, or liked a video.²⁴³

208. The “For You” page presents users with a “stream of videos” TikTok claims are “curated to [each user’s] interests.”²⁴⁴

209. According to TikTok, it populates each user’s “For You” feed by “ranking videos based on a combination of factors,” that include, among others, any interests expressed when a user registers a new account, videos a user likes, accounts they follow, hashtags, captions, sounds in a video they watch, and certain device settings, such as their language preferences and where they are located.²⁴⁵

210. Critically, some factors weigh heavier than others. To illustrate, TikTok explains that an indicator of interest, such as “whether a user finishes watching a longer video from

²⁴² 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>.

²⁴³ Brian Feldman, *TikTok is Not the Internet’s Eden*, N.Y. Mag. (Mar. 16, 2020), <https://nymag.com/intelligencer/2020/03/tiktok-didnt-want-you-to-see-ugly-or-poor-people-on-its-app.html>.

²⁴⁴ *How TikTok recommends videos #ForYou*, TikTok (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

²⁴⁵ *Id.*

beginning to end, would receive greater weight than a weak indicator, such as whether the video’s viewer and creator are both in the same country.”²⁴⁶

211. TikTok claims it ranks videos in this way because the length of time a user spends watching a video is a “strong indicator of interest[.]”²⁴⁷

212. But Zhu offered a different explanation, he repeatedly told interviewers that he was “focused primarily on increasing the engagement of existing users.”²⁴⁸ “Even if you have tens of millions of users,” Zhu explained, “you have to keep them *always* engaged.”²⁴⁹

213. The decisions TikTok made in programming its algorithms are intended to do just that, as TikTok candidly explained in an internal document titled, “TikTok Algo 101.” The document, which TikTok has confirmed is authentic, “explains frankly that in the pursuit of the company’s ‘ultimate goal’ of adding daily active users, it has chosen to optimize for two closely related metrics in the stream of videos it serves: ‘retention’ — that is, whether a user comes back — and ‘time spent.’”²⁵⁰

214. “This system means that watch time is key.”²⁵¹ Guillaume Chaslot, the founder of Algo Transparency, who reviewed the document at the request of the *New York Times*, explained that “rather than giving [people] what they really want,” TikTok’s “algorithm tries to get people addicted[.]”²⁵²

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

²⁴⁶ *Id.*

²⁴⁷ *Id.*

²⁴⁸ 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>.

²⁴⁹ 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).

²⁵⁰ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021), <https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html>.

²⁵¹ *Id.*

²⁵² *Id.*

1 216. The end result is that TikTok uses “a machine-learning system that analyzes each
2 video and tracks user behavior so that it can serve up a continually refined, never-ending stream
3 of TikToks optimized to hold [user’s] attention.”²⁵³

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

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

8 218. The Integrity Institute, a nonprofit of engineers, product managers, data scientists,
9 and others, has demonstrated how prioritizing user engagement amplifies misinformation on
10 TikTok (and other platforms).²⁵⁴ That pattern, the Integrity Institute notes, is “true for a broad
11 range of harms,” such as hate speech and self-harm content, in addition to misinformation.²⁵⁵

12 219. The Integrity Institute’s analysis builds on a premise Mark Zuckerberg described
13 as the “Natural Engagement Pattern.”²⁵⁶

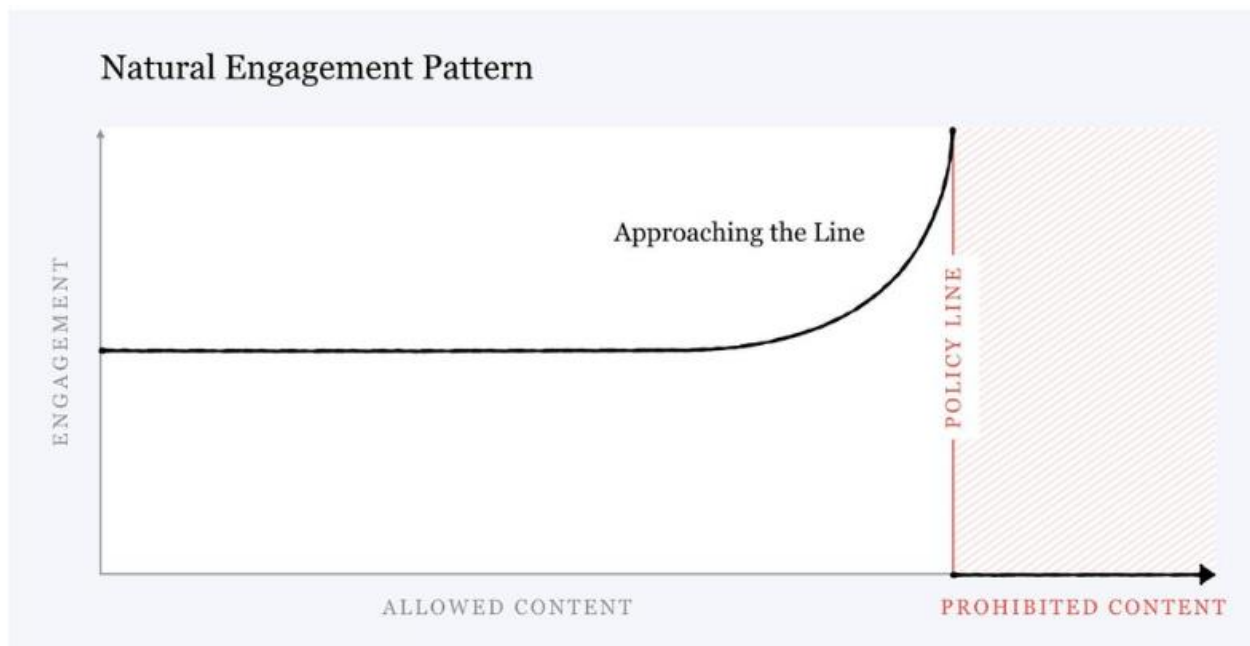
21
22 ²⁵³ Jia Tolentino, *How TikTok Holds Our Attention*, New Yorker (Sept. 30, 2019),
<https://www.newyorker.com/magazine/2019/09/30/how-tiktok-holds-our-attention>.

23 ²⁵⁴ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13,
2022), [https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard)
24 [amplification-tracking-dashboard](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard); see also Steven Lee Myers, *How Social Media Amplifies*
25 *Misinformation More Than Information*, N.Y. Times (Oct. 13, 2022),
[https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-](https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-report.html)
26 [report.html](https://www.nytimes.com/2022/10/13/technology/misinformation-integrity-institute-report.html).

27 ²⁵⁵ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13,
2022), [https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard)
28 [amplification-tracking-dashboard](https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard).

²⁵⁶ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement*, Facebook (May 5,
2021), <https://perma.cc/ZK5C-ZTSX>. Error! Hyperlink reference not valid.

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



221. 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[.]”²⁵⁷

222. 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 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.²⁵⁸

223. 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.

