

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE CITY OF NEW YORK; THE CITY
SCHOOL DISTRICT OF THE CITY OF NEW
YORK; AND NEW YORK CITY HEALTH
AND HOSPITALS CORPORATION,

Plaintiffs,

v.

META PLATFORMS, INC.; FACEBOOK
HOLDINGS, LLC; FACEBOOK
OPERATIONS, LLC; META PAYMENTS
INC.; SICULUS, INC.; INSTAGRAM, LLC;
SNAP INC.; TIKTOK INC.; BYTEDANCE
INC.; TIKTOK PTE. LTD.; BYTEDANCE
LTD.; GOOGLE LLC; AND YOUTUBE, LLC,

Defendants.

Case No.

**COMPLAINT FOR DAMAGES AND
DEMAND FOR JURY TRIAL**

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	JURISDICTION AND VENUE	13
III.	PARTIES	14
A.	Plaintiffs	14
B.	Meta Defendants	16
C.	Defendant Snap Inc.	18
D.	TikTok Defendants	18
E.	YouTube Defendants	19
IV.	FACTUAL ALLEGATIONS	19
A.	GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL DEFENDANTS	19
1.	Defendants have targeted school-aged children as a core market.	19
2.	Children are uniquely susceptible to harm from Defendants’ platforms.	22
3.	Defendants designed, developed, produced, operated, promoted, distributed, and marketed their platforms to attract, capture, and addict youth, with minimal parental oversight.....	32
4.	Millions of kids use Defendants’ platforms compulsively, including during the school day.....	43
5.	Defendants’ platforms have created a youth mental health crisis.	46
6.	Defendants could have avoided harming NYC Plaintiffs.....	64
B.	FACTUAL ALLEGATIONS AS TO META	67
1.	Background and overview of Meta’s platforms.....	67
a.	Meta’s origins and the development of Facebook.	69
b.	Modifications of Facebook’s product features over time.	71
c.	Facebook’s acquisition and control of Instagram.	78

d.	Modifications of Instagram’s product features over time.	82
2.	Meta intentionally encourages youth to use its platforms and then leverages that usage to increase revenue.	87
3.	Meta intentionally designed its platform to addict children and adolescents.	97
a.	Meta has failed to implement effective age-verification measures to keep children off Facebook and Instagram.	98
b.	Facebook’s and Instagram’s parental controls are ineffective.	106
c.	Facebook and Instagram were intentionally designed to addict its users.	109
d.	Meta knew that its platforms caused problematic use and failed to prevent it.	117
e.	To combat declining revenue drivers, Meta further revamped its algorithms to maximize addictive efficacy, despite increased awareness of palpable harm to youth.	121
f.	Meta’s dangerous and harmful features cause negative body image and harmful impacts on youth mental health.	127
g.	Facebook’s and Instagram’s dangerous and harmful features include impediments to discontinuing use.	139
4.	Meta has concealed from NYC Plaintiffs, the public, and Congress the harmful effects that Instagram’s and Facebook’s design have on children.	141
5.	Meta failed to adequately warn NYC Plaintiffs or the public about the dangers and harms caused by Instagram and Facebook, or provide instructions regarding safe use.	164
C.	FACTUAL ALLEGATIONS AS TO SNAP	166
1.	Background and overview of Snapchat.	166
2.	Snap targets children.	170
a.	Snap designed its Snapchat platform to grow use by children to drive the company’s revenue.	170
b.	Snap promotes Snapchat to children.	173

3.	Snapchat is designed to addict children through psychological manipulation.....	178
a.	Snap designed Snapchat to drive compulsive use through a set of social metrics and other manipulation techniques that induce compulsive use.	178
b.	Snap’s features are designed to promote compulsive and excessive use.....	189
4.	Snap designed Snapchat with features that harm children directly or expose children to harm.	192
a.	Disappearing “Snaps” and “My Eyes Only” thwart parental control and encourage destructive behavior among Snap’s teen users.	192
b.	Snapchat’s “Quick Add” feature endangers children.	193
c.	Snapchat’s Lenses and Filters features promote negative appearance comparison.	193
5.	Snap implemented ineffective and misleading parental controls, further endangering children.	196
6.	Snap failed to adequately warn NYC Plaintiffs and the public about the harms its product causes or provide instructions regarding safe use.....	197
D.	FACTUAL ALLEGATIONS AS TO TIKTOK AND BYTEDANCE ..	198
1.	Background and overview of TikTok.....	198
2.	ByteDance intentionally encourages youth to use its platform and then leverages that use to increase revenue.	206
3.	ByteDance intentionally designed platform features to addict children and adolescents.	208
a.	TikTok’s age-verification measures are dangerously deficient.....	209
b.	TikTok’s parental controls are dangerously deficient.....	211
c.	ByteDance intentionally designed TikTok’s features and algorithms to maximize engagement using an endless feed, time-limited experiences, intermittent variable rewards, reciprocity, and ephemeral content.	212

d.	ByteDance’s features inflict impossible image standards and encourage negative appearance comparison.	227
4.	ByteDance Materially Contributes to Content on TikTok.....	231
a.	ByteDance’s features include impediments to discontinuing use.	233
5.	ByteDance failed to adequately warn NYC Plaintiffs and the public about the harms its platform causes or to provide instructions regarding safe use.....	235
6.	ByteDance Knows That TikTok Harms Many Young Users.	239
E.	FACTUAL ALLEGATIONS AS TO GOOGLE	240
1.	Background and overview of YouTube.....	240
2.	Google intentionally encourages youth to use YouTube and then leverages that use to increase revenue.....	242
3.	Google intentionally designed platform features to addict children and adolescents.....	247
a.	Google’s age-verification measures and parental controls are ineffective.....	248
b.	YouTube is designed to inundate users with features that use intermittent variable rewards and reciprocity.....	250
c.	Google’s algorithms are designed to maximize “watch time.”	255
d.	YouTube’s features include impediments to discontinuing use.	261
4.	Google failed to adequately warn NYC Plaintiffs about the harm its platforms cause or provide instructions regarding safe use.	262
F.	Youth Social Media Use and Addiction Has Disrupted this Country’s Public Schools and Communities.	264
1.	Defendants’ conduct has significantly disrupted the learning environment in schools and diverted resources from other student needs.	264
2.	New York City is experiencing a youth mental health crisis.....	282
a.	Adolescents’ incessant use of and addiction to Defendants’	

	social media platforms is disruptive and harmful to the environment in NYC Public Schools and to New York City youth.....	282
b.	New York City is facing a growing youth mental health crisis caused or contributed to by the design and operation of Defendants’ social media platforms.....	290
3.	NYC Plaintiffs are on the frontlines of the youth mental health crisis in New York City, and provide a wide range of youth mental health services but continue to be faced with increasing need.....	295
a.	NYC Plaintiffs offer a comprehensive network of mental health services for New York City youth.....	295
b.	NYC Plaintiffs’ ability to provide these services has been greatly undermined by Defendants’ conduct.....	308
V.	CAUSES OF ACTION	311
	COUNT One — New York Public Nuisance	311
	COUNT Two — New York Negligence	313
	COUNT Three — New York Gross Negligence	318
VI.	DEMAND FOR A JURY TRIAL	319
VII.	PRAYER FOR RELIEF.....	319

1. Plaintiffs, the City of New York (the “City”), the City School District of the City of New York d/b/a New York Department of Education (“NYC Public Schools”), and New York City Health and Hospitals Corporation d/b/a New York City Health + Hospitals (“NYC Health + Hospitals”) (together, the “NYC Plaintiffs”) by and through their attorneys, Muriel Goode-Trufant, Corporation Counsel of the City of New York and Keller Rohrback L.L.P., allege upon personal knowledge as to themselves and upon information and belief as to all other matters:

I. INTRODUCTION

2. New York City, like other parts of this nation, is battling an unprecedented mental health crisis among its youth and serious disruption to the public health, fueled by Defendants’ creation and promotion of addictive and dangerous social media platforms. Youth are now addicted to Defendants’ platforms in droves, resulting in substantial interference with school district operations and imposing a large burden on cities, school districts and public hospital systems that provide mental health services to youth.

3. In the past decade, Americans’—and New Yorkers’—engagement with social media grew exponentially, nowhere more dramatically than among youth. That explosion in usage is no accident. It is the result of Defendants’ studied efforts to induce youth to compulsively use their social media platforms—Instagram, Facebook, TikTok, Snapchat, and YouTube. Borrowing heavily from the behavioral and neurobiological techniques used in slot machines and exploited by the cigarette industry, Defendants deliberately embedded in their platforms an array of design features aimed at maximizing youth engagement to drive advertising revenue. Defendants know children and adolescents are in a developmental stage that leaves them particularly vulnerable to the addictive effects of these features. Defendants target them anyway, in pursuit of additional profit.

4. The specific design features of Defendants’ platforms vary, but all exploit children and adolescents, to the detriment of NYC Plaintiffs. These dangerous and harmful design features include, but are not limited to, an algorithmically-generated, endless feed to keep users

scrolling in an induced “flow state”; “intermittent variable rewards” that manipulate dopamine delivery to intensify use; “trophies” to reward extreme usage; metrics and graphics to exploit social comparison; incessant notifications that encourage repetitive account checking by manufacturing insecurity; inadequate, essentially illusory age verification protocols; and deficient tools for parents that create the illusion of control. Moreover, when adopting these features, Defendants do not take adequate—or any—steps to ensure that they are safe for adolescents.

5. The resulting ubiquity of Defendants’ platforms in the palms, brains, and lives of youth in New York City, like other youth across the country, and the ensuing harm, is hard to overstate. Today, over one third of 13- to 17-year-old children nationwide report using one of Defendants’ platforms “almost constantly” and admit this is “too much.” Yet more than half of these kids report that they would struggle to cut back on their social media use. Likewise, in 2021, 77.3% of New York City high school students reported spending an average of three or more hours per school day in front of screens—not including spent on schoolwork. Young people in New York City are aware of their addiction to social media—56 percent of Gen Zers self-reported spending “too much time on social media”—but seem powerless to stop. Instead of feeding coins into slot machines, kids are feeding Defendants’ platforms with an endless supply of attention, time, and data.

6. This lawsuit follows a growing body of scientific research, including Defendants’ own (previously concealed) studies, drawing a direct line from Defendants’ conscious, intentional design choices to the youth mental health crisis gripping our nation. Instagram, Facebook, TikTok, Snapchat, and YouTube have rewired how youth think, learn, feel, and behave. Disconnected “Likes” have replaced the intimacy of adolescent friendships. Mindless scrolling has displaced the creativity of play and sport. While presented as “social,” Defendants’ platforms have in a myriad of ways promoted disconnection, disassociation, and a legion of resulting mental and physical harms.

7. The United States Surgeon General (“Surgeon General”) recently explained that

children versus Big Tech is “just not a fair fight.”¹ He further stated:

You have some of the best designers and product developers in the world who have designed these products to make sure people are maximizing the amount of time they spend on these platforms. And if we tell a child, use the force of your willpower to control how much time you’re spending, you’re pitting a child against the world’s greatest product designers.

8. Over the past decade, Defendants have relentlessly pursued a strategy of growth-at-all-costs, recklessly ignoring the impact of their platforms on children’s mental and physical health and well-being,² and refusing to allow researchers access to their data so that the impact on youth could be monitored.³ Instead, in a race to corner the “valuable but untapped” market of tween and teen users, each Defendant designed platform features to promote repetitive, uncontrollable use by kids.⁴

9. Youth in New York City and elsewhere are central to Defendants’ business models. These age groups are highly connected to the Internet, more likely to have social media accounts, and more likely to devote their downtime to social media usage. Additionally, 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.⁵

¹ Allison Gordon & Pamela Brown, *Surgeon General says 13 is ‘too early’ to join social media*, CNN (Jan. 29, 2023), <https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html>.

² See, e.g., Haugen_00000934 at Haugen_00000934 (admission by a Software Engineer at Meta: “It’s not a secret that we’ve often resorted to aggressive tactics in the name of growth, and we’ve been pretty unapologetic about it.”).

³ Marco Zenone *et al.*, *The Social Media Industry as a Commercial Determinant of Health*, 12 Int. J. Health Policy Mgmt. 6840 (2023), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10125226/> (“Many social media platforms implement strict controls on their data for research purposes This creates significant, arguably intentional, difficulties in monitoring social media trends and activity.”).

⁴ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; see also Haugen_00022339.

⁵ 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>.

10. Recognizing the power of engaging young users, Defendants have deliberately tweaked the design and operation of their platforms to exploit the psychology and neurophysiology of youth. Because children's and adolescents' brains are not fully developed, they lack the same emotional maturity, impulse control, and psychological resiliency as adults. As a result, they are uniquely susceptible to addictive features in digital products and highly vulnerable to the consequent harms. Knowing this, Defendants wrote code designed to manipulate dopamine release in children's developing brains and, in doing so, create compulsive use of their apps.