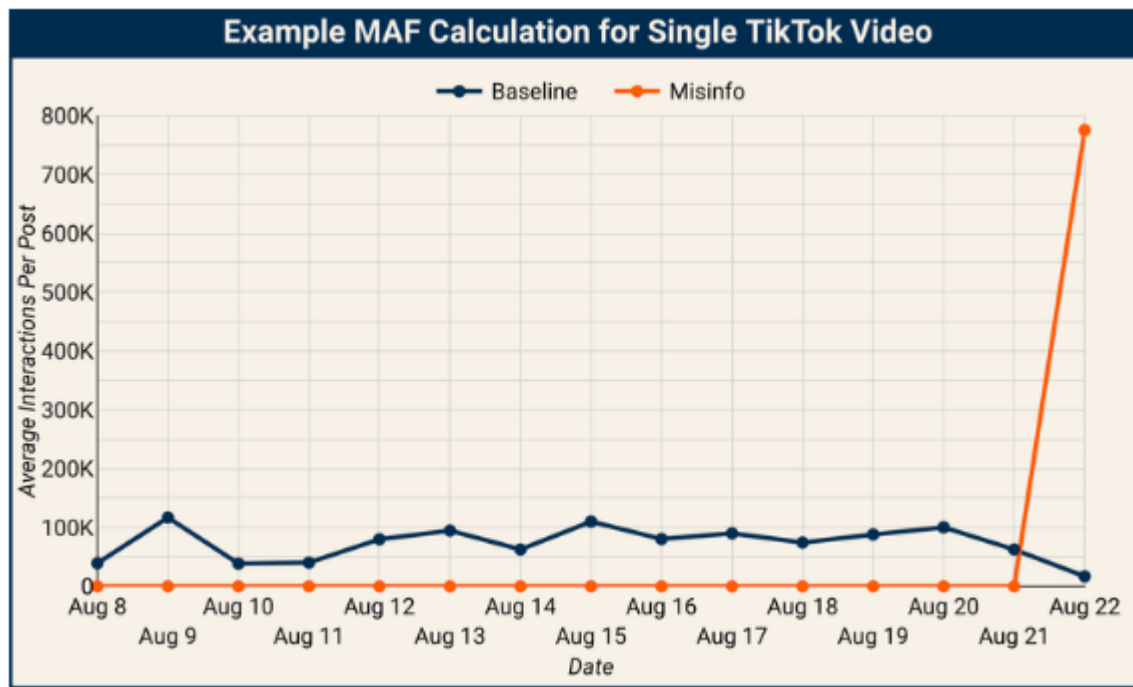
224. The Integrity Institute tested its theory by analyzing a category of harmful content: misinformation. Specifically, the Integrity Institute compared the amount of engagement

²⁵⁷ *Id.*

²⁵⁸ *Misinformation Amplification Analysis and Tracking Dashboard*, Integrity Inst. (Oct. 13, 2022), <https://integrityinstitute.org/our-ideas/hear-from-our-fellows/misinformation-amplification-tracking-dashboard>.

(e.g., number of views) a post containing misinformation received as compared to prior posts from the same content creator.²⁵⁹

225. 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.²⁶⁰



226. After analyzing many other posts from other users, the Integrity Institute found that TikTok on average amplified misinformation 29 times more than other content.²⁶¹

227. A separate investigation by *NewsGuard* found TikTok’s search algorithm similarly amplified misinformation. TikTok’s search engine, like its “For You” feed, is a favorite among youth, with 40 percent preferring it (and Instagram) over Google.²⁶² Unfortunately, *NewsGuard* found that 1 in 5 of the top 20 TikTok search results on prominent news topics, such

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² Wanda Pogue, *Move Over Google. TikTok is the Go-To Search Engine for Gen Z*, *Adweek* (Aug. 4, 2022), <https://www.adweek.com/social-marketing/move-over-google-tiktok-is-the-go-to-search-engine-for-gen-z/>.

as school shootings and COVID vaccines, contain misinformation.²⁶³

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

229. In one investigation, the *Wall Street Journal* found TikTok’s algorithm quickly pushed users down rabbit holes where they were more likely to encounter harmful content. The *Wall Street Journal* investigated how TikTok’s algorithm chose what content to promote to users by having 100 bots scroll through the “For You” feed.²⁶⁴ Each bot was programmed with interests, such as extreme sports, forestry, dance, astrology, and animals.²⁶⁵ Those interests were not disclosed in the process of registering their accounts.²⁶⁶ Rather, the bots revealed their interests through their behaviors, specifically the time they spent watching the videos TikTok recommended to them. Consistent with TikTok’s internal “Algo 101” document, the *Wall Street Journal* found that time spent watching videos to be “the most impactful data on [what] TikTok serves you.”²⁶⁷

230. Over the course of 26 minutes, one bot watched 224 videos, lingering over videos with hashtags for “depression” or “sad.”²⁶⁸ From then on, 93 percent of the videos TikTok showed this account were about depression or sadness.²⁶⁹

231. 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.²⁷⁰

232. “Even bots with general mainstream interests got pushed to the margin as

²⁶³ *Misinformation Monitor*, NewsGuard (Sept. 2022),

<https://www.newsguardtech.com/misinformation-monitor/september-2022/>.

²⁶⁴ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021),

<https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ *Id.*

1 recommendations got more personalized and narrow.”²⁷¹ Deep in these rabbit holes, the *Wall*
2 *Street Journal* found “users are more likely to encounter potential harmful content.”²⁷² For
3 example, one video the *Wall Street Journal* encountered encouraged suicide, reading “Just go.
4 Leave. Stop trying. Stop pretending. You know it and so do they. Do Everyone a favor and
5 leave.”²⁷³

6 233. Chaslot explained why TikTok feeds users this content:

7 [T]he algorithm is able to find the piece of content that you’re vulnerable to. That
8 will make you click, that will make you watch, but it doesn’t mean you really like
9 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.”²⁷⁴

10 234. A follow-up investigation by the *Wall Street Journal* using bots found “that
11 through its powerful algorithms, TikTok can quickly drive minors—among the biggest users of
12 the app—into endless spools of content about sex and drugs.”²⁷⁵

13 235. The bots in this investigation were registered as users aged 13 to 15 and, as
14 before, programmed to demonstrate interest by how long they watched the videos TikTok’s
15 algorithms served them.²⁷⁶ Videos that did not match their interests, the bots scrolled through
16 without pausing.²⁷⁷ The bots lingered on videos that matched any of their programmed
17 interests.²⁷⁸

18 236. Every second the bot hesitated or re-watched a video again proved key to what
19 TikTok recommended to the accounts, which the *Wall Street Journal* found was used to “drive
20 users of any age deep into rabbit holes of content[.]”²⁷⁹

21 237. For example, one bot was programmed to pause on videos referencing drugs,

22 ²⁷¹ *Id.*

23 ²⁷² *Id.*

24 ²⁷³ *Id.*

25 ²⁷⁴ *Id.*

26 ²⁷⁵ 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.

27 ²⁷⁶ *Id.*

28 ²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

1 among other topics. The first day on the platform, the “account lingered on a video of a young
2 woman walking through the woods with a caption” referencing “stoner girls.”²⁸⁰ The following
3 day the bot viewed a video of a “marijuana-themed cake.”²⁸¹ The “majority of the next thousand
4 videos” TikTok directed at the teenage account “tout[ed] drugs and drug use, including
5 marijuana, psychedelics and prescription medication.”²⁸²

6 238. TikTok similarly zeroed in on and narrowed the videos it showed accounts
7 whether the bot was programmed to express interest in drugs, sexual imagery, or a multitude of
8 interests. In the first couple of days, TikTok showed the bots a “high proportion of popular
9 videos.”²⁸³ “But after three days, TikTok began serving a high number of obscure videos.”²⁸⁴

10 239. For example, a bot registered as a 13-year-old was shown a series of popular
11 videos upon signing up.²⁸⁵ The bot, which was programmed to demonstrate interest in sexual text
12 and imagery, also watched sexualized videos. Later, “[i]t experienced one of the most extreme
13 rabbit holes among the *Wall Street Journal*’s accounts. Many videos described how to tie knots
14 for sex, recover from violent sex acts and discussed fantasies about rape.”²⁸⁶ At one point, “more
15 than 90 percent of [one] account’s video feed was about bondage and sex.”²⁸⁷

16 240. At least 2,800 of the sexualized videos that were shown to the *Wall Street*
17 *Journal*’s bots were labeled as being for adults only.²⁸⁸ Yet, TikTok directed these videos to the
18 minor accounts because, as TikTok told the *Wall Street Journal*, it does not “differentiate
19 between videos it serves to adults and minors.”²⁸⁹

20 241. TikTok also directed a concentrated stream of videos at accounts programmed to
21 express interest in a variety of topics. One such account was programmed to linger over hundreds
22

23 ²⁸⁰ *Id.*

24 ²⁸¹ *Id.*

25 ²⁸² *Id.*

26 ²⁸³ *Id.*

27 ²⁸⁴ *Id.*

28 ²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ *Id.*

²⁸⁸ *Id.*

²⁸⁹ *Id.*

1 of Japanese film and television cartoons. “In one streak of 150 videos, all but four” of the videos
2 TikTok directed at the account, “featured Japanese animation—many with sexual themes.”²⁹⁰

3 242. The relentless stream of content intended to keep users engaged “can be
4 especially problematic for young people,” because they may lack the capability to stop watching,
5 says David Anderson, a clinical psychologist at the nonprofit mental health care provider, The
6 Child Mind Institute.²⁹¹

7 243. In a similar investigation, the *Wall Street Journal* found TikTok “flood[ed] teen
8 users with videos of rapid-weight-loss competitions and ways to purge food that health
9 professionals say contribute to a wave of eating-disorder cases spreading across the country.”²⁹²

10 244. In this investigation, the *Wall Street Journal* analyzed the tens of thousands of
11 videos TikTok recommended to a dozen bots registered as 13-year-olds. As before, the bots were
12 given interests. Bots scrolled quickly through videos that did not match their interests and
13 lingered on videos that did.²⁹³ The accounts registered as 13-year-olds were programmed at
14 different times to display interests in weight loss, gambling, and alcohol.²⁹⁴

24 ²⁹⁰ *Id.*

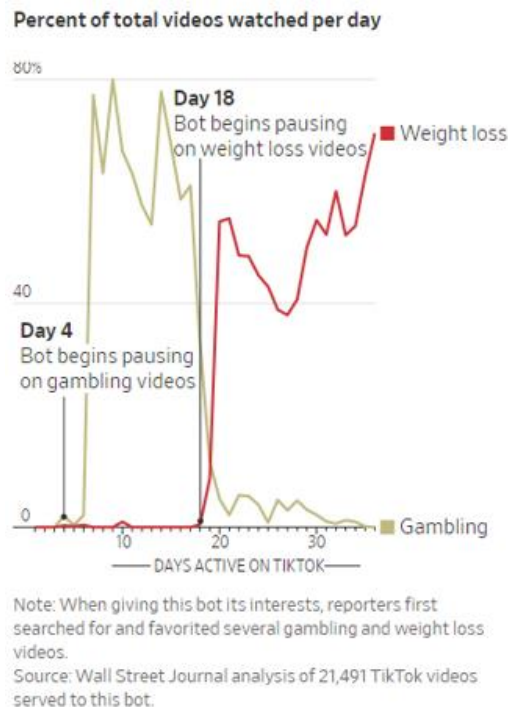
25 ²⁹¹ *Id.*

26 ²⁹² Tawnell D. Hobbs *et al.*, *The Corpse Bride Diet: How TikTok Inundates Teens with Eating-*
27 *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).

²⁹³ *Id.*

²⁹⁴ *Id.*

245. “TikTok’s algorithm quickly g[a]ve[] users the content they’ll watch, for as long
as they’ll watch it.”²⁹⁵ 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.²⁹⁶ When the bot began
demonstrating interest in weight loss videos, the algorithm adapted quickly, as this chart
demonstrates.²⁹⁷



246. After the change in programming, weight-loss videos accounted for well over 40 percent of the content TikTok’s algorithm recommended to the user.²⁹⁸

247. 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.”²⁹⁹ Some encouraged purging, eating less than 300 calories a day, consuming nothing but water some days, and other hazardous

²⁹⁵ *Id.*

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ *Id.*

²⁹⁹ *Id.*

1 diets.³⁰⁰

2 248. 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.³⁰¹

5 249. 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.³⁰²

8 250. 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.”³⁰³

11 251. 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.”³⁰⁴

16 252. 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.³⁰⁵

19 253. 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.

25 ³⁰⁰ *Id.*

26 ³⁰¹ *Id.*

27 ³⁰² *Id.*

28 ³⁰³ *Id.*

³⁰⁴ *Id.*

³⁰⁵ *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**

4 254. 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.

7 255. YouTube reports that today it has over 2 billion monthly logged-in users.³⁰⁶ 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.

11 256. Users, whether logged in or not, watch *billions of hours of videos every day*.³⁰⁷

12 257. Users with accounts can post their own videos, comment on others, and since
13 2010 express their approval of videos through “likes.”³⁰⁸

14 258. Beginning in 2008 and through today, YouTube has recommended videos to
15 users.³⁰⁹ Early on, the videos YouTube recommended to users were the most popular videos
16 across the platform.³¹⁰ YouTube admits “[n]ot a lot of people watched those videos[,]” at least
17 not based on its recommendation.³¹¹

18 259. 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.³¹²

21 260. 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

24 ³⁰⁶ YouTube for Press, YouTube, <https://blog.youtube/press/> (last visited Dec. 8, 2022).

25 ³⁰⁷ *Id.*

26 ³⁰⁸ 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/>.

27 ³⁰⁹ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

28 ³¹⁰ *Id.*

³¹¹ *Id.*

³¹² *Id.*

the feature on by default, which means videos automatically and continuously play for users unless they turn it off.³¹³

261. YouTube purports to disable by default its autoplay feature for users aged 13–17.³¹⁴ But, as mentioned above, YouTube does not require users to log in or even have an account to watch videos. For them or anyone who does not self-report an age between 13 and 17, YouTube defaults to automatically playing the videos its algorithm recommends to the user.

b. YouTube Markets Its Platform to Youth

262. The primary way YouTube makes money is through advertising and made \$19 billion in ad revenue in 2021 alone.³¹⁵

263. “In 2012, YouTube concluded that the more people watched, the more ads it could run[.]”³¹⁶ “So YouTube . . . set a company-wide objective to reach one billion hours of viewing a day[.]”³¹⁷

264. “[T]he best way to keep eyes on the site,” YouTube realized, was “recommending videos, alongside a clip or after one was finished.”³¹⁸ That is what led to the development of its recommendation algorithm and autoplay feature described above. *See supra* Section IV.D.4.a.

265. YouTube has long known youth use its platforms in greater proportion than older demographics.

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

³¹³ Autoplay videos, YouTube Help, <https://support.google.com/youtube/answer/6327615?hl=en#:~:text=For%20users%20aged%2013%2D17,turned%20off%20Autoplay%20for%20you> (last visited Dec. 8, 2022).

³¹⁴ *Id.*

³¹⁵ Alphabet Inc., Annual Report, Form 10-k at 60 (2021), <https://www.sec.gov/ix?doc=/Archives/edgar/data/1652044/000165204422000019/goog-20211231.htm>.

³¹⁶ Mark Bergen, *YouTube Executive Ignores Warnings, Letting Toxic Videos Run Rampant*, 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>.