11. Defendants' strategy paid off. Users of their platforms now number in the billions, and the frequency and time spent by these users has grown exponentially. This has allowed Defendants to harvest a vast amount of personal user data—from the school you attend, to the sneakers you covet, to the places you've been and the people you've met. This, in turn, has allowed Defendants to mint a fortune, by selling to others the ability to micro-target advertisements to incredibly narrow slices of the public.⁶

12. However, Defendants' growth has come at the expense of its most vulnerable users: children, including those in New York City. Defendants' choices have generated extraordinary corporate profits—and yielded immense tragedy. Nationwide, suicide rates for youth are up an alarming 57%. Emergency room visits for anxiety disorders are up 117%. In the decade leading up to 2020, there was a 40% increase in high school students reporting persistent sadness and hopelessness, and a 36% increase in those who attempted to take their own lives. In 2019, one in five high school girls had made a suicide plan. In 2021, one in three girls seriously considered attempting suicide.

⁶ See Snap Inc., Annual Report (Form 10-K) at 15 (Jan. 31, 2023), <https://www.sec.gov/ix?doc=/Archives/edgar/data/0001564408/000156440823000013/snap-20221231.htm> (“[W]e rely heavily on our ability to collect and disclose data[] and metrics to our advertisers so we can attract new advertisers and retain existing advertisers. Any restriction or inability, whether by law, regulation, policy, or other reason, to collect and disclose data and metrics which our advertisers find useful would impede our ability to attract and retain advertisers.”).

13. In New York City, over 38% of high school students reported feeling so sad or hopeless during the past year that they stopped engaging in their usual activities. The rate of hopelessness among NYC high schoolers in 2021 was almost 50% higher for Latino and Black students than for White students, and almost 70% higher for female students than for male students. That same year, over 19 percent of all NYC high school students—and 26.6 percent of girls—reported engaging in self-harm such as cutting or burning themselves, and almost 1 in 10 high schoolers in the city reported a suicide attempt.

14. Given these troubling statistics, it is not surprising that the City has identified the mental health crisis afflicting its young people as one of its most pressing challenges. In March 2023, the City launched *Care, Community, Action: A Mental Health Plan for New York City*, with a particular focus on prevention and care for youth, and preventing future crises for children into adulthood.

15. Understanding the urgency of the moment and focused on finding solutions to the youth mental health crisis, in June 2023 the City’s Commissioner of Health, Dr. Ashwin Vasan, convened leaders from around the country—from government, community organizations, education, advocacy, and academia—as well as young people, their caregivers, and families to discuss the impacts of social media on mental health. Based on this convening, the City developed a *Framework for Action* intended to provide resources to families and communities to protect young people, promote well-being, and limit unsafe exposure to “the environmental toxin” of unregulated social media.⁷

16. On January 24, 2024, Dr. Vasan issued an Advisory officially designating social media as a public health hazard in New York City.⁸

⁷ N.Y.C. Dep’t of Health & Mental Hygiene, *New York City’s Role in the National Crisis of Social Media and Youth Mental Health: Framework for Action* (Jan. 2024), <https://www.nyc.gov/site/doh/health/health-topics/youth-mental-health-and-social-media.page>.

⁸ *Advisory from the Commissioner of Health and Mental Hygiene of the City of New York*, N.Y.C. (Jan. 24, 2024), <https://www.nyc.gov/assets/doh/downloads/pdf/notice/2023/coh-advisory-social-media.pdf>.

17. At the same time, and notwithstanding those efforts, NYC Plaintiffs have increasingly been forced to expend greater resources and effort to provide the emotional, mental health, and learning support young people need. In order to treat and address the negative youth mental health outcomes that studies show Defendants have caused or contributed to, NYC Plaintiffs, burdened by increasing demands on their time and resources, provide crucial emergency, crisis, and inpatient mental health services as well as other community-based services such as outpatient therapy, counseling, and after-school programming for youth.

18. Public education serves as the cornerstone of a just and equitable society, with its mission extending far beyond merely imparting knowledge. School districts teach children not only facts and skills, but also the values and tools necessary to engage as informed and responsible citizens. Public school districts, including NYC Public Schools, are facing serious disruptions that interfere with their mission—the effective delivery of public education—caused or contributed to by Defendants’ design, development, production, operation, promotion, distribution, and marketing of addictive and dangerous social media platforms targeting minors. NYC Public Schools has devoted significant resources to combatting students’ addiction to social media and the many resulting harms, including addressing use of Defendants’ platforms during class in violation of school policy and to the detriment of the learning environment, responding to issues relating to social media occurring outside of class, providing counseling for anxiety and depression, and developing curricula about the effects of social media and how to stay safe online.

19. Defendants’ actions—and the resulting increased mental health needs of students—have caused NYC Plaintiffs as government bodies to expend and increase resources (including tax dollars) to hire additional counselors, social workers, and other personnel; to train staff on the harmful effects of social media; to create educational materials addressing social media addiction and harm; to investigate and prosecute crimes that can be tied to Defendants’ addictive platforms and the resulting youth mental health crisis; to investigate threats made against schools, students, and members of the community over social media; to alleviate the

strain placed on local governments' departments of health and human services, as well as community-based services such as outpatient therapy, behavioral health services, after school programs, and other similar services and programming; to address harm to young people; and to repair property damage attributable in whole or in part to Defendants' conduct and addictive platforms.

20. Recognizing the strain placed on health care providers, school districts, and other local government bodies, the Surgeon General recently issued an advisory "to highlight the urgent need to address the nation's youth mental health crisis."⁹ In a scathing rebuke of the assault on our children, the Surgeon General recognized the dangerous design elements in Defendants' platforms and Defendants' abdication of responsibility for the resulting harms:

In these digital public spaces, which are privately owned and tend to be run for profit, there can be tension between what's best for the technology company and what's best for the individual user or for society. Business models are often built around maximizing user engagement as opposed to safeguarding users' health and ensuring that users engage with one another in safe and healthy ways[.]

[T]echnology companies must step up and take responsibility for creating a safe digital environment for children and youth. Today, most companies are not transparent about the impact of their products, which prevents parents and young people from making informed decisions and researchers from identifying problems and solutions.¹⁰

21. The Surgeon General's comments have since been echoed by President Biden. In both his 2022 and 2023 State of the Union Addresses, the President urged the nation to "hold social media platforms accountable for the national experiment they're conducting on our

⁹ Press Release, U.S. Dep't of Health & Hum. Servs., *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic* (Dec. 7, 2021), <https://public3.pagefreezer.com/browse/HHS.gov/13-12-2021T22:28/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>.

¹⁰ Vivek H. Murthy, *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory* (2021) at 25–26, <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

children for profit.”¹¹ In a January 11, 2023 op-ed, President Biden amplified this point: “The risks Big Tech poses for ordinary Americans are clear. Big Tech companies collect huge amounts of data on the things we buy, on the websites we visit, on the places we go and, most troubling of all, on our children.”¹² The President observed that millions of children and adolescents struggle with “violence, trauma and mental health” as a result of Defendants’ conduct and products, and again stated that “[w]e must hold social-media companies accountable” for their role in this crisis.¹³

22. These statements by President Biden and the Surgeon General are in line with a substantial body of peer-reviewed scientific literature documenting the harmful impact that Defendants’ platforms have on our children. This body of research confirms that Defendants’ platforms can cause addiction, compulsive use, anxiety, depression, eating disorders, body dysmorphia, self-harm, sexual exploitation, suicidal ideations, radicalization, other serious diseases and injuries, and suicide itself. Overall rates of these disorders have increased greatly because of widespread consumption of Defendants’ products by children in this country and across the world.

23. In 2018, the National Education Association (“NEA”)—one of the nation’s largest labor unions, and the largest to represent teachers—addressed the evolving research about the impact of social media on students. A 2018 article in “NEA Today,” concluded: “Research suggests social media is increasing student anxiety and depression, eclipsing any positive role it could potentially play.”¹⁴

¹¹ President Joseph R. Biden, *State of the Union Address* (Mar. 1, 2022), <https://www.whitehouse.gov/state-of-the-union-2022/>; see also President Joseph R. Biden, *State of the Union Address* (Feb. 7, 2023), <https://www.whitehouse.gov/state-of-the-union-2023/>.

¹² Joe Biden, *Republicans and Democrats, Unite Against Big Tech Abuses*, Wall St. J. (Jan. 11, 2023), <https://www.wsj.com/articles/unite-against-big-tech-abuses-social-media-privacy-competition-antitrust-children-algorithm-11673439411>.

¹³ *Id.*

¹⁴ Kira Barrett, *Social Media’s Impact on Students’ Mental Health Comes Into Focus*, NEA Today (Sept. 27, 2018), <https://www.nea.org/nea-today/all-news-articles/social-medias-impact-> (footnote continued)

24. In 2022, the American Federation of Teachers—one of the largest teachers’ unions in the United States—joined the #MakeMarkListen campaign, referring to Meta CEO Mark Zuckerberg. Recognizing the harm of social media on students, the campaign is organizing activities to demand oversight and accountability at Meta on behalf of children, based on the substantial harms caused by Meta’s social media platforms. AFT President Randi Weingarten stated: “We’re raising a giant red flag on the impact of Meta on kids’ lives and how its platforms exacerbate the anxiety that comes with navigating our complicated world at a young age.”¹⁵ While this particular effort was aimed at Meta, the behavior of all social media Defendants contributes to the harms identified by this group.

25. A recent study commissioned by several organizations—including groups representing teachers, parents, children, and psychologists—wrote that “[o]ur schools are in crisis.”¹⁶ As a direct result of Defendants’ successful promotion, distribution and marketing of their addictive platforms to youth, there has been a “dramatic disruption in the teaching and learning ecosystems of all our nation’s schools.”¹⁷

26. Compulsive social media use and addiction are negatively affecting student focus and behavior in school districts across the country. Examples include reduced attention spans, reduced or delayed cognitive development, learning impacts, bad behavior, negative impacts on mental and physical health, depression, and loss of life. Some youth have become violent and have damaged classrooms when a teacher tries to take a student’s phone away—an extreme reaction that is a manifestation of social media addiction. Social media has even inhibited

students-mental-health-comes-focus.

¹⁵ Press Release, Am. Fed’n of Tchrs, *AFT Joint National Effort to Demand Corporate Governance Reforms at Meta* (May 17, 2022), <https://www.aft.org/press-release/aft-joins-national-effort-demand-corporate-governance-reforms-meta>.

¹⁶ *Likes vs. Learning: The Real Cost of Social Media for Schools*, Am. Fed’n Tchrs. (July 2023), https://www.aft.org/sites/default/files/media/documents/2023/LikesVSLearning_Report.pdf.

¹⁷ *Id.*

children and teens' ability to communicate with one another. In New York City, NYC Plaintiffs have observed many of these same problems.

27. In addition, the rates of mental health issues among children have climbed steadily since 2010. By 2018, suicide was the second leading cause of death for youth nationwide.¹⁸ As some of the largest providers of youth counseling in the country, school districts have been forced to devote ever-increasing resources to mental health and learning support.

28. The youth mental health crisis, fueled by social media, also has a serious negative impact on some school districts' ability to hire and retain qualified teachers. In many districts, there has been a negative impact on teachers' morale. Teachers are so desperate for help that in at least one district the teachers raised the issue of social media use during contract negotiations.¹⁹ Other districts nationwide have had similar problems with teacher hiring and retention due to Defendants' conduct in creating youth social media addiction.

29. As described more fully herein, NYC Plaintiffs, as primary providers of mental health services to children and adolescents in New York City, both individually and in partnership with each other, have found themselves on the frontlines of the struggle to address the youth mental health crisis in the city. NYC Plaintiffs have devoted substantial resources to combat the interference with learning caused by students' compulsive social media use. To that end, NYC Plaintiffs have undertaken the development, design, operation, and management of a complex and comprehensive network of public mental health programs and services available for children and adolescents in New York City.

30. For example, multiple City agencies, including in partnership with NYC Health + Hospitals, have established and/or expanded clinical programs and services aimed at tackling the youth mental health crisis, including by:

¹⁸ Melonie Heron, *Deaths: Leading Causes for 2018*, 70 Nat'l Vital Stats. Reps., 4, 10 (May 17, 2021), <https://www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-04-508.pdf>.

¹⁹ Donna St. George, *Students can't get off their phones. Schools have had enough*, Wash. Post (May 9, 2023), <https://www.washingtonpost.com/education/2023/05/09/school-cellphone-ban-yondr/>.

- a. providing screenings for youth mental health needs whenever City agencies interact with New York City youth;
- b. making phone, text and chat mental health counseling available to all teenagers free of charge; and
- c. developing significant programming and services to treat young people in need of mental health support at public facilities, hospitals, clinics, and in the privacy of their homes.

31. Defendants' conduct has also required schools nationwide, including NYC Public Schools, to provide support to students, including mental health services to youth.²⁰ School districts are charged with the important public service of educating youth. In addition to teaching our children how to read and write, NYC Public Schools is tasked with teaching our children how to lead healthy lives, from nutrition to navigating the digital world we live in. Schools cannot ignore the importance of the online world in today's society. But ensuring that youth know how to avoid the pitfalls of that world, including the addictive and dangerous features of Defendants' platforms, requires ever-increasing time and resources. In that fight, NYC Public Schools' limited resources are pitted against Defendants' virtually unlimited resources. This is not a fair fight, and despite considerable effort, schools are losing the battle.

32. Defendants knew their actions were having a serious impact on school districts and local governments but have refused to change their conduct.²¹ Indeed, Defendants

²⁰ Press Release, EAB, *K-12 Schools Now Primary Providers of Mental Health Services for Adolescents* (Feb. 13, 2020), <https://www.globenewswire.com/en/news-release/2020/02/13/1984721/0/en/K-12-Schools-Now-Primary-Providers-of-Mental-Health-Services-for-Adolescents.html>; *see also* Substance Abuse & Mental Health Servs. Admin., U.S. Dep't of Health & Hum. Servs., *National Survey on Drug Use and Health*, (2019 & 1st & 4th Qs. 2020), <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables> (reporting that over 3.7 million children ages 12–17 received mental health services through an education setting in 2019, more than any other non-specialty mental health service setting, per table 9.2A – Settings Where Mental Health Services Were Received in Past Year: Among People Aged 12 to 17; by Demographic Characteristics, Numbers in Thousands, 2019 and 2020).

²¹ *See, e.g.*, META3047MDL-003-00084526.

recognized the importance of infiltrating high schools to their platforms' success, with Meta for example, categorizing high schools as either Facebook or non-Facebook and analyzing Instagram penetration on a school level, i.e., which school Instagram users attend.²² Similarly, TikTok's internal documents reveal it knew it was disrupting students' school day and their sleep, thereby making focusing and paying attention at school more difficult.²³ Once Snapchat knew it had appeal among school-aged children, Snapchat "ran with it and never looked back."²⁴ And YouTube knew it was the "#1 website regularly visited by kids."²⁵ Defendants also sell information regarding students' social media use to advertisers who wish to target youth at school, when they are around other youth, thereby increasing the spread of their advertisements.

33. Defendants knew or should have known about the risks of social media addiction—which at least one Defendant euphemistically calls "problematic use."²⁶ They could have changed their platforms to avoid the harm. They could have warned the public and NYC Plaintiffs about the risks. Instead, Defendants prioritized growth over responsibility.

34. Defendants' wrongful conduct has caused or contributed to a public nuisance within NYC Plaintiffs' community in the form of a youth mental health crisis. This harm is ongoing and it is producing permanent and long-lasting damage to the NYC Plaintiffs and to

²² See, e.g., META3047MDL-003-00134688 at META3047MDL-003-00134706; META3047MDL-003-00022355 at META3047MDL-003-00022355.

²³ See, e.g., TIKTOK3047MDL-001-00061318.

²⁴ Billy Gallagher, *How Snapchat Gained Success By Going Viral At High Schools Across Los Angeles*, Forbes (Feb. 16, 2018), <https://www.forbes.com/sites/quora/2018/02/16/how-snapchat-gained-success-by-going-viral-at-high-schools-across-los-angeles/?sh=6f1676083b36>.

²⁵ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, Exhibit C, *FTC v. Google LLC*, No. 1:19-cv-02642-BAH (D.D.C. Sept. 6, 2019), ECF No. 3-1, https://www.ftc.gov/system/files/documents/cases/172_3083_youtube_revised_exhibits_a-c.pdf.

²⁶ See Haugen_00016373 at Haugen_00016379 (internal Meta report from March 2020 summarizing internal research on "problematic use"—when a user "experien[ces] both of the following issues 'very often' or 'all the time': Lack of control or feelings of guilt over Facebook use. Negative impact in at least one of the following areas: productivity, sleep, parenting, or relationships."); *Id.* at Haugen_00016412; *Id.* at Haugen_00016490 (referring to "problematic use" as "Loss of Control Over Time Spent" or "LCOTS"); *Id.* at Haugen_00016379 (recognizing that "Problematic Use" is "sometimes referred to as 'social media addiction' externally").

public health and welfare. NYC Plaintiffs seek to hold Defendants responsible for the severe disruption their platforms have caused in the community, for the abatement of the nuisance, and for damages, including the expenditure and diversion of significant resources to address youth addiction to social media and related issues resulting from Defendants' wrongful conduct. Defendants' wrongful conduct includes, but is not limited to:

- a. designing platforms that have disrupted and otherwise harmed NYC Plaintiffs' operations and crucial public services;
- b. failing to provide adequate warnings about serious and reasonably foreseeable health risks from use of the platforms;
- c. failing to utilize reasonable care in, among other things, developing, designing, managing, operating, testing, producing, labeling, marketing, advertising, promoting, controlling, selling, supplying, and distributing their platforms; and
- d. as to Meta, engaging in the deliberate concealment, misrepresentation, and obstruction of public awareness of serious health risks to users of its platforms.

35. Defendants are also negligent. Defendants intend for youth to use their platforms. They owe a duty to youth and to NYC Plaintiffs to not design and market those platforms in a way they know is causing serious harm. They breached their duty to NYC Plaintiffs by purposefully addicting children to their platforms, thereby foreseeably causing harm to NYC Plaintiffs. NYC Plaintiffs are forced to address the serious consequences of Defendants' actions given their mission (and obligation) to provide an adequate education, public facilities, mental health services, counseling, public safety, and other social services and supports.

36. Defendants should be held to account for the harms their conduct has inflicted on New York City youth and on the NYC Plaintiffs' educational and public health ecosystems. As it stands now, NYC Plaintiffs are left to abate the nuisance and foot the bill.

II. JURISDICTION AND VENUE

37. This Court has jurisdiction over this action pursuant to Cal. Code Civ. Proc. §§ 395 and 410.10.

38. This Court has subject matter jurisdiction over all causes of action alleged in this complaint pursuant to Cal. Const. art. VI, § 10, and this is a court of competent jurisdiction to grant the relief requested. Plaintiffs' claims arise under the laws of the State of New York, are not preempted by federal law, do not challenge conduct within any federal agency's exclusive domain, and are not statutorily assigned to any other trial court.

39. This Court has general personal jurisdiction over Defendants because each is headquartered and has its principal place of business in the State of California and each has continuous and systematic operations within the State of California.

40. This Court also has specific personal jurisdiction over Defendants because they actively do business in Los Angeles County and the State of California. Defendants have purposely availed themselves of the benefits, protections, and privileges of the laws of the State of California through the design, development, programming, manufacturing, promotion, marketing, and distribution of the products at issue and have purposely directed their activities toward this state. Defendants have sufficient minimum contacts with this state to render the exercise of jurisdiction by this Court permissible.

41. Venue is proper in Los Angeles Superior Court pursuant to Cal. Code Civ. Proc. §§ 395 and 395.5 because Defendants regularly conduct business in Los Angeles County and certain of Defendants' liability arose in Los Angeles County.

III. PARTIES

A. Plaintiffs

a. The City of New York

42. Plaintiff the City of New York (the "City") is a municipal corporation organized under the laws of the State of New York. It comprises five boroughs, each of which is also a county in the state of New York, and has approximately 8.5 million residents. Approximately 1,769,710 New Yorkers—20.9% of the New York City population—are under 18 years of age,

and roughly 940,000 New Yorkers are adolescents ages 10 to 17.²⁷

43. The City also operates its Department of Health and Mental Hygiene (“DOHMH”). DOHMH, the premier public health office in the country, takes the City’s leadership role coordinating mental health services and supports in New York City, and spearheads the City’s response to the growing youth mental health crisis. Through DOHMH and the partnerships it manages, the City offers, coordinates, or connects city residents to outpatient services, including clinic treatment and day treatment; community supports and services, including family and youth peer support programs, early childhood mental health, adolescent skills centers; emergency and crisis services—e.g. children’s mobile crisis teams and home based crisis interventions; and inpatient services provided by, *inter alia*, New York City Health + Hospitals. In offering and coordinating these services, the City, through DOHMH, expends tremendous resources, which have only increased over time in response to increased mental health need.

b. New York City Public Schools

44. Plaintiff New York City Department of Education (“NYC Public Schools”) is a city school district created under the laws of the state of New York which operates over 1,800 schools in New York City. Approximately one million students are enrolled in NYC Public Schools, making it the largest school district in the United States.²⁸

c. New York City Health + Hospitals

45. Plaintiff, New York City Health + Hospitals (“NYC Health + Hospitals”) is a public benefit corporation incorporated under the laws of the state of New York to operate New

²⁷ Chris Larson, *Talkspace Teams Up with New York City on Teen Mental Health Partnership, Similar Deals to Follow*, Behav. Health Bus. (Nov. 15, 2023), <https://bhbusiness.com/2023/11/15/talkspace-teams-up-with-new-york-city-on-teen-mental-health-partnership-similar-deals-to-follow/>.

²⁸ *DOE Data at a Glance*, N.Y.C. Pub. Schs., <https://www.schools.nyc.gov/about-us/reports/doe-data-at-a-glance> (last visited Oct. 2, 2025); Attiya Zainib, *30 Best School Districts in USA*, Yahoo! Fin. (Oct. 31, 2023), <https://finance.yahoo.com/news/30-best-school-districts-usa-065831116.html>.

York City’s municipal hospital system, the largest public hospital and health care system in the country. It operates 11 municipal acute care hospitals with nearly 5,000 beds, 5 long term care facilities with nearly 3,000 beds, 6 free-standing diagnostic and treatment centers, and more than 70 community-based healthcare centers and extension clinics.²⁹ NYC Health + Hospitals serves more than 1.2 million New Yorkers annually.³⁰

46. The City, NYC Public Schools, and NYC Health + Hospitals are referred to collectively herein as “NYC Plaintiffs.”

B. Meta Defendants

47. Defendant Meta Platforms, Inc. (“Meta”) is a multinational technology conglomerate, having its principal place of business in Menlo Park, California. Meta designs, develops, owns, operates, and markets social media products, communication products, and electronic devices, including Facebook and Instagram, which are available to minors throughout the United States.³¹ Meta was originally incorporated in Delaware on July 29, 2004, as “TheFacebook, Inc.” On September 20, 2005, the company changed its name to “Facebook, Inc.” On October 28, 2021, the company assumed its current designation. While NYC Plaintiffs have attempted to identify the specific Meta subsidiary(s) that committed each of the acts alleged in this Complaint, NYC Plaintiffs were not always able to do so, in large part due to ambiguities in Meta’s and its subsidiaries’ own documents, public representations, and lack of public information. However, upon information and belief, Meta oversees the operations of its various platforms and subsidiaries, some of which have been identified and are listed below. For this reason, unless otherwise specified, the shorthand “Meta” contemplates the apparent control that

²⁹ *Report on the Fiscal 2024 Preliminary Plan and the Fiscal 2023 Mayor’s Management Report for the New York City Health + Hospitals*, N.Y.C. Council Fin. Div., (Mar. 21, 2023), <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2023/03/HH.pdf>.

³⁰ *Id.*

³¹ These products include Facebook (its self-titled app, Messenger, Messenger Kids, Marketplace, Workplace, etc.), Instagram (and its self-titled app), and a line of electronic virtual reality devices called Oculus Quest (soon to be renamed “Meta Quest”).

Meta wields over its subsidiaries' overall operations and, therefore, further refers to its various subsidiaries and predecessors. To the extent this assumption is incorrect, the knowledge of which Meta subsidiary, current or former, is responsible for specific conduct is knowledge solely within Meta's possession, the details of which NYC Plaintiffs should be permitted to obtain during the discovery phase.

48. Meta's subsidiaries include, but may not be limited to: Facebook Holdings, LLC; Facebook Operations, LLC; Instagram, LLC; and a dozen other entities whose identity or relevance is presently unclear.

49. Defendant Facebook Holdings, LLC ("Facebook Holdings") was incorporated in Delaware on March 11, 2020, and is a wholly owned subsidiary of Meta. 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.

50. Defendant Facebook Operations, LLC ("Facebook Operations") was incorporated in Delaware on January 8, 2012, and is a wholly owned subsidiary of Meta. Facebook Operations is likely a managing entity for Meta's other subsidiaries, and its principal place of business is in Menlo Park, California.