³¹⁷ *Id.*

³¹⁸ *Id.*

1 267. Instead, YouTube leveraged its popularity among youth to increase its revenue
2 from advertisements by marketing its platform to popular brands of children’s products. For
3 example, Google pitched Mattel, the maker of Barbie and other popular kids’ toys, by telling its
4 executives that “YouTube is today’s leader in reaching children age 6–11 against top TV
5 channels.”³¹⁹ When presenting to Hasbro, the maker of Play-Doh, My Little Pony, and other
6 kids’ toys, Google touted that “YouTube was unanimously voted as the favorite website for kids
7 2-12,” and that “93% of tweens visit YouTube to watch videos.”³²⁰ In a different presentation to
8 Hasbro, YouTube was referred to as “[t]he new ‘Saturday Morning Cartoons,’” and claimed that
9 YouTube was the “#1 website regularly visited by kids” and “the #1 source where children
10 discover new toys + games.”³²¹

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

14 269. YouTube’s efforts to attract young users have been successful. *See supra*
15 Section IV.A. A vast majority, 95 percent, of children ages 13–17 have used YouTube.³²²

16 **c. YouTube Intentionally Maximizes the Time Users Spend on its**
17 **Platform**

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

22 271. Like the other Defendants’ social media platforms, Google developed features
23 that exploit psychological phenomenon such as IVR to maximize the time users spend on
24 YouTube.

26 ³¹⁹ 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.

³²⁰ *Id.* Exhibit B.

³²¹ *Id.* Exhibit C.

³²² *Id.*

272. YouTube uses design elements that operate on principles of IVR to drive both YouTube content creators and YouTube viewers into habitual, excessive use. Google designed YouTube to allow users to like, comment, and share videos and to subscribe to content creator's channels. These features serve as rewards for users who create and upload videos to YouTube. As described above, receiving a like indicates others' approval and activates the reward region of the brain.³²³ The use of likes, therefore, encourages users to use YouTube over and over, seeking future pleasurable experiences.

273. YouTube also uses IVR to encourage users to view others content. One of the ways Google employs IVR into YouTube's design is through subscriber push notifications and emails, which are designed to prompt users to watch YouTube content and encourages excessive use of the platform. When a user "subscribes" to another user's channel, they receive notifications every time that user uploads new content, prompting them to open YouTube and watch the video.³²⁴

274. One of YouTube's defining features is its panel of recommended videos. YouTube recommends videos to users on both the YouTube home page and on every individual video page in an "Up Next" panel.³²⁵ This list automatically populates next to the video a user is currently watching. This recommended video list is a never-ending feed of videos intended to keep users on the app watching videos without having to affirmatively click or search for other videos. This constant video stream, comprised of videos recommended by YouTube's algorithms, is the primary way Google increases the time users spend on YouTube.

d. YouTube's Algorithms are Manipulative

275. Google uses algorithms throughout YouTube to recommend videos to users. These algorithms select videos that populate the YouTube homepage, rank results in user

³²³ 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/>.

³²⁴ *Manage YouTube Notifications*, YouTube, <https://support.google.com/youtube/answer/3382248?hl=en&co=GENIE.Platform%3DDesktop> (last visited Dec. 8, 2022).

³²⁵ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/> (last visited Dec. 8, 2022).

1 searches, and suggest videos for viewers to watch next. These algorithms are manipulative by
2 design and increase the amount of time users spend on YouTube.

3 276. Google began building the YouTube recommendation system in 2008.³²⁶ When
4 Google initially developed its recommendation algorithms, the end goal was to maximize the
5 amount of time users spend watching YouTube videos. A YouTube spokesperson admitted as
6 much, saying YouTube’s recommendation system was initially set up to “optimize” the amount
7 of time users watch videos.³²⁷

8 277. Former YouTube engineer Guillaume Chaslot has also stated that when he worked
9 for YouTube designing its recommendation algorithm, the priority was to keep viewers on the
10 site for as long as possible to maximize “watch time.”³²⁸ Chaslot further stated that “[i]ncreasing
11 users’ watch time is good for YouTube’s business model” because the more people watch
12 videos, the more ads they see and YouTube’s advertising revenue increases.³²⁹

13 278. Early on, one of the primary metrics behind YouTube’s recommendation
14 algorithm was clicks. As YouTube describes, “[c]licking on a video provides a strong indication
15 that you will also find it satisfying.”³³⁰ But as YouTube learned, clicking on a video does not
16 mean a user actually watched it. Thus, in 2012, YouTube also started tracking watch time—the
17 amount of time a user spends watching a video.³³¹ YouTube made this switch to keep people
18
19
20

21 ³²⁶ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
22 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

23 ³²⁷ Ben Popken, *As algorithms take over, YouTube’s recommendations highlight a human
24 problem*, NBC (Apr. 19, 2018), [https://www.nbcnews.com/tech/social-media/algorithms-take-
25 over-youtube-s-recommendations-highlight-human-problem-n867596](https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596).

26 ³²⁸ William Turton, *How YouTube’s algorithm prioritizes conspiracy theories*, Vice (Mar. 5,
27 2018), [https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-
28 conspiracy-theories](https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories).

³²⁹ 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](https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db).

³³⁰ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
<https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

³³¹ *Id.*

1 watching for as long as possible.³³² In YouTube’s own words, this switch was successful. “These
2 changes have so far proved very positive -- primarily less clicking, more watching. We saw the
3 amount of time viewers spend watching videos across the site increase immediately[.]”³³³ And in
4 2016, YouTube started measuring “valued watchtime” via user surveys to ensure that viewers are
5 satisfied with their time spent watching videos on YouTube.³³⁴ All of these changes to
6 YouTube’s algorithms were made to ensure that users spend more time watching videos and ads.

7 279. YouTube’s current recommendation algorithm is based on deep-learning neural
8 networks that retune its recommendations based on the data fed into it.³³⁵ While this algorithm is
9 incredibly complex, its process can be broken down into two general steps. First, the algorithm
10 compiles a shortlist of several hundred videos by finding videos that match the topic and other
11 features of the video a user is currently watching.³³⁶ Then the algorithm ranks the list according
12 to the user’s preferences, which the algorithm learns by tracking a user’s clicks, likes, and other
13 interactions.³³⁷ In short, the algorithms track and measure a user’s previous viewing habits and
14 then finds and recommends other videos the algorithm thinks will hold the consumer’s attention.

15 280. YouTube’s recommendation system “is constantly evolving, learning every day
16
17

18 ³³² Dave Davies, *How YouTube became one of the planet’s most influential media businesses*,
19 NPR (Sept. 8, 2022), [https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-](https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses)
20 [of-the-planets-most-influential-media-businesses](https://www.npr.org/2022/09/08/1121703368/how-youtube-became-one-of-the-planets-most-influential-media-businesses).

21 ³³³ Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012),
22 <https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>.

23 ³³⁴ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
24 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

25 ³³⁵ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atl. (Nov. 8, 2018),
26 [https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-](https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/)
27 [works/575212/](https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/); Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*,
28 Google (2016), [https://storage.googleapis.com/pub-tools-public-publication-](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf)
[data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf).

³³⁶ Karen Hao, *YouTube is experimenting with ways to make its algorithm even more addictive*,
MIT Tech. Rev. (Sept. 27, 2019),
[https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-](https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/)
[addictive/](https://www.technologyreview.com/2019/09/27/132829/youtube-algorithm-gets-more-addictive/); Paul Covington et al., *Deep Neural Networks for YouTube Recommendations*,
Google (2016), [https://storage.googleapis.com/pub-tools-public-publication-](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf)
[data/pdf/45530.pdf](https://storage.googleapis.com/pub-tools-public-publication-data/pdf/45530.pdf).

³³⁷ *Id.*

1 from over 80 billion pieces of information.”³³⁸ Some of the information the recommendation
2 algorithm relies on to deliver recommended videos to users includes users’ watch and search
3 history, channel subscriptions, clicks, watch time, survey responses, shares, likes, dislikes, users’
4 location (country) and the time of day.³³⁹

5 281. The recommendation algorithm can determine what “signals” or factors are more
6 important to individual users.³⁴⁰ For example, if a user shares every video they watch, including
7 videos the user gives a low rating, the algorithm learns not to heavily factor the user’s shares
8 when recommending content.³⁴¹ Thus, the recommendation algorithm “develops dynamically” to
9 individual user’s viewing habits and makes highly specific recommendations to keep individual
10 users watching videos.³⁴²

11 282. In addition to the algorithm’s self-learning, Google engineers consistently update
12 YouTube’s recommendation and ranking algorithms, making several updates every month,
13 according to YouTube Chief Product Officer Neal Mohan.³⁴³ The end goal is to increase the
14 amount of time users spend watching content on YouTube.