51. Defendant Meta Payments Inc. ("Meta Payments") is a wholly owned subsidiary of Meta. Meta Payments processes and manages payments made through Meta. Meta Payments' principal place of business is in Menlo Park, California. Meta Payments was incorporated in Florida on December 10, 2010, as Facebook Payments Inc. In July 2022, the entity's name was amended to Meta Payments Inc.

52. Defendant Siculus, Inc. ("Siculus") was incorporated in Delaware on October 19, 2011. Siculus is a wholly owned subsidiary of Meta. Siculus constructs data facilities that support Meta's platforms. Siculus's principal place of business is in Menlo Park, California.

53. Defendant Instagram, LLC ("Instagram") was founded in October 2010. In April 2012, Meta purchased Instagram for \$1 billion (later statements from Meta have indicated the purchase price was closer to \$2 billion). Meta reincorporated Instagram in Delaware on April 7,

2012. Instagram’s principal place of business is in Menlo Park, California. Instagram is a social media platform tailored for photo and video sharing.

C. Defendant Snap Inc.

54. Defendant Snap Inc. (“Snap”) was founded in 2011 and is incorporated in Delaware . Snap’s principal place of business in Santa Monica, California. Snap designs, develops, owns, markets, and operates the Snapchat social media platform, an application that is widely marketed by Snap and available to minors throughout the United States. Snapchat is social media platform for engaging in text, picture, and video communication, as well as other features of Snapchat’s own design.

D. TikTok Defendants

55. Defendant TikTok Inc. (“TikTok”) is incorporated in California and its principal place of business is in Culver City, California. TikTok designs, develops, owns, markets, and operates the TikTok social media platform, an application that is widely marketed by TikTok and available to youth throughout the United States. TikTok is known as a video-sharing application, where users can create, share, and view short video clips. TikTok has a valuation of at least \$40-100 billion. TikTok reportedly generated approximately \$14 billion revenue in 2024.

56. Defendant ByteDance Inc. (“ByteDance”) is incorporated in Delaware and its principal place of business is in Mountain View, California. ByteDance designs, owns, develops, markets, and/or operates TikTok, and designs, owns, develops, markets, and/or operates the TikTok social media platform. ByteDance has a reported valuation of over \$330 billion.

57. Defendant TikTok Pte. Ltd. (“TikTok Pte.”), a related corporate entity, is headquartered in Singapore. TikTok Pte. is nominally listed in the Apple App Store, Google Play Store, and Microsoft Store.

58. Defendant ByteDance Ltd. is a multinational internet technology holding company and is the parent company of TikTok, TikTok Pte., and ByteDance. ByteDance Ltd. is

headquartered in Beijing, China and registered in the Cayman Islands. ByteDance Ltd. designs, owns, and/or operates TikTok, and designs, owns, and/or operates the TikTok social media platform.

E. YouTube Defendants

59. Defendant Google LLC (“Google”) is a limited liability company incorporated in Delaware, and its principal place of business is in Mountain View, California. Google is a wholly owned subsidiary of XXVI Holdings Inc., and the managing member of YouTube, LLC. Google transacts or has transacted business in this County and throughout the United States. At all times material to this Complaint, acting alone or in concert with others, Google has advertised, marketed, and distributed its YouTube video sharing platform to minors throughout the United States. At all times material to this Complaint, acting alone or in concert with YouTube, LLC, Google formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint.

60. Defendant YouTube, LLC (“YouTube”) is a limited liability company incorporated in Delaware, and its principal place of business is in San Bruno, California. YouTube is a wholly owned subsidiary of Google. YouTube transacts or has transacted business in this County and throughout the United States. At all times material to this Complaint, acting alone or in concert with defendant Google, YouTube has designed, developed, operated, advertised, marketed, and distributed its YouTube social media platform to consumers throughout the United States. At all times material to this Complaint, acting alone or in concert with Google, YouTube formulated, directed, controlled, had the authority to control, or participated in the acts and practices set forth in this Complaint.

IV. FACTUAL ALLEGATIONS

A. GENERAL FACTUAL ALLEGATIONS APPLICABLE TO ALL DEFENDANTS

1. Defendants have targeted school-aged children as a core market.

61. Each Defendant has designed, developed, produced, operated, promoted, distributed, and marketed its social media platform(s) to maximize the number of children,

including youth in NYC Plaintiffs' community, who download and use them compulsively. Defendants' platforms are powerfully addictive and have succeeded in capturing the time and attention of young users. Researchers studying the effect that social media has on the brain have shown that social media exploits "the same neural circuitry" as "gambling and recreational drugs to keep consumers using their platforms as much as possible."³²

62. Children are more vulnerable users of Defendants' platforms and have more free time than their adult counterparts. Because children use Defendants' platforms more than adults, they see more ads, and as a result generate more ad revenue for Defendants. Young users also generate a trove of data about their preferences, habits, and behaviors. Information about their users is Defendants' most valuable commodity. Defendants mine and commodify that data, selling to advertisers the ability to reach incredibly narrow tranches of the population, including children. Each Defendant placed its platforms into the stream of commerce and generated revenues through the distribution of those platforms at the expense of the public and NYC Plaintiffs. This exploitation of children, including youth in NYC Plaintiffs' community, has become central to Defendants' profitability.

63. Recognizing the vulnerability of children under 13, particularly in the Internet Age, Congress enacted the Children's Online Privacy Protection Act ("COPPA") in 1999.³³ COPPA regulates the conditions under which Defendants can collect, use, or disclose the personal information of children under 13. Under COPPA, developers of platforms and websites that are directed to or known to be used by children under 13 cannot lawfully obtain the individually identifiable information of such children without first obtaining verifiable consent from their parents.³⁴ Even apart from COPPA, it is well established under the law that children

³² *Social Media Addiction: What is Social Media Addiction?*, Addiction Ctr., <https://www.addictioncenter.com/drugs/social-media-addiction/>.

³³ See 15 U.S.C. §§ 6501–6506.

³⁴ The Federal Trade Commission ("FTC") clarified that acceptable methods for obtaining verifiable parental consent include: (a) providing a form for parents to sign and return; (b) requiring the use of a credit card, debit card, or other online payment system that provides (footnote continued)

lack the legal or mental capacity to make informed decisions about their own well-being.

64. COPPA was enacted precisely because Congress recognized that children under age 13 are particularly vulnerable to being taken advantage of by unscrupulous website operators. As a June 1998 report by the FTC observed, “[t]he immediacy and ease with which personal information can be collected from children online, combined with the limited capacity of children to understand fully the potentially serious safety and privacy implications of providing that information, have created deep concerns about current information practices involving children online.”³⁵ The same report observed that children under the age of 13 “generally lack the developmental capacity and judgment to give meaningful consent to the release of personal information to a third party.”³⁶

65. Contemporaneous testimony by the Chairman of the FTC observed that the Internet “make[s] it easy for children to disclose their personal information to the general public without their parents’ awareness or consent. Such public disclosures raise safety concerns.”³⁷ Further, “the practice of collecting personal identifying information directly from children without parental consent is clearly troubling, since its [sic] teaches children to reveal their personal information to strangers and circumvents parental control over their family’s

notification of each transaction to the primary account holder; (c) connecting to trained personnel via video-conference; (d) calling a toll-free number staffed by trained personnel; (e) asking knowledge-based challenge questions; or (f) verifying a photo-ID from the parent compared to a second photo using facial recognition technology. *Complying with COPPA: Frequently Asked Questions*, FTC (July 2020), <https://www.ftc.gov/business-guidance/resources/complying-coppa-frequently-asked-questions>.

³⁵ *Privacy Online: A Report to Congress* at 6, FTC (1998), <https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf>.

³⁶ *Id.* at 5.

³⁷ S. 2326, *Children’s Online Privacy Protection Act of 1998: Hearing Before the Subcomm. on Commc’ns of the Comm. on Com., Sci., & Transp. U.S. S., 105th Cong.* 10 (1998), <https://babel.hathitrust.org/cgi/pt?id=uc1.b5182874&seq=1&q1=it+easy+for+> (prepared statement of Robert Pitofsky, Chairman, FTC).

information.”³⁸

66. None of the Defendants conduct proper age verification or authentication. Instead, each Defendant relies on users to self-report their age. This unenforceable and facially inadequate system allows children under 13 to easily create accounts on Defendants’ platforms. Defendants know this, which is why they have not implemented necessary and robust age verification or authentication features.

67. This is particularly egregious for two reasons. First, Defendants have long been on notice of the problem. For instance, in May 2011, *Consumer Reports* reported the “troubling news” that 7.5 million children age 12 and younger were on Facebook.³⁹ Second, given that Defendants have developed and utilized age-estimation algorithms for the purpose of selling user data and targeted advertisements, Defendants could readily use these algorithms to prevent children under 13 from accessing their platforms, but choose not to do so. Instead, they have turned a blind eye to collecting children’s data in violation of COPPA and leave NYC Plaintiffs to fund treatment and services to remedy the harms that Defendants cause.

68. Defendants have done this because children are financially lucrative, particularly when they are addicted to or compulsively using Defendants’ platforms.

2. Children are uniquely susceptible to harm from Defendants’ platforms.

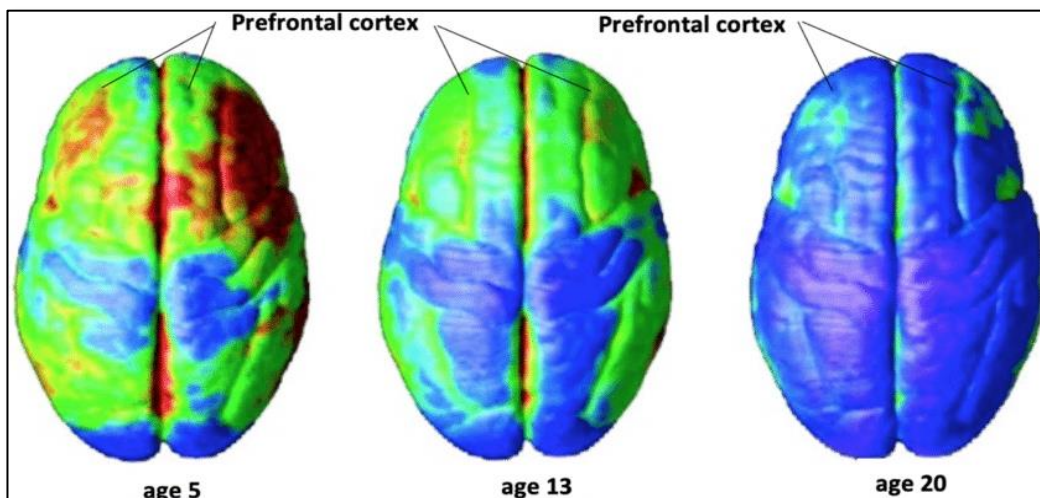
69. The frontal lobes of the brain—particularly the prefrontal cortex—control higher-order cognitive functions. This region of the brain is central to planning and executive decision-making, including the evaluation of future consequences and the weighing of risk and reward. It also helps inhibit impulsive actions and “regulate emotional responses to social rewards.”⁴⁰

³⁸ *Id.* at 11.

³⁹ Emily Bazelon, *Why Facebook is After Your Kids*, N.Y. Times (Oct. 12, 2011), <https://www.nytimes.com/2011/10/16/magazine/why-facebook-is-after-your-kids.html>.

⁴⁰ 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>.

70. Children and adolescents are especially vulnerable to developing harmful behaviors because their prefrontal cortex is not fully developed.⁴¹ Indeed, it is one of the last regions of the brain to mature.⁴² In the images below, the blue color depicts brain development.⁴³



71. Because the prefrontal cortex develops later than other areas of the brain, children and adolescents, as compared with adults, have less impulse control and less ability to evaluate risks, regulate emotions and regulate their responses to social rewards.

72. Social rewards deliver a rush of dopamine and oxytocin, sometimes called the “happy hormones,” to the part of the brain called the ventral striatum.⁴⁴ Dopamine is a

⁴¹ Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, 10 BMC Psychiatry 279 (2022), <https://bmcpyschology.biomedcentral.com/counter/pdf/10.1186/s40359-022-00990-7.pdf>.

⁴² *Id.*; see also Fulton Crews *et al.*, *Adolescent cortical development: A critical period of vulnerability for addiction*, 86 Pharmacology Biochemistry & Behav. 189–199, 191 (2007), <https://doi.org/10.1016/j.pbb.2006.12.001>.

⁴³ Heiner Böttger & Deborah Költzsch, *The fear factor: Xenoglossophobia or how to overcome the anxiety of speaking foreign languages*, 4(2) Training Language & Culture 43-55, 46 (2020), https://www.researchgate.net/publication/342501707_The_fear_factor_Xenoglossophobia_or_how_to_overcome_the_anxiety_of_speaking_foreign_languages.