15 283. Because Google has designed and refined its algorithms to be manipulative, these
16 algorithms are incredibly successful at getting users to view content based on the algorithm’s
17 recommendation. Mohan stated in 2018 that YouTube’s AI-driven recommendations are
18 responsible for 70 percent of the time users spend on YouTube.³⁴⁴ In other words, 70 percent of
19 all YouTube content that users watch was recommended to users by YouTube’s algorithms as
20 opposed to users purposely searching for and identifying the content they watch.

21 ³³⁸ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021),
22 <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

23 ³³⁹ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content> (last visited Dec. 8, 2022).

24 ³⁴⁰ *Id.*

25 ³⁴¹ *Id.*

26 ³⁴² *Id.*

27 ³⁴³ Nilay Patel, *YouTube Chief Product Officer Neal Mohan on The Algorithm, Monetization, and the Future for Creators*, Verge (Aug. 3, 2021),
<https://www.theverge.com/22606296/youtube-shorts-fund-neal-mohan-decoder-interview>.

28 ³⁴⁴ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 20, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

284. Mohan also stated that recommendations keep mobile device users watching YouTube for more than 60 minutes at a time on average.³⁴⁵

285. Given that people watch more than one billion hours of YouTube videos daily,³⁴⁶ 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

286. 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.

287. 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.

288. 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.³⁴⁷ 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."³⁴⁸ 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.

289. Similar examples abound. Amanda Kloer, a campaign director with the child

³⁴⁵ *Id.*

³⁴⁶ 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>.

³⁴⁷ 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>.

³⁴⁸ *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 safety group ParentsTogether, spent an hour on her child's YouTube Kids profile and found
2 videos "encouraging kids how to make their shirts sexier, a video in which a little boy pranks a
3 girl over her weight, and a video in which an animated dog pulls objects out of an unconscious
4 animated hippo's butt."³⁴⁹ Another parent recounted that YouTube Kids' autoplay function led
5 her 6-year-old daughter to an animated video that encouraged suicide.³⁵⁰

6 290. Other youth are fed content by YouTube's algorithms that encourages self-harm.
7 As reported by PBS Newshour, a middle-schooler named Olivia compulsively watched YouTube
8 videos every day after she came home from school.³⁵¹ Over time she became depressed and
9 started searching for videos on how to commit suicide. Similar videos then gave her the idea of
10 overdosing. Weeks later she was in the hospital after "downing a bottle of Tylenol."³⁵²
11 Ultimately, she was admitted into rehab for digital addiction because of her compulsive
12 YouTube watching.³⁵³

13 291. According to the Pew Research Center, 46 percent of parents say their child has
14 encountered inappropriate videos on YouTube.³⁵⁴ And children are not encountering these videos
15 on their own volition. Rather, they are being fed harmful and inappropriate videos through
16 YouTube's algorithms. Again, YouTube's AI-driven recommendations are responsible for 70
17 percent of the time users spend on YouTube.³⁵⁵

18 292. Other reports have also found that YouTube's recommendation algorithm
19 suggests a wide array of harmful content, including videos that feature misinformation, violence,
20

21 ³⁴⁹ Rebecca Heilweil, *YouTube's kids app has a rabbit hole problem*, Vox (May 12, 2021),
22 <https://www.vox.com/recode/22412232/youtube-kids-autoplay>.

23 ³⁵⁰ *Id.*

24 ³⁵¹ Lesley McClurg, *After compulsively watching YouTube, teenage girl lands in rehab for
'digital addiction'*, PBS (May 16, 2017), [https://www.pbs.org/newshour/health/compulsively-
watching-youtube-teenage-girl-lands-rehab-digital-addiction](https://www.pbs.org/newshour/health/compulsively-watching-youtube-teenage-girl-lands-rehab-digital-addiction).

25 ³⁵² *Id.*

26 ³⁵³ *Id.*

27 ³⁵⁴ 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/>.

28 ³⁵⁵ Joan E. Solsman, *YouTube's AI is the puppet master over most of what you watch*, CNET
(Jan. 20, 2018), [https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-
mohan/](https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/).

1 and hate speech, along with other content that violates YouTube’s policies.³⁵⁶ A 2021
2 crowdsourced investigation from the Mozilla Foundation involving 37,000 YouTube users
3 revealed that 71 percent of all reported negative user experiences came from videos
4 recommended by YouTube to users.³⁵⁷ And users were 40 percent more likely to report a
5 negative experience with a video recommended by YouTube’s algorithm than with a video they
6 searched for.³⁵⁸

7 293. The inappropriate and disturbing content YouTube’s algorithms expose children
8 to has adverse effects on mental health. Mental health experts have warned that YouTube is a
9 growing source of anxiety and inappropriate sexual behavior among kids under the age of 13.³⁵⁹

10 294. Even though much of the content YouTube’s algorithms feed to youth is harmful,
11 it can activate the reward circuitry in the brain such that it encourages youth to spend more time
12 watching videos on YouTube. According to Donna Volpitta, founder of The Center for Resilient
13 Leadership, watching “fear-inducing videos cause the brain to receive a small amount of
14 dopamine,” which acts as a reward and creates a desire to do something over and over.³⁶⁰ This
15 dopaminergic response is in addition to the reward stimulus YouTube provides users through
16 IVR.

17 295. Mental health professionals across the country have seen an increase in children
18 experiencing mental health issues because of YouTube. Natasha Daniels, a child psychotherapist
19 in Arizona, has said she has seen a rise in cases of children suffering from anxiety because of
20 videos they watched on YouTube.³⁶¹ Because of their anxiety, these children “exhibit loss of
21 appetite, sleeplessness, crying fits, and fear.”³⁶²

22 ³⁵⁶ Brandy Zadrozny, *YouTube’s recommendations still push harmful videos, crowdsourced*
23 *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)
24 [recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355](https://www.nbcnews.com/tech/tech-news/youtubes-recommendations-still-push-harmful-videos-crowdsourced-study-rcna1355).

25 ³⁵⁷ *Id.*

26 ³⁵⁸ *Id.*

27 ³⁵⁹ Josephine Bila, *YouTube’s dark side could be affecting your child’s mental health*, CNBC
28 (Feb. 13, 2018), [https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html)
[sexualization-in-young-children.html](https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html).

³⁶⁰ *Id.*

³⁶¹ *Id.*

³⁶² *Id.*

296. In addition to causing anxiety, watching YouTube is also associated with insufficient sleep.³⁶³ In one study on the effect of app use and sleep, YouTube was the only app consistently associated with negative sleep outcomes.³⁶⁴ For every 15 minutes teens spent watching YouTube, they had a 24 percent greater chance of getting fewer than seven hours of sleep.³⁶⁵ 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.³⁶⁶ In turn, insufficient sleep is associated with poor health outcomes.³⁶⁷ Thus, YouTube exacerbates an array of youth mental health issues by contributing to sleep deprivation.

297. 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

298. 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.³⁶⁸ 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.³⁶⁹

299. 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

³⁶³ 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>.

³⁶⁴ *Id.*

³⁶⁵ *Id.*

³⁶⁶ 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>.

³⁶⁷ 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>.

³⁶⁸ *National Survey on Drug Use and Health*, SAMHSA (2019 & 1st & 4th Qs. 2020), <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables>.