⁴⁴ 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>.

neurotransmitter that is central to the brain’s reward system.⁴⁵ While the same hormones are released in youth and adults, there are two key differences. As Professor Mitch Prinstein, Chief Science Officer of the American Psychological Association explained: “First, adults tend to have a fixed sense of self that relies less on feedback from peers. Second, adults have a more mature prefrontal cortex, an area that can help regulate emotional responses to social rewards.”⁴⁶

73. Although the decision-making region of the brain is still not fully developed, regions such as the ventral striatum, which are involved in the reward pathway and closely tied to social media activity, begin to develop during adolescence.⁴⁷

74. Between the ages of 10 and 12, dopamine receptors multiply in the ventral striatum, which makes social rewards—like compliments or laughter from a friend—more pleasant, and adolescents become more sensitive to attention from others.⁴⁸ Adolescents are at a stage where their personalities and identities are forming, much of which “is now reliant on social media.”⁴⁹

75. During development, the brain is exposed to stimuli (e.g., Instagram) that becomes associated with a reward (e.g., Likes) and a release of dopamine throughout the reward pathway. The feeling derived during the reward experience drives an individual to seek out the stimulus again, and the association between stimulus and reward grows stronger with repetitive activation.⁵⁰ Repeated spikes of dopamine over time may cause “neuroadaptation,” where the brain adapts for the increased dopamine levels caused by external stimuli by downregulating its

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Betül Keles *et al.*, *A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents*, 25(1) Int’l J. Adolescence & Youth 79–93, 81 (2019), <https://www.tandfonline.com/doi/epdf/10.1080/02673843.2019.1590851?needAccess=true>.

⁵⁰ Bryon Adinoff, *Neurobiologic Processes in Drug Reward and Addiction*, 12(6) Harv. Rev. Psychiatry 305-320 (2004), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1920543/pdf/nihms17876.pdf>.

production of and sensitivity to dopamine.⁵¹ As a result, the individual develops tolerance, and the brain requires increasingly more of a stimulus to experience the same feeling of reward.

76. Imaging studies show that during a period of craving, there are also decreases in frontal cortex activity and executive functioning, leading to impaired “decision making, self-regulation, inhibitory control, and working memory.”⁵²

77. As New York University professor and social psychologist Adam Alter has explained, features such as “Likes” give users a dopamine hit similar to drugs and alcohol:

The minute you take a drug, drink alcohol, smoke a cigarette ... when you get a like on social media, all of those experiences produce dopamine, which is a chemical that’s associated with pleasure. When someone likes an Instagram post ... it’s a little bit like taking a drug. As far as your brain is concerned, it’s a very similar experience.⁵³

78. Notably, once the brain has learned to make this association, dopaminergic neurons “shift their ... activation from the time of reward delivery to the time of presentation of [a] predictive cue[.]”⁵⁴ In other words, the anticipation of a reward can itself trigger a dopamine rush.

79. Conversely, if the stimulus is withheld, feelings of fatigue and anxiety or

⁵¹ George F. Koob & Nora D. Volkow, *Neurobiology of addiction: A neurocircuitry analysis*, 3(8) *Lancet Psychiatry* 760-773 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135092/pdf/nihms-985499.pdf>.

⁵² *Id.* at 8.

⁵³ Eames Yates, *What happens to your brain when you get a like on Instagram*, *Bus. Insider* (Mar. 25, 2017), <https://www.businessinsider.com/what-happens-to-your-brain-like-instagram-dopamine-2017-3>; see also Sören Krach *et al.*, *The rewarding nature of social interactions*, 4(22) *Frontiers Behav. Neuroscience* 1 (2010), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2889690/pdf/fnbeh-04-00022.pdf>; 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>.

⁵⁴ Luisa Speranza *et al.*, *Dopamine: The Neuromodulator of Long-Term Synaptic Plasticity, Reward and Movement Control* at 8, 10 *Cells* 735 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8066851/pdf/cells-10-00735.pdf>.

depression may be experienced, along with decreased sensitivity to the stimulant, which is associated with the withdrawal component of addiction.⁵⁵ Youth are more susceptible than adults to feelings of withdrawal when a dopamine hit wears off. Depending on the intensity, delivery, and timing of the stimulus, and the severity of its withdrawal, these feelings can include emotional pain, dysphoria, and irritability.⁵⁶ Children and adolescents also are more likely to engage in compulsive behaviors to avoid these symptoms, due to their limited capacity for self-regulation, relative lack of impulse control, and struggle to delay gratification. Together, this means that children and adolescents are uniquely vulnerable and easy targets for the reward-based systems that Defendants build into their social media platforms.

80. A recent article coauthored by former Google CEO Eric Schmidt and social psychologist Jonathan Haidt warns that “the greatest damage from social media seems to occur during the rapid brain rewiring of early puberty, around ages 11 to 13 for girls and slightly later for boys.”⁵⁷ Schmidt and Haidt urged action, writing that “we must protect children from predation and addiction most vigorously during this time, and we must hold companies responsible for recruiting or even just admitting underage users[.]”⁵⁸ As they point out, “[a]s long as children say that they are 13, the platforms let them open accounts, which is why so many children are heavy users of Instagram, Snapchat, and TikTok by age 10 or 11.”⁵⁹

81. Studies indicate that social rewards such as reputation, maternal and romantic love,

⁵⁵ U.S. Dep’t of Health & Hum. Servs., *Facing Addiction in America: The Surgeon General’s Report on Alcohol, Drugs, and Health* (2016), https://www.ncbi.nlm.nih.gov/books/NBK424857/pdf/Bookshelf_NBK424857.pdf.

⁵⁶ George F. Koob & Nora D. Volkow, *Neurobiology of addiction: A neurocircuitry analysis* at 5, 3(8) *Lancet Psychiatry* 760-773 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6135092/pdf/nihms-985499.pdf>.

⁵⁷ Jonathan Haidt & Eric Schmidt, *AI Is About to Make Social Media (Much) More Toxic*, Atl. (May 5, 2023), <https://www.theatlantic.com/technology/archive/2023/05/generative-ai-social-media-integration-dangers-disinformation-addiction/673940/>.

⁵⁸ *Id.*

⁵⁹ *Id.*

positive emotional expressions, and the stimuli of perceived beautiful faces are processed along the same neural reward network as non-social rewards and drug addiction.⁶⁰ Dopamine receptors were found reduced in the striatum (central component of the reward system) of the brain in individuals with Internet addiction.⁶¹ Like other addicting products, Defendants' platforms hook their users by disrupting their brains' reward circuitry.

82. When the release of dopamine in young brains is manipulated by Defendants' platforms, it interferes with the brain's development and can have long-term impacts on an individual's memory, affective processing, reasoning, planning, attention, inhibitory control, and risk-reward calibration.

83. "Everyone innately responds to social approval, but some demographics, in particular teenagers, are more vulnerable to it than others."⁶² Given their limited capacity to self-regulate and their vulnerability to peer pressure, children (including teens) are at greater risk of developing a mental disorder from use of Defendants' platforms.⁶³

84. This can lead to a vicious cycle. Repeated spikes of dopamine over time may cause a child to build up a tolerance for the stimulus. In this process of "neuroadaptation," the production of dopamine and the sensitivity of dopamine receptors are both reduced. As a consequence, the child requires more and more of the stimulus to feel the same reward. Worse, this cycle can cause decreases in activity in the prefrontal cortex, leading to further impairments of decision-making and executive functioning.

⁶⁰ Sören Krach *et al.*, *The rewarding nature of social interactions*, 4(22) *Frontiers Behav. Neuroscience* 1 (2010), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2889690/pdf/fnbeh-04-00022.pdf>.

⁶¹ Sang Hee Kim *et al.*, *Reduced striatal dopamine D2 receptors in people with Internet addiction*, 22 *NeuroReport* 407–411 (2011), <https://pubmed.ncbi.nlm.nih.gov/21499141/>.

⁶² 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>.

⁶³ Betül Keles *et al.*, *A systematic review: the influence of social media on depression, anxiety and psychological distress in adolescents*, 25(1) *Int'l J. Adolescence & Youth* 79–93, 81 (2019), <https://www.tandfonline.com/doi/epdf/10.1080/02673843.2019.1590851?needAccess=true>.

85. As described further below, each Defendant deliberately designed, developed, engineered, and implemented dangerous features in their platforms that limit the ability of children and their parents to control social media use and present social-reward and other stimuli in a manner that has caused youth in NYC Plaintiffs' community to compulsively seek out those stimuli, develop negative symptoms when they were withdrawn, and exhibit reduced impulse control and emotional regulation.

86. In short, children find it particularly difficult to exercise the self-control required to regulate their use of Defendants' platforms, given the stimuli and rewards embedded in those platforms, and as a foreseeable and probable consequence of Defendants' design choices tend to engage in addictive and compulsive use.⁶⁴ Defendants engaged in this conduct even though they knew or should have known that their design choices would have a detrimental effect on youth, including those in NYC Plaintiffs' community, leading to serious problems in schools and the community.

87. Adding to the harm caused to children and teens, Defendants' social media platforms generate never-ending and heightened social comparison. The need to compare oneself to other individuals is a hard-wired characteristic of being human and is biologically powerful. But Defendants' platforms create an unnatural environment of constant social comparison due to filters and other features that Defendants have designed and developed. This is by design: social comparison is yet another aspect of human psychology that Defendants intentionally manipulate through the design of their platforms and features to maximize "user engagement" and, in turn, profits. For children and teens, this has significant public health consequences. As the Surgeon General warned, "[s]ocial comparison driven by social media is associated with body dissatisfaction, disordered eating, and depressive symptoms."⁶⁵ This has

⁶⁴ Fulton Crews *et al.*, *Adolescent cortical development: A critical period of vulnerability for addiction*, 86 *Pharmacology Biochemistry & Behav.* 189–199, 194 (2007), <https://doi.org/10.1016/j.pbb.2006.12.001>.

⁶⁵ Vivek H. Murthy, Office of the Surgeon General, *Social Media and Youth Mental Health: The* (footnote continued)

significant consequences for NYC Plaintiffs, as described below.

88. These consequences of Defendants’ conduct are no surprise. Since the early 2000s, studies have shown that frequent upward social comparison results in lower self-esteem and reduced overall mental health.⁶⁶

89. Defendants powerfully promote social comparison by getting as many young people as possible to join and stay on their platforms, and by maximizing user time spent on the platforms, including through feeding their algorithms data collected and organized by Defendants’ design features. Social-media-induced social comparison often results in a discrepancy between the idealized self and the real self, evoking a sense of depression, deprivation, and distress. This is further exacerbated by Defendants’ use of physical-augmentation technology, which allows users to utilize photo and video filters to remove blemishes, make their faces appear thinner, and lighten skin tone, all to make themselves appear more “attractive.” Appearance-altering filters are widely used across Defendants’ platforms. Especially in combination with the platforms’ general-feed algorithm, these filters can cause users to make false comparisons between their real-life appearances and the appearances in the feed. These features can also cause users to make negative comparison between their appearance with a filter and without one. As alleged below, whistleblower documents show that Meta has long been aware of the harm these features can cause.

90. Defendants’ image-altering filters cause mental health harms in multiple ways.⁶⁷ First, because of the popularity of these editing tools, many of the images teenagers see have

U.S. Surgeon General’s Advisory (2023) at 8, <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

⁶⁶ Claire Midgley *et al.*, *When Every Day is a High School Reunion: Social Media Comparisons and Self-Esteem*, 121(2) *J. Personality & Soc. Psych.* 285–307 (2020), https://www.researchgate.net/publication/342490065_When_Every_Day_is_a_High_School_Reunion_Social_Media_Comparisons_and_Self-Esteem.

⁶⁷ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, *Forbes* (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

been edited by filters, and it can be difficult for teenagers to remain cognizant of the use of filters. This creates a false reality wherein all other users on the platforms appear better looking than they actually are, often in an artificial way. As children and teens compare their actual appearances to the edited appearances of themselves and others online, their perception of their own physical features grows increasingly negative. Second, Defendants' platforms tend to reward edited photos, through an increase in interaction and positive responses, causing young users to prefer the way they look using filters. Many young users believe they are only attractive when their images are edited, not as they appear naturally. Third, the specific changes filters make to individuals' appearances can cause negative obsession or self-hatred surrounding particular aspects of their appearance. The filters alter specific facial features such as eyes, lips, jaw, face shape, and face slimness—features that often require medical intervention to alter in real life.