³⁶⁹ *Id.*

1 students.³⁷⁰ But 88 percent of public schools did not strongly agree that they could effectively
2 provide mental health services to all students in need.³⁷¹ The most common barriers to providing
3 effective mental health services are (1) insufficient number of mental health professionals; (2)
4 inadequate access to licensed mental health professionals; and (3) inadequate funding.³⁷² Student
5 opinions also reflect that schools are unable to provide adequate mental health services. Less
6 than a quarter of students in grades 6–12 report accessing counseling or psychological services
7 when they are upset, stressed, or having a problem.³⁷³ And of the students who access mental
8 health services, only 41 percent of middle schoolers and 36 percent of high schoolers are
9 satisfied with the services they receive.³⁷⁴

10 300. In part, schools are struggling to provide adequate mental health services because
11 of the increase in students seeking these services. More than two-thirds of public schools
12 reported an increase in the percent of students seeking mental health services from school since
13 the start of the pandemic.³⁷⁵

14 301. During this same period, adolescents increased their social media use, also raising
15 levels of excessive and problematic use of digital media.³⁷⁶ And these higher rates of social
16 media use are related to higher “ill-being.”³⁷⁷ Thus, the increase in adolescent social media use
17 during the pandemic has caused an increase in adolescents experiencing mental health problems.

18 302. That relationship is reflected in reports from public schools. Over 75 percent of
19

20 ³⁷⁰ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
21 *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.

22 ³⁷¹ *Id.*

23 ³⁷² *Id.*

24 ³⁷³ *Insights From the Student Experience, Part I: Emotional and Mental Health at 2*, 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).

25 ³⁷⁴ *Id.*

26 ³⁷⁵ *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health*
27 *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.

28 ³⁷⁶ 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/>.

³⁷⁷ *Id.*

public schools reported an increase in staff expressing concerns about student depression, anxiety, and other disturbances since the start of the pandemic.³⁷⁸ Students receiving mental health services in educational settings predominately do so because they “[f]elt depressed,” “[t]hought about killing [themselves] or tried to” or “[f]elt very afraid and tense.”³⁷⁹

303. Anxiety disorders are also up, affecting 31.9 percent of adolescents between 13 and 18 years old.³⁸⁰ “Research shows that untreated teenagers with anxiety disorders are at higher risk to perform poorly in school, miss out on important social experiences, and engage in substance abuse.”³⁸¹

304. According to the National Alliance on Mental Illness, “[s]tudents ages 6–17 with mental, emotional or behavioral concerns are **3x times more likely** to repeat a grade,” and “[h]igh school students with significant symptoms of depression are more than **twice as likely** to drop out compared to their peers.”³⁸²

305. Schools are struggling not only to provide students with mental health services but also to deliver an adequate education because of the youth mental health crisis. Students in grades 6–12 identify depression, stress, and anxiety as the most prevalent obstacles to learning.³⁸³ Most middle school and high school students also fail to get enough sleep on school

³⁷⁸ *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.

³⁷⁹ Rachel N. Lipari et al., *Adolescent Mental Health Service Use and Reasons for Using Services in Specialty, Educational, and General Medical Settings*, SAMHSA (May 5, 2016), https://www.samhsa.gov/data/sites/default/files/report_1973/ShortReport-1973.html.

³⁸⁰ *Anxiety Disorders: Facts and Statistics*, Anxiety & Depression Ass’n Am., <https://adaa.org/understanding-anxiety/facts-statistics> (last visited Dec. 8, 2022).

³⁸¹ *Id.*

³⁸² *Mental Health By the Numbers*, Nat’l All. Mental Health (June 2022), <https://www.nami.org/mhstats> (citing 2018-2019 National Survey of Children’s Health, Data Res. Ctr. Child & Adolescent Health, Child and Adolescent Health Measurement Initiative, <https://www.childhealthdata.org/browse/survey/results?q=7839&r=1&g=812> (last visited Apr. 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)).

³⁸³ *Insights From the Student Experience, Part I: Emotional and Mental Health* at 2–3, YouthTruth (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

nights, which contributes to poor academic performance.³⁸⁴ These negative mental health outcomes are also the most common symptoms of excessive social media use.

306. The youth mental health crisis has also caused a wide range of other behavioral issues among students that interfere with schools' ability to teach. In 2022, 61 percent of public schools saw an increase in classroom disruptions from student misconduct compared to school years before the pandemic.³⁸⁵ 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.³⁸⁶

307. 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.³⁸⁷ Following suit, vandalism has increased in 2022, with 36 percent of public schools reporting increased acts of student vandalism on school property.³⁸⁸

308. 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);³⁸⁹

³⁸⁴ 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>.

³⁸⁵ 2022 School Pulse Panel, U.S. Dep't Educ., Inst. Educ. Sci. (2022), <https://ies.ed.gov/schoolsurvey/spp/>.

³⁸⁶ *Id.*

³⁸⁷ *Id.*

³⁸⁸ *Id.*

³⁸⁹ *Id.*

- 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);³⁹⁰
- 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);³⁹¹
- increasing disciplinary services and hiring additional personnel for disciplinary services;
- 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

309. Plaintiff Everett Public Schools is a public school district in Everett, Washington. Everett Public Schools operates twenty-seven schools and serves nearly 20,000 students in grades pre-kindergarten through 12th grade.³⁹² Everett Public Schools operates eighteen elementary schools, five middle schools, and four high schools.³⁹³

310. Plaintiff Everett Public Schools has been directly impacted by the mental health crisis among youth in its community.

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

312. In 2021, suicide was the second leading cause of death for Washington teens 15-

³⁹⁰ *Id.*

³⁹¹ *Id.*

³⁹² *District Overview: Fall 2022 Quick Facts*, Everett Pub. Schs., <https://www.everettsd.org/Page/39981> (last visited June 15, 2023).

³⁹³ *District Information: Schools*, Everett Pub. Schs., <https://www.everettsd.org/Page/6672> (last visited June 15, 2023).

1 19 years old. In Snohomish County, where Everett Public Schools is located, suicide was the
2 highest cause of death for youth ages 10-17 in 2021.³⁹⁴

3 313. Students across Washington reported high rates of anxiety, depression, and
4 suicidal thoughts and behavior. In 2021, 35 percent of 8th graders, 38 percent of 10th graders,
5 and approximately 45 percent of 12th graders reported feeling sad or hopeless for two or more
6 weeks that they stopped doing some of their usual activities.³⁹⁵ Further, 19 percent of 8th graders
7 and 10th graders and 12th graders seriously considered attempting suicide.³⁹⁶ Moreover,
8 approximately 16 percent of 8th graders, 15.6 percent of 10th graders, and 14.8 percent of 12th
9 graders reported making a plan on how they would attempt suicide.³⁹⁷ Even worse, over 9
10 percent of 8th graders, over 8 percent of 10th graders, and 6.6 percent of 12th grades attempted
11 suicide at least once.³⁹⁸

12 314. Plaintiff's student report similar numbers. In 2021, a majority of Plaintiff's
13 students reported experiencing feelings of anxiety and being able to stop worrying. Per the 2021
14 *Healthy Youth Survey*, 63 percent of Plaintiff's 8th graders, 66 percent of 10th graders, and 73
15 percent of 12th graders reported feeling anxious, nervous, or on edge in the past two weeks prior
16 to the survey. Similarly, 51 percent of 8th graders, 53 percent of 10th graders, and 64 percent of
17 12th graders reported not being able to stop or control their worrying.

18 315. Plaintiff's students have also reported increased rates of experiencing depression
19 and suicidal ideation. In 2021, 34 percent of 8th graders, 35 percent of 10th graders, and 43
20 percent of 12th graders in Plaintiff's schools reported feeling sad or hopeless for at least two
21

22 ³⁹⁴ *Youth Suicide Prevention Task Force Formed in Snohomish County*, Snohomish Cnty. (Sept.
23 1, 2021), [https://snohomishcountywa.gov/DocumentCenter/View/84666/Youth-Suicide-
24 Prevention-Task-Force-Formed-in-Snohomish-
County?bidId=#:~:text=today%20announced%20the%20creation%20of,health%20and%20resiliency%20of%20youth.](https://snohomishcountywa.gov/DocumentCenter/View/84666/Youth-Suicide-Prevention-Task-Force-Formed-in-Snohomish-County?bidId=#:~:text=today%20announced%20the%20creation%20of,health%20and%20resiliency%20of%20youth.)

25 ³⁹⁵ *Healthy Youth Survey 2021 Report of Results: Statewide Results Grades 6, 8, 10 and 12* at 31,
26 Looking Glass Analytics (Mar. 1, 2022),
27 [https://www.askhys.net/SurveyResults/GetReport?year=2021&reportLevel=2&reportLable=M
ulti-grade%20\(6%2F8%2F10%2F12\).](https://www.askhys.net/SurveyResults/GetReport?year=2021&reportLevel=2&reportLable=Multi-grade%20(6%2F8%2F10%2F12).)

28 ³⁹⁶ *Id.*

³⁹⁷ *Id.* at 32.

³⁹⁸ *Id.*

1 weeks in the past year. Additionally, 17 percent of 8th graders, 18 percent of 10th graders, and
2 19 percent of 12th graders considered attempting suicide in the past year. Further, 15 percent of
3 8th, 10th, and 12th graders made a suicide plan. Worse, 8 percent of 8th graders, 7 percent of
4 10th graders, and 8 percent of 12th graders attempted suicide in the past year.

5 316. The decline in students' mental, emotional, and social health has coincided with
6 high rates of students using Defendants' platforms. In 2021, parents of teens in Washington
7 State, where Plaintiff is located, estimated 47 percent of 13–17 year olds spend between one and
8 three hours a day on social media platforms, 19 percent spend between three and five hours, and
9 10 percent spend more than five hours a day on social media platforms.³⁹⁹

10 317. In lockstep with these increases in anxiety, depression, and suicidal ideation,
11 student behavior problems have also increased in Plaintiff's schools. A portion of these increased
12 disciplinary incidents are tied to social media.

13 318. While Plaintiff's schools and its staff must deal with increased behavioral issues
14 on the one hand, they must deal with increased absenteeism on the other.

15 319. The pandemic and corresponding increase in time youth spend on Defendants'
16 platforms have intensified the youth mental health crisis and the behavioral issues Plaintiff's
17 students are experiencing.

18 320. The current youth mental health crisis has led to a marked increase in the number
19 of Plaintiff's students in crisis, acting out, and in need of mental health services.

20 321. This increase has adversely impacted the educational experience for staff,
21 teachers, students, and their families. Staff and teachers cannot ignore students who are in crisis
22 and need to support those students, even if this comes at the expense of the educational goals and
23 experience for the larger student body. School campuses are public spaces, and classes and
24 activities are communal experiences. Increases in anxiety, depression, suicidal ideation, and

25 ³⁹⁹ Jake Whittenberg, *Should my middle schooler be on social media? A mental health counselor*
26 *weighs in*, King5 News (Nov. 5, 2021), [https://www.king5.com/article/life/family/when-](https://www.king5.com/article/life/family/when-should-kids-be-allowed-social-media/281-19b0d6f9-bbb8-4fec-9257-1d9e91f6c207)
27 [should-kids-be-allowed-social-media/281-19b0d6f9-bbb8-4fec-9257-1d9e91f6c207](https://www.king5.com/article/life/family/when-should-kids-be-allowed-social-media/281-19b0d6f9-bbb8-4fec-9257-1d9e91f6c207) (reporting
28 on survey); see also *Results of SurveyUSA News Poll #26154*, KING-TV Seattle (Nov. 4,
2021), [https://www.surveyusa.com/client/PollReport.aspx?g=4d325b35-64be-42a0-86f1-](https://www.surveyusa.com/client/PollReport.aspx?g=4d325b35-64be-42a0-86f1-7de82d6aa243)
[7de82d6aa243](https://www.surveyusa.com/client/PollReport.aspx?g=4d325b35-64be-42a0-86f1-7de82d6aa243).

1 other mental health crises impact both the students suffering from these problems and the other
2 students, teachers, and staff who need to interact with these students.

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

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

7 a. hire additional personnel, including counselors and social workers, to address
8 mental, emotional, and social health issues; and

9 b. increase training for teachers and staff to identify students exhibiting symptoms
10 affecting their mental, emotional, and social health.

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

14 a. repair property damaged as a result of the exploitive and harmful content
15 Defendants directed to students;

16 b. increase disciplinary services; and

17 c. notify parents and guardians of students' behavioral issues and attendance.

18 325. As of the 2022–23 school year, Plaintiff employs a variety of school-based
19 behavior support staff including 55.9 FTE counselors, 27.3 FTE school psychologists, 4 social
20 workers, and 21 school nurses.

21 326. Everett Public Schools also partners with Care Solace, an online referral resource
22 assisting individuals in finding local mental health providers.⁴⁰⁰ Six of Plaintiff's schools also
23 partners with Sea Mar Behavioral health, which provides a mental health therapist to work on
24 campus each week to see students for mental health counseling.⁴⁰¹

25 327. Even with these costly and labor-intensive resources, Plaintiff cannot keep up
26 with the increased need for mental health services because of the youth mental health crisis.

27 ⁴⁰⁰ *Counseling: Mental Health Counseling Referrals*, Everett Pub. Schs.,
28 <https://www.everettsd.org/Page/38159> (last visited June 15, 2023).

⁴⁰¹ *Id.*

328. As a result, the rest of Plaintiff’s staff must fill in the cracks to help students with mental health concerns.

329. While the efforts of Plaintiff’s staff and students are admirable, Plaintiff’s educational mission remains hindered. Ultimately, students time spent learning decreases because they are either pre-occupied with mental health concerns when in class or spend less time in class because they are receiving mental health services.

330. Ultimately, Plaintiff requires significant and long-term funding to address the nuisance Defendants have created and amplified. Plaintiff cannot ignore the ever-increasing mental health needs of its students, even if this means allocating more resources to mental health needs than to other important school functions. Such funding should not come at the expense of the students and fall at the foot of the public. Rather, Defendants must bear the burden of remedying their wrongs. It is time, as President Biden declared, to get “all Americans the mental health services they need”⁴⁰² and “hold social media companies accountable[.]”⁴⁰³

V. SECTION 230 IS NO SHIELD FOR DEFENDANTS’ CONDUCT

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

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

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

⁴⁰² President Biden, State of the Union Address (Mar. 1, 2022) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2022/>).

⁴⁰³ President Biden, State of the Union Address (Feb. 7, 2023) (transcript available at <https://www.whitehouse.gov/state-of-the-union-2023/>).

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

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

5 336. Section 230 does not shield Defendants’ conduct because, among other
6 considerations: (1) Defendants are liable for their own affirmative conduct in recommending and
7 promoting harmful content to youth; (2) Defendants are liable for their own actions designing
8 and marketing their social media platforms in a way that causes harm; (3) Defendants are liable
9 for the content they create that causes harm; and (4) Defendants are liable for distributing,
10 delivering, and/or transmitting material that they know or have reason to know is harmful,
11 unlawful, and/or tortious.

12 337. First, Plaintiff is not alleging Defendants are liable for what third parties have said
13 on Defendants’ platforms but, rather, for Defendants’ own conduct. As described above,
14 Defendants affirmatively recommend and promote harmful content to youth, such as pro-
15 anorexia and eating disorder content. Recommendation and promotion of damaging material is
16 not a traditional editorial function and seeking to hold Defendants liable for these actions is not
17 seeking to hold them liable as a publisher or speaker of third party-content.