91. In a 2016 study, 52% of girls said they use image filters every day, and 80% have used an app to change their appearance before the age of 13.⁶⁸ In fact, 77% of girls reported trying to change or hide at least one part of their body before posting a photo of themselves, and 50% believe they do not look good without editing.⁶⁹ Filters, especially in combination with other design features, directly cause body image issues, eating disorders, body dysmorphia, and related issues.⁷⁰ As one study of 481 university students found, spending more time viewing

⁶⁸ *Id.*

⁶⁹ *Id.*; see also Jia Tolentino, *The Age of Instagram Face*, New Yorker (Dec. 12, 2019), <https://www.newyorker.com/culture/decade-in-review/the-age-of-instagram-face> (“Instagram announced that it would be removing ‘all effects associated with plastic surgery’ from its filter arsenal, but this appears to mean all effects explicitly associated with plastic surgery, such as the ones called ‘Plastica’ and ‘Fix Me.’ Filters that give you Instagram Face will remain.”).

⁷⁰ See Sian McLean *et al.*, *Photoshopping the selfie: Self photo editing and photo investment are associated with body dissatisfaction in adolescent girls*, 48 Int’l J. Eating Disorders 1132–1140, 1133 (2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/> (presenting a 2015 study involving 101 adolescent girls, more time spent editing and sharing selfies on social media raised their risk of experiencing body dissatisfaction and disordered eating habits); Jing Yang *et al.*, *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of* (footnote continued)

selfies can increase dissatisfaction with one's own face, and spending more time looking at selfies (and reviewing likes and comments) can cause users to draw more comparisons between themselves and others, prompting even more self-criticism.⁷¹ As one psychodermatologist explained, "these apps subconsciously implant the notion of imperfection and ugliness generating a loss of confidence[.]"⁷²

92. In another recent study, even users that report a higher initial level of self-esteem, felt they looked 44% worse before their image was edited using a filter. When a filter increases a gap between how individuals want to look and how they feel they actually look, it "reduce[s] their self-compassion and tolerance for their own physical flaws."⁷³

93. In a recent article, clinical psychologists predicted social media addiction will become a formal diagnosis, with many of the same effects as substance abuse.⁷⁴ The negative impacts of excessive and addictive social media use are especially harmful to youth and interfere with development of healthy coping strategies, social skills, and emotional regulation.⁷⁵ To treat social media addiction, clinical psychologists recommend strategies used in substance abuse

Appearance Comparisons and Self-Objectification, 17 Int'l J. Env't Rsch. & Pub. Health 672 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7013747/pdf/ijerph-17-00672.pdf>; Scott Griffiths *et al.*, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 Cyberpsychology, Behav., & Soc. Networking 149–156, 149 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/pdf/cyber.2017.0375.pdf>.

⁷¹ Jing Yang *et al.*, *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of Appearance Comparisons and Self-Objectification* at 5–6, 17 Int'l J. Env't Rsch. & Pub. Health 672 (2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7013747/pdf/ijerph-17-00672.pdf>.

⁷² Genesis Rivas, *The Mental Health Impacts of Beauty Filters on Social Media Shouldn't Be Ignored – Here's Why*, InStyle (Sept. 14, 2022), <https://www.instyle.com/beauty/social-media-filters-mental-health>.

⁷³ Ana Javornik *et al.*, *Research: How AR Filters Impact People's Self-Image*, Harv. Bus. Rev. (Dec. 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

⁷⁴ Melissa Rudy, *Excessive social media use has many of the same effects as substance abuse, says expert*, FoxNews (Aug. 15, 2023), <https://www.foxnews.com/health/excessive-social-media-use-same-effects-substance-abuse-expert>.

⁷⁵ *Id.*

treatment, including detox, full-stop periods, reducing access, and identifying triggers for the addictive behavior.⁷⁶ The triggers for this addictive behavior include design features developed by Defendants to increase use, such as “for you” recommendations, explore tabs or pages, and stories.⁷⁷

94. Defendants’ platforms are highly addictive because Defendants intended them to be so.

95. Defendants’ deliberate cultivation of the youth market for their platforms has foreseeably resulted in an increased risk of a variety of harms for today’s youth, including, but not limited to, social media addiction, withdrawal (from friends, family, and social and academic advancement), lack of focus, anxiety, body dysmorphia, eating disorders, depression, radicalization, difficulty sleeping (e.g., later sleep and wake times on school days and trouble falling back asleep after nighttime awakening), self-harm, and other risk-taking behaviors.

3. Defendants designed, developed, produced, operated, promoted, distributed, and marketed their platforms to attract, capture, and addict youth, with minimal parental oversight.

96. NYC Plaintiffs seek to hold Defendants accountable for designing their platforms with algorithms that wield user data as a weapon against children and fuel the addiction machine.

97. All of Defendants’ platforms operate based on sophisticated algorithms. These algorithms serve different purposes within the platforms. Data-gathering algorithms are a design feature that causes harm to children by collecting volumes of user data that it can feed to content algorithms and fuel addiction.

98. By measuring and exploiting every aspect of content-agnostic user interaction with their platforms—from click patterns to location to social networks⁷⁸—the Defendants’ algorithms and recommendation systems are optimized to maximize the amount of time users

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ MC ¶¶ 250, 265, 509, 585-91, 747-49.

spend on Defendants' platforms without consideration for actual information being served.⁷⁹

99. This automated attention farming weaponizes user interaction to fuel Defendants' addiction engines.⁸⁰

100. Crucially, these aspects of Defendants' systems do not consider the substantive information conveyed by the posts.

101. Meta, for example, explains that "[w]e combine predictions of different events using an arithmetic formula, called value model, to capture the prominence of different signals in terms of deciding whether the content is relevant. We use a weighted sum of predictions such as $[w_like * P(\text{Like}) + w_save * P(\text{Save}) - w_negative_action * P(\text{Negative Action})]$. If, for instance, we think the importance of a person saving a post on Explore is higher than their liking a post, then the weight for the save action should be higher."⁸¹ At no point does this process examine the information conveyed by the content.

102. The following is a subset of the realms of content-agnostic user interaction data that Defendants collect—tracking users' actions without considering the substantive information that is the object of the interactions:⁸²

- a. a user's demographics;⁸³
- b. what posts a user clicks on;⁸⁴
- c. how long a user reads or watches a post;⁸⁵
- d. which posts a user hovers their mouse over—and for how long they do so;⁸⁶

⁷⁹ See *id.* ¶¶ 250, 509, 585-91, 747-749.

⁸⁰ See *id.* ¶ 755.

⁸¹ *Powered by AI: Instagram's Explore recommender system*, Meta (Nov. 25, 2019), <https://ai.meta.com/blog/powered-by-ai-instagram-explorer-recommender-system/>.

⁸² Discovery is likely to reveal Defendants' use of other content agnostic interaction data.

⁸³ See *id.* ¶ 250-52, 747.

⁸⁴ See *id.* ¶¶ 207, 242, 589-91, 747.

⁸⁵ See *id.* ¶¶ 242, 589-91, 747.

⁸⁶ See *id.* ¶ 250.

- e. which posts users don't engage with—i.e., which posts fail to draw attention or engagement;⁸⁷
- f. what times of day users access the product;⁸⁸
- g. physical location where users access the product;⁸⁹
- h. devices connected to the Wi-Fi networks a user connects through;⁹⁰
- i. length of a video;
- j. time spent viewing a video;
- k. users' connections to other users;
- l. the number of users that viewed a particular post;
- m. the number of "shares";
- n. the number of "saves"; and,
- o. the number of "likes."

103. Armed with this content-agnostic user interaction data, Defendants' machine learning systems maximize user attention to their platforms, untethered from any consideration of what that attention is being directed to.

104. These systems work not on the basis of mechanical, constant rules, but through complex, dynamic mathematical systems that examine data about users' interactions with pieces of content—but not the content itself—to predict how the content is likely to affect a specific users' engagement by showing them only information that is likely to achieve the endpoint that Defendants set: maximizing the time users spend on the platform.

105. These data-gathering algorithms feed information into Defendants' recommendation systems, essentially acting as their fuel. To Defendants' recommendation systems, user posts are data points on a graph, nodes in a vast web of meticulously catalogued

⁸⁷ See *id.* ¶ 250, 509, 589-91, 747.

⁸⁸ See *id.* ¶ 242.

⁸⁹ See *id.* ¶¶ 242, 252, 509, 289; 656, 711.

⁹⁰ See *id.* ¶¶ 242, 711.

interactions, rather than messages being shared.

106. Defendants’ recommendation systems do not consider the actual information conveyed in a post, but instead the probability that a user is, or is not, maximally engaged on the platform.

107. Perversely, Defendants’ paramount focus on holding users’ attention above all else frequently results in users being *denied* the content they are actually interested in.

108. To condition users to keep scrolling, swiping, and refreshing, Defendants’ platforms will hold back rewards that might result in them closing out the platform once viewed.

109. The fact that Defendants’ content-agnostic recommendation algorithms are neither designed to curate the actual information that is disseminated, nor to give users information that they want, is unsurprising given the truth of their business models. Defendants are not in the business of fostering human connection or helping people further their knowledge. Defendants sell ads. For them to profit, it doesn’t matter what their users are looking at, only that they are looking—offering up a captive audience that can be carved up and sold to whichever advertiser is the highest bidder.

110. While not identical, all of the Defendants’ platforms operate—and harm users—in similar ways. Instagram, Facebook, TikTok, Snapchat, and YouTube employ many similar features that are engineered to induce more use by young people—creating an unreasonable risk of compulsive use and addiction.⁹¹ For instance, all five platforms harvest user data and use this information to generate and push algorithmically tailored “feeds” of photos and videos. And all five include methods through which approval can be expressed and received, such as likes,

⁹¹ See 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> (“Over the last decade, some of the most popular social media apps have blatantly ripped off features from some of the other most popular social media apps, in a tech version of Capture the Flag where the only losers are the users who are forced to persist through this cat-and-mouse game.”); see also “How Social Media Work,” Chapter 2 in *Social Media and Adolescent Health* at 46 *et seq.*, Nat’l Acads. Press (2023), <https://nap.nationalacademies.org/read/27396/chapter/4> (prepublication copy).

hearts, comments, shares, or reposts. This section explains the psychological and social mechanisms exploited by these design choices, creating an unreasonable risk of compulsive use and addiction.

111. Far from avoiding this risk, Defendants ran toward it, knowing that child addiction to their platforms would drive their revenue. For example, an internal presentation: *2017 Teens Strategic Focus*, explicitly stated Meta’s “goal: retain [Monthly Active People] and [Daily Active People], [and] grow teen time spent” by “rebuild[ing] social Facebook to work better for teens, including entertainment.”⁹² Similarly, an internal Meta planning document from November 2018 stated, “[w]inning schools is the way to win with teens because an individual teen’s engagement is highly correlated with school [Monthly Active People] penetration.”⁹³ “Solving jobs related to school and building school network effects is a way to increase overall teen usage.”⁹⁴

112. Defendants employed the design features described herein to maximize youth use, knowing the impact it would have on youth and communities like NYC Plaintiffs’ community.

113. Defendants failed to provide features such as robust age verification, effective parental controls, and effective parental notifications. The lack of these features harmed NYC Plaintiffs by contributing to the social media addiction epidemic among the children in their schools and communities and by introducing or exponentially increasing the harm of other addictive design features and the corresponding cost of fighting the youth mental health crisis.

114. Defendants’ design features failed to reasonably protect child users by failing to: place default limits on the length and frequency of user sessions; utilize opt-in restrictions as opposed to opt-out restrictions on the length and frequency of sessions; provide self-limiting tools; provide blocks to use at certain times of day for minor users such as during school hours;

⁹² Complaint for Injunctive and Other Relief (“MDL AG Compl.”) at 27, ¶ 146, *State of Ariz. v. Meta Platforms, Inc.*, No. 4:23-cv-005448-YGR (N.D. Cal. Nov. 22, 2023), ECF No. 73-2.

⁹³ MDL AG Compl. at 27, ¶ 147.

⁹⁴ *Id.*

and provide a deactivation and deletion process free from unnecessary barriers.

115. Defendants caused harm to NYC Plaintiffs by utilizing addictive design features that weaponized user data and preyed on adolescent minds such as: endless scroll on users' feeds; algorithms that paired intermittent variable rewards ("IVR") to user specific data; strategically timing and clustering notifications to lure users back to Defendants' platforms; and otherwise sending psychologically manipulative notifications and communications to keep minors hooked.

116. Defendants knowingly implemented filters that promote negative social comparison. These filters—especially without any demarkation that a filter is in place—both fuel children's addiction to Defendants' platforms and heighten the mental health toll on children in NYC Plaintiffs' schools and communities and the burden on NYC Plaintiffs.

117. All of these features worked together and individually to addict young users to social media and to create the youth mental health crisis NYC Plaintiffs are fighting today.

118. Defendants' platforms are designed and engineered to methodically, but unpredictably, space out dopamine-triggering rewards with dopamine gaps. Unpredictability is key because, paradoxically, IVR create stronger associations (conditioned changes in the neural pathway) than fixed rewards. Platforms that use this technique are highly addictive or habit forming. IVR is based on insights from behavioral science dating back to research in the 1950s by Harvard psychologist B. F. Skinner. Skinner found that laboratory mice respond most voraciously to unpredictable rewards. In one famous experiment, mice that pushed a lever received a variable reward (a small treat, a large treat, or no treat at all). Compared with mice who received the same treat every time, the mice who received only occasional rewards were more likely to exhibit addictive behaviors such as pressing the lever compulsively. This exploitation of neural circuitry is exactly how addictive platforms like slot machines keep users coming back.

119. Slot machines are a pertinent example of how IVR works in an addictive product

to keep users coming back.⁹⁵ Users pull a lever to win a prize and with each pull, the user may or may not win a prize (i.e., an intermittent reward that varies in value).

120. The IVR aspect of slot machines is limited by the fact that they deliver rewards in a randomized manner, irrespective of the person pulling the lever. By contrast, Defendants' platforms are designed to purposely withhold and release rewards on a schedule its algorithms have determined is optimal to heighten a specific user's craving and keep them using the platform. Defendants incorporate IVR into the design and operations of their respective platforms in various ways by "link[ing] a user's action (like pulling a lever) with a variable reward."⁹⁶ For example, when "we swipe down our finger to scroll the Instagram feed, we're playing a slot machine to see what photo comes next."⁹⁷ Meta also delays the time it takes to load the feed. "This is because without that three-second delay, Instagram wouldn't feel variable."⁹⁸ Meta also times and clusters notifications to delay gratifications and thereby build user anticipation. Without that delay, there would be no time for users' anticipation and craving to build. In slot machine terms, there would be "no sense of *will I win?* because you'd know instantly. So the delay isn't the app loading. It's the cogs spinning on the slot machine."⁹⁹

121. Former Google CEO Schmidt and psychologist Haidt also compared the manipulative design of social media platforms to a slot machine: "[T]hink of a slot machine, a contraption that employs dozens of psychological tricks to maximize its addictive power. Next, imagine . . . if they could create a new slot machine for each person, tailored in its visuals,

⁹⁵ 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>.

⁹⁶ 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>.

⁹⁷ *Id.*

⁹⁸ 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>.

⁹⁹ *Id.*

soundtrack, and payout matrices to that person’s interests and weaknesses. That’s essentially what social media *already* does, using algorithms and AI[.]”¹⁰⁰

122. As further described below, each of Defendants’ platforms exploits this psychological reaction among its users, typically using “Likes,” “Hearts,” or other forms of approval that serve as the reward and are purposefully delivered in a way to create stronger associations and maximize addiction. Instagram’s notification algorithm will at times determine that a particular user’s engagement will be maximized if the app withholds “Likes” on their posts and then later delivers them in a large burst of notifications.

123. Defendants’ use of IVR is particularly effective and dangerous for adolescents, given that their brains have not completely matured and the tools that would allow them to moderate their use of Defendants’ platforms—impulse control and executive function—are still under development.

124. Defendants also manipulate young users through their exploitation of “reciprocity”—the psychological phenomenon by which people respond to positive or hostile actions in kind. Reciprocity means that people respond in a friendly manner to friendly actions, and with negative retaliation to hostile actions.¹⁰¹ In the 1970s, sociologists Phillip Kunz and Michael Woolcott famously illustrated the powerful effect of reciprocity through an experiment using holiday cards. They sent cards to a group of complete strangers, and included a return address indicating that they were from either “Dr. and Mrs. Kunz” or “Joyce and Phil.”¹⁰² People whom Kunz had never met before reciprocated, flooding him with holiday cards in return, some

¹⁰⁰ Jonathan Haidt & Eric Schmidt, *AI Is About to Make Social Media (Much) More Toxic*, Atl. (May 5, 2023), <https://www.theatlantic.com/technology/archive/2023/05/generative-ai-social-media-integration-dangers-disinformation-addiction/673940/>.

¹⁰¹ Ernst Fehr & Simon Gächter, *Fairness and Retaliation: The Economics of Reciprocity*, 14(3) J. Econ. Persps. 159–181, 159 (2000), <https://pubs.aeaweb.org/doi/pdfplus/10.1257/jep.14.3.159>.

¹⁰² Phillip R. Kunz & Michael Woolcott, *Season’s greetings: From my status to yours*, 5(3) Soc. Sci. Rsch. 269–278, 270–271 (1976), [https://doi.org/10.1016/0049-089X\(76\)90003-X](https://doi.org/10.1016/0049-089X(76)90003-X).

even including hand-written notes and pictures of their families.¹⁰³ Most of the responses did not even ask who “Dr. Kunz” was—they simply responded to his initial gesture with a reciprocal action.¹⁰⁴

125. Platforms such as Instagram and Snapchat exploit reciprocity by, for example, automatically telling the sender when their message is seen, instead of letting the recipient avoid disclosing whether it was viewed. Consequently, the recipient feels more obligated to respond immediately, keeping users on the product.¹⁰⁵ Similarly, alerts and notifications of delivered messages or comments compel the recipient to return to the product to respond.

126. Defendants’ platforms and design features also addict young users by preying on their already heightened need for social comparison and interpersonal feedback-seeking.¹⁰⁶ Because of their developmental stage, adolescents are primed to focus on social status, social comparisons, and a desire for social validation.¹⁰⁷ Defendants’ platforms encourage repetitive usage by dramatically amplifying those insecurities.

127. Professor Prinstein has explained that online and real-world interactions are fundamentally different.¹⁰⁸ For example, in the real world, no public ledger tallies the number of consecutive days friends speak. Similarly, “[a]fter you walk away from a regular

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ 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>.

¹⁰⁶ Jacqueline Nesi & Mitchell J. Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms* at 4, 43 J. Abnormal Child Psych. 1427–1438 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/pdf/nihms948986.pdf>.

¹⁰⁷ Susan Harter, *The construction of the self: developmental and sociocultural foundations* (2d. ed. Guilford Press 2012) (explaining how, as adolescents move toward developing cohesive self-identities, they typically engage in greater levels of social comparison and interpersonal feedback-seeking).

¹⁰⁸ 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>.

conversation, you don't know if the other person liked it, or if anyone else liked it[.]”¹⁰⁹ By contrast, a design like the “Snap Streak” creates exactly such artificial forms of feedback.¹¹⁰ On Defendants’ platforms, friends and even complete strangers can publicly deliver (or withhold) dopamine-laced likes, comments, views, and follows.¹¹¹

128. The “Like” feature common to Defendants’ platforms has an especially powerful effect on teenagers and can neurologically alter their perception of online posts. Researchers at UCLA used magnetic resonance imaging to study the brains of teenagers as they used a program simulating Instagram. They found that the teens’ perceptions of a photo changed depending on the number of likes it had generated.¹¹² That an image was highly liked—regardless of its content—instinctively caused the girls to prefer it. As the researchers put it, teens react to perceived “endorsements,” regardless of whether they know the source.¹¹³

129. Other features of Defendants’ platforms also amplify the heightened awareness of status and appearance that is part of adolescence. Built into Defendants’ platforms are appearance-altering filters, which underscore conventional (and often racially biased) standards of beauty, by allowing users to remove blemishes, make bodies and faces appear thinner, and lighten skin tone. Those features contribute to a harmful body image among adolescents, who begin to negatively perceive their own appearance and believe their bodies, and indeed their

¹⁰⁹ *Id.*

¹¹⁰ A “Snap Streak” is designed to measure a user’s Snapchat activity with another user. Two users achieve a “Snap Streak” when they exchange at least one Snap in three consecutive 24-hour periods. When successively longer “Streaks” are achieved, users are rewarded with varying tiers of emojis.

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>.

¹¹² 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) Ass’n Psych. Sci. 1027–1035, 1027 (2016), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/pdf/10.1177_0956797616645673.pdf.

¹¹³ *Id.*

lives, to be comparatively worse.¹¹⁴

130. Defendants’ respective product features work in combination to create and maintain a user’s “flow-like state”: a hyper-focused, hypnotic state, where bodily movements are reflexive, and the user is totally immersed in smoothly rotating through aspects of the social media product.¹¹⁵ This experience of “flow,” as psychologists describe it, “fully immerse[s]” users, distorts their perception of time, and is associated with excessive use of social media sites.¹¹⁶

131. As discussed in more detail below, features like the ones just described can cause or contribute to the following injuries in, or effects on, young people: eating and feeding disorders; depressive disorders; anxiety disorders; sleep disorders; trauma- and stressor-related disorders; obsessive-compulsive and related disorders; disruptive, impulse-control, and conduct disorders; radicalization; suicidal ideation; self-harm; and suicide.¹¹⁷

132. As a result, NYC Plaintiffs have been forced to expend significant resources addressing these harms and providing education and support to students, staff, parents, and NYC Plaintiffs’ community.

¹¹⁴ *Id.*; see also Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, 10 BMC Psychiatry 279 (2022), <https://bmcpyschology.biomedcentral.com/counter/pdf/10.1186/s40359-022-00990-7.pdf> (explaining that youth are particularly vulnerable because they “use social networking sites for construing their identity, developing a sense of belonging, and for comparison with others”).

¹¹⁵ See, e.g., Sophia Petrillo, *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest Social Media Craze*, Brown Undergraduate J. Pub. Health (Dec. 13, 2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/> (describing how IVR and infinite scrolling may induce a flow-like state in users).

¹¹⁶ Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, 10 BMC Psychiatry 279 (2022), <https://bmcpyschology.biomedcentral.com/counter/pdf/10.1186/s40359-022-00990-7.pdf>.

¹¹⁷ See, e.g., *id.*

4. Millions of kids use Defendants’ platforms compulsively, including during the school day.

133. Defendants have been staggeringly successful in their efforts to attract young users to their platforms. In 2021, 32% of 7- to 9-year-olds,¹¹⁸ 49% of 10- to 12-year-olds,¹¹⁹ and 90% of 13- to 17-year-olds in the United States have used social media.¹²⁰ A majority of U.S. teens use Instagram, TikTok, Snapchat, and/or YouTube. Thirty-two percent say they “wouldn’t want to live without” YouTube, while 20% said the same about Snapchat, and 13% said the same about both TikTok and Instagram.¹²¹

134. U.S. teenagers who use Defendants’ platforms are likely to use them every day. Sixty-two percent of U.S. children ages 13–18 use social media daily.¹²² And daily use often means constant use. About one-in-five U.S. teens visit or use YouTube “almost constantly,” while about one-in-six report comparable usage of Instagram.¹²³ Nearly half of U.S. teens use TikTok at least “several times a day.”¹²⁴ TikTok’s internal data shows that children aged 13–17 check the platform nearly 17 times a day and spend, on average, almost two hours a day on

¹¹⁸ C.S. Mott Child.’s Hosp. Univ. Mich. Health, *Sharing Too Soon? Children and Social Media Apps*, 39(4) Mott Poll Report (Oct. 18, 2021), https://mottpoll.org/sites/default/files/documents/101821_SocialMedia.pdf.

¹¹⁹ *Id.*

¹²⁰ *Social Media and Teens*, Am. Acad. Child & Adolescent Psychiatry (Mar. 2018), https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/Social-Media-and-Teens-100.aspx.

¹²¹ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 31, Common Sense Media (2022), https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

¹²² *Id.*

¹²³ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

¹²⁴ *Id.*

TikTok, out pacing all older age groups.¹²⁵ Many children are spending four or more hours on TikTok every day.¹²⁶ In one study, U.S. teenage users reported checking Snapchat thirty times a day on average.¹²⁷

135. Many teenagers know they are addicted to Defendants’ platforms: 36% admit they spend too much time on social media.¹²⁸ Yet they cannot stop. Of the teens who use at least one social media product “almost constantly,” 71% say quitting would be hard. Nearly one-third of this population—and nearly one-in-five of all teens—say quitting would be “very hard.”¹²⁹

136. Notably, the more teens use Defendants’ platforms, the harder it is to quit. Teens 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, compared to teens who see their social media usage as about right.¹³⁰

137. Despite using social media frequently, most young people don’t particularly enjoy it. In 2021, only 27% of boys and 42% of girls ages 8–18 reported liking social media “a lot.”¹³¹

¹²⁵ Complaint for Violations of the Consumer Sales Practices Act (“Utah AG Compl.”) at 3, ¶ 5, *Utah Div. of Consumer Prot. of the State of Utah v. TikTok Inc.*, (Utah Jud. Dist. Ct. Cnty. Salt Lake), ECF No. 1.