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

28 339. Third, Defendants are liable for the content they create. In addition to content

1 such as Snapchat filters which promote body dysmorphia, Defendants send emails and
2 notifications to youth including material they create which often promotes certain harmful
3 content.

4 340. Fourth, Plaintiff does not seek to hold Defendants liable as publishers or speakers
5 of information provided by other content providers, but instead Plaintiff seeks to hold them liable
6 for distributing material they know or should know is harmful or unlawful. *See Malwarebytes,*
7 *Inc. v. Enigma Software Grp. USA, LLC*, 141 S. Ct. 13 (2020) (statement of Justice Thomas
8 respecting denial of certiorari discussing the distinction between distributor and publisher
9 liability); *cf. Restatement (Second) of Torts* § 581 (Am. Law Inst. 1977) (“[O]ne who only
10 delivers or transmits defamatory matter published by a third person is subject to liability if, but
11 only if, he knows or has reason to know of its defamatory character.”).

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

15 VI. CAUSE OF ACTION

16 COUNT ONE — PUBLIC NUISANCE

17 342. Plaintiff incorporates by reference each and every preceding paragraph.

18 343. Plaintiff brings this claim under the Revised Code of Washington 7.48.010 *et seq.*
19 and common law regarding public nuisances.

20 344. Washington defines an actionable nuisance as, *inter alia*, “whatever is injurious to
21 health or indecent or offensive to the senses, or an obstruction to the free use of property, so as to
22 essentially interfere with the comfortable enjoyment of the life and property.”⁴⁰⁴

23 345. Specifically, a “[n]uisance consists in unlawfully doing an act, or omitting to
24 perform a duty, which act or omission either annoys, injures or endangers the comfort, repose,
25 health or safety of others, offends decency . . . or in any way renders other persons insecure in
26 life, or in the use of property.”⁴⁰⁵

27 ⁴⁰⁴ RCW 7.48.120.

28 ⁴⁰⁵ *Id.*

1 346. Under Washington law, conduct that substantially and/or unreasonably interferes
2 with the Plaintiff's use of its property is a nuisance even if it would otherwise be lawful.

3 347. Under Washington law, "[a] public nuisance is one which affects equally the
4 rights of an entire community or neighborhood, although the extent of the damage may be
5 unequal."⁴⁰⁶ Defendants have created a mental health crisis in Plaintiff's schools, injuring the
6 public health and safety in Plaintiff's community and interfering with the operations, use, and
7 enjoyment of the property of Everett Public Schools.

8 348. Defendants, by designing, developing, marketing, supplying, promoting,
9 advertising, operating, and distributing their respective social media platforms for use by
10 students in Plaintiff's schools in the manner described above, have engaged in conduct that
11 substantially interferes with the health and safety of the students of Everett Public Schools,
12 substantially interferes with the functions and operations of Plaintiff's schools, and harms the
13 health, safety, and welfare of the Everett Public Schools community.

14 349. Each Defendant has created or assisted in the creation of a condition that is
15 injurious to the health, safety, and welfare of the Everett Public Schools community and
16 interferes with the educational environment for students, teachers, and administrators in
17 Plaintiff's schools. Defendants have each created or assisted in the creation of a condition that
18 significantly disrupts the daily operations and functioning of Plaintiff's schools.

19 350. The health and safety of the students and employees of Everett Public Schools,
20 including those who use, have used, or will use Defendants' platforms, as well as those affected
21 by others' use of their platforms, are matters of substantial public interest and of legitimate
22 concern to Plaintiff.

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

25 352. Defendants' conduct is ongoing and continues to produce permanent and long-
26 lasting damage.

27 353. Defendants' conduct substantially and unreasonably interferes with public health,
28

⁴⁰⁶ RCW 7.48.130.

1 safety, and the right to a public education in a safe and healthy environment. In that regard, and
2 in other ways discussed herein, the public nuisance created or maintained by Defendants was
3 connected to Plaintiff's property, including but not limited to school buildings.

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

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

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

14 357. Logic, common sense, justice, policy, and precedent indicate Defendants' unfair
15 and deceptive conduct has caused the damage and harm complained of herein. Defendants knew
16 or reasonably should have known that their design, development, marketing, supply, promotion,
17 advertisement, operation, and distribution of their platforms would cause students to use their
18 platforms excessively, that their marketing methods were designed to appeal to youth, and that
19 their active efforts to increase youth use of their platforms were causing harm to youth and to
20 schools, including youth who attend Plaintiff's schools.

21 358. Thus, the public nuisance caused by Defendants was reasonably foreseeable,
22 including the financial and economic losses incurred by Plaintiff.

23 359. Alternatively, Defendants' conduct was a substantial factor in bringing about the
24 public nuisance even if a similar result would have occurred without it. By designing,
25 developing, marketing, supplying, promoting, advertising, operating, and distributing their
26 platforms in a manner intended to maximize the time youth spend on their respective
27 platforms—despite knowledge of the harms to youth from their wrongful conduct—Defendants
28 directly facilitated the widespread, excessive, and habitual use of their platforms and the public

1 nuisance affecting Plaintiff. By seeking to capitalize on their success by refining their platforms
2 to increase the time youth spend on their platforms, Defendants directly contributed to the public
3 health crisis and the public nuisance affecting Plaintiff.

4 360. Defendants' conduct is especially injurious to Plaintiff because, as a direct and
5 proximate cause of Defendants' conduct creating or assisting in the creation of a public nuisance,
6 the educational environment within Plaintiff's schools has been and will continue to be
7 substantially harmed.

8 361. Plaintiff has had to take steps to mitigate the harm and disruption caused by
9 Defendants' conduct, including the following:

- 10 a. hiring additional personnel to address mental, emotional, and social health issues;
- 11 b. developing additional resources to address mental, emotional, and social health
12 issues;
- 13 c. increasing training for teachers and staff to identify students exhibiting symptoms
14 affecting their mental, emotional, and social health;
- 15 d. addressing property damaged as a result of students acting out because of mental,
16 social, and emotional problems Defendants' conduct is causing;
- 17 e. increasing disciplinary services.

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

20 363. As detailed herein, Plaintiff has suffered special damage different in kind or quality
21 from that suffered by the public in common. The damages suffered by Plaintiff have been greater
22 in degree and different in kind than those suffered by the general public including, but not limited
23 to, costs arising from: expending and increasing personnel to provide mental health services;
24 expending and increasing resources to address mental health issues; expending and increasing staff
25 time to communicate and engage with parents; expending and increasing staff time associated with
26 student discipline; expending and increasing staff time associated with routing students to
27 counselors; expending and increasing staff time to train staff to identify students exhibiting
28 symptoms affecting their mental health; expending and increasing resources for modifications to

1 mental health curriculum; and expending and increasing resources to repair property damages as
2 a result of the exploitive and harmful content Defendants directed to students.

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

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

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

23 367. Defendants are jointly and severally liable because the harms resulting from their
24 acts are indivisible.

25 **VII. PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for judgment as follows:

27 368. Entering an Order that the conduct alleged herein constitutes a public nuisance
28 under Washington law;

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

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

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

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

373. Awarding actual, compensatory, and punitive damages;

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

375. Awarding reasonable attorneys' fees and costs of suit;

376. Awarding pre-judgment and post-judgment interest; and

377. Such other and further relief as the Court deems just and proper under the circumstances.

VIII. JURY TRIAL DEMAND

378. Plaintiff hereby demands a trial by jury.

RESPECTFULLY SUBMITTED this 6th day of July, 2023.

KELLER ROHRBACK L.L.P.

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