¹²⁶ *Id.*

¹²⁷ Erinn Murphy *et al.*, Piper Sandler, *Fall 2021: Taking Stock with Teens: 21 Years of Researching U.S. Teens* (Oct. 5, 2021) at 13, <https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcdbd1d4.pdf>; *see also* Press Release, Piper Sandler, *Piper Sandler Completes 42nd Semi-Annual Generation Z Survey of 10,000 U.S. Teens* (Oct. 5, 2021), <https://www.pipersandler.com/news/piper-sandler-completes-42nd-semi-annual-generation-z-survey-10000-us-teens>.

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

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 34, Common Sense Media (2022), https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

Moreover, one survey found that young people think social media is the main reason youth mental health is getting worse.¹³² About twice as many of the surveyed youth believed that social media is the main reason for declining mental health than the next likely cause, and over seven times more believed it to be the main cause rather than drugs and alcohol.¹³³

138. The most recent data shows these trends persist. According to a 2023 report, 45% of teen girls who use TikTok say they feel addicted to it or use it more than intended at least weekly.¹³⁴ Similarly, 37% of teen girls said they felt addicted to Snapchat, 34% said they felt addicted to YouTube, and 33% said they felt addicted to Instagram.¹³⁵ Notably, teenage girls reported higher rates of feeling addicted to these social media platforms than messaging apps.¹³⁶

139. Defendants have also deliberately designed their platforms to encourage the compulsive use of their platforms during the school day. Indeed, a recent study performed by Common Sense Media and the C.S. Mott Children’s Hospital confirms the ubiquity and intensity of notifications in a young person’s life.¹³⁷ The research found that young users “received a median of 237 notifications” in a “typical day,” and that “[n]otification frequency varied widely, with maximums of over 4,500 delivered and over 1,200 seen” and nearly “a quarter of [those] notifications arrived during school hours[.]”¹³⁸

140. When youth are able to stop or limit their social media use, it is often because of

¹³² Colmar Brunton, headspace Nat’l Youth Mental Health Found., *headspace National Youth Mental Health Survey 2018* at 51, <https://headspace.org.au/assets/headspace-National-Youth-Mental-Health-Survey-2018.pdf>.

¹³³ *Id.*

¹³⁴ Jacqueline Nesi *et al.*, *Teens and Mental Health: How Girls Really Feel about Social Media* at 6, Common Sense Media (2023), https://www.commonsensemedia.org/sites/default/files/research/report/how-girls-really-feel-about-social-media-researchreport_web_final_2.pdf.

¹³⁵ *Id.*

¹³⁶ *Id.*

¹³⁷ Jenny S. Radesky *et al.*, *Constant Companion: A Week in the Life of a Young Person’s Smartphone Use*, Common Sense Media (2023), https://www.commonsensemedia.org/sites/default/files/research/report/2023-cs-smartphone-research-report_final-for-web.pdf.

¹³⁸ *Id.* at 6.

the negative impacts they experienced using social media. In one sample, 38% of adolescent social media users reported that “they had ... stopped using a platform or limited how much they use it because they felt it had a negative impact on them.”¹³⁹ Indeed, many teenage girls reported feeling they were spending too much time on social media or that it was getting in the way of other activities; 43% of teenage girls described these feelings in relation to YouTube, 23% said the same of TikTok, 23% said the same of Instagram, and 10% said the same of Snapchat.¹⁴⁰

5. Defendants’ platforms have created a youth mental health crisis.

141. Nearly a decade of scientific and medical studies demonstrate that dangerous features engineered into Defendants’ platforms—particularly when used multiple hours a day—can have a “detrimental effect on the psychological health of [their] users,” including compulsive use, addiction, body dissatisfaction, anxiety, depression, and self-harming behaviors such as eating disorders.¹⁴¹

142. Defendants’ platforms employ features that are designed for ease of access, rewards and reinforcement, gamification, escapism, and lack of regulation.¹⁴² These features cause online social media experiences to become addictive such that adolescents experience depression, anxiety, loneliness, and lower self-esteem and life satisfaction.¹⁴³

143. Addiction and compulsive use of Defendants’ platforms can entail a variety of

¹³⁹ *Id.* at 27.

¹⁴⁰ *Id.*

¹⁴¹ See, e.g., Fazida Karim *et al.*, *Social Media Use and Its Connection to Mental Health: A Systemic Review* at 7, 12(6) *Cureus*, June 15, 2020, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7364393/pdf/cureus-0012-00000008627.pdf>; Alexandra R. Lonergan *et al.*, *Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence*, 53 *Int’l J. Eating Disorders* 755–766 (2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256>.

¹⁴² Puruesh Chaudhary, *A Slow Scroll Into Addiction*, *Aurora Dawn* (Sept. 4, 2023), <https://aurora.dawn.com/news/1144883>.

¹⁴³ *Id.*

behavioral problems, including but not limited to: (1) a lessening of control; (2) persistent, compulsive seeking out of access to the platform; (3) using the platform more, and for longer, than intended; (4) trying to cut down on use but being unable to do so; (5) experiencing intense cravings or urges to use the platform; (6) tolerance (needing more of the platform to achieve the same desired effect); (7) developing withdrawal symptoms when not using the platform, or when the platform is taken away; (8) neglecting responsibilities at home, work, or school because of the intensity of usage; (9) continuing to use the platform even when doing so interferes and causes problems with important family and social relationships; (10) giving up important or desirable social and recreational activities due to use; and (11) continuing to use despite the platform causing significant harm to the user’s physical and mental health.

144. Each Defendant has long been aware of research connecting use of their apps with harm to its users’ wellbeing, but chose to ignore or brush it off.¹⁴⁴ For example, in 2018, a Meta employee mocked it as “BS . . . psedu [sic] science,” and “a bunch of people trying to get air time.”¹⁴⁵ Yet, as discussed at length below, Defendants conducted some of the research themselves—and then hid their unfavorable findings from the public.¹⁴⁶

145. Scientists have studied the impacts of the overuse of social media since at least

¹⁴⁴ In August 2019, a social psychologist, and leading expert on the effects that technology devices have on the mental health of their users, wrote to Mr. Zuckerberg ahead of a meeting to note that a new study “point[ed] heavily to a connection, not just from correlational studies but from true experiments, which strongly indicate[d] causation, not just correlation” between Meta’s platforms and harms to users’ wellbeing. META3047MDL-003-00089107 at META3047MDL-003-00089108. In some cases, Meta was not only aware of research connecting its platforms to detrimental effects but actively sought to undermine that research. *See* META3047MDL-003-00082165 at META3047MDL-003-00082165–META3047MDL-003-00082166 (discussing methods to undermine research on addiction to apps).

¹⁴⁵ META3047MDL-003-00082165 at META3047MDL-003-00082165.

¹⁴⁶ *See, e.g.*, Haugen_00016373 at Haugen_00016381 (“The best external research indicates that Facebook’s impact on people’s well-being is negative.”); *Id.* at Haugen_00016414 (March 9, 2020 presentation: *All problematic users were experiencing multiple life impacts*, including loss of productivity, sleep disruption, relationship impacts, and safety risks.); Haugen_00005458 at Haugen_00005500 (November 5, 2019 presentation containing a slide: *But, We Make Body Image Issues Worse for 1 in 3 Teen Girls*).

2008, with social media addiction recognized in literature around that time after a pervasive upsurge in Facebook use.¹⁴⁷ The Bergen Social Media Addiction Scale assesses social media addiction along six core elements: (1) salience (preoccupation with the activity); (2) mood modification (the behavior alters the emotional state); (3) tolerance (increasing activity is needed for the same mood-altering effects); (4) withdrawal (physical or psychological discomfort when the behavior is discontinued); (5) conflict (ceasing other activities or social interaction to perform the behavior); and 6) relapse (resuming the behavior after attempting to control or discontinue it).¹⁴⁸

146. Social media addiction is more prevalent among younger age groups.¹⁴⁹ Researchers note that such “high prevalence in adolescence unveils the need to allocate more public resources on mental health services to prevent or treat social media addiction in this high-risk group.”¹⁵⁰

147. Beginning in at least 2014, researchers began demonstrating that addictive and compulsive use of Defendants’ platforms leads to negative mental and physical outcomes for kids.

¹⁴⁷ Daniele La Barbera *et al.*, *Social network and addiction*, Interactive Media Inst. & IOS Press (2009), <https://pubmed.ncbi.nlm.nih.gov/19592725/>.

¹⁴⁸ Cecilie S. Andreassen *et al.*, *The relationship between addictive use of social media and video games and symptoms of psychiatric disorders: A large-scale cross-sectional study*, 30(2) Am. Psych. Ass’n 252–262 (2016), <http://dx.doi.org/10.1037/adb0000160>.

¹⁴⁹ See Cecilia Cheng *et al.*, *Prevalence of social media addiction across 32 nations: Meta-analysis with subgroup analysis of classification schemes and cultural values*, 117 Addictive Behav., June 2021, at 5–6, <https://www.sciencedirect.com/science/article/pii/S0306460321000307/pdf?md5=80609bc4e3f2c451b0a8eb3edd861e8b&pid=1-s2.0-S0306460321000307-main.pdf>; Lucia Monacis *et al.*, *Exploring Individual Differences in Online Addictions: the Role of Identity and Attachment*, 15 Int’l J. Mental Health & Addiction 853–868, 862 (2017), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5529496/pdf/11469_2017_Article_9768.pdf.

¹⁵⁰ Cecilia Cheng *et al.*, *Prevalence of social media addiction across 32 nations: Meta-analysis with subgroup analysis of classification schemes and cultural values*, 117 Addictive Behav. (June 2021), at 6, <https://www.sciencedirect.com/science/article/pii/S0306460321000307/pdf?md5=80609bc4e3f2c451b0a8eb3edd861e8b&pid=1-s2.0-S0306460321000307-main.pdf> [<https://tinyurl.com/364c2trt>].

148. Subsequent literature has shown that social media addiction causes a wide range of negative effects. These negative effects generally fall into four categories, as further discussed below: (1) emotional; (2) relational; (3) health related; and (4) performance problems.¹⁵¹

149. In 2014, a study of 10- to 12-year-old girls found that increased use of Facebook was linked with body image concerns, the idealization of thinness, and increased dieting.¹⁵² This study was sent to Mark Zuckerberg in 2018, in a letter signed by 118 public health advocates.¹⁵³

150. In 2016, a study demonstrated that young people who frequently use Defendants' platforms are more likely to suffer sleep disturbances than their peers who use them infrequently.¹⁵⁴ Defendants' platforms, driven by IVR and fueled by data-gathering algorithms, deprive users of sleep using a variety of design features that prompt children to re-engage with the platforms when they should be sleeping. Disturbed and insufficient sleep is associated with poor health outcomes,¹⁵⁵ including increased risk of major depression—by a factor of more than

¹⁵¹ Cecilie S. Andreassen, *Online Social Network Site Addiction: A Comprehensive Review*, 2 Current Addiction Rep. 175–184, 179 (2015), <https://link.springer.com/content/pdf/10.1007/s40429-015-0056-9.pdf>.

¹⁵² Marika Tiggemann & Amy Slater, *NetTweens: The Internet and Body Image Concerns in Preteenage Girls*, 34(5) J. Early Adolescence 606–620 (2014), <https://journals.sagepub.com/doi/epub/10.1177/0272431613501083>.

¹⁵³ Letter from Campaign for a Commercial-Free Childhood to Mark Zuckerberg, CEO, Facebook, Inc. (Jan. 30, 2018), <https://fairplayforkids.org/wp-content/uploads/archive/develop/gaw/FBMessengerKids.pdf>.

¹⁵⁴ Jessica C. Levenson *et al.*, *The association between social media use and sleep disturbance among young adults*, 85 Preventive Med. 36–41 (2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

¹⁵⁵ *Id.*; *The Teen Brain: 7 Things to Know*, Nat'l Inst. Mental Health (2023), <https://www.nimh.nih.gov/sites/default/files/documents/health/publications/the-teen-brain-7-things-to-know/teen-brain-7-things-to-know.pdf>; Joseph Campellone & Raymond K. Turley, *Understanding the Teen Brain*, <https://www.urmc.rochester.edu/encyclopedia/content.aspx?ContentTypeID=1&ContentID=3051>.

three¹⁵⁶—and future suicidal behavior in adolescents.¹⁵⁷ The American Academy of Sleep Medicine has recommended that, in a 24-hour period, children aged 6–12 years should regularly sleep 9–12 hours and teenagers aged 13–18 years should sleep 8–10 hours.¹⁵⁸ Yet studies show that young children are losing approximately one night’s worth of sleep every week, staying up to use social media or even waking themselves up in the middle of the night to check notifications, driven by fear of missing out (“FOMO”).¹⁵⁹

151. High numbers of teens also self-report their experiences with the negative consequences of extended social media use on their sleep. In a 2023 survey, 41% of teenage girls who use TikTok said it interferes with their sleep at least weekly, with 24% saying it interferes with their sleep daily.¹⁶⁰ Similarly, 28% of teenage girls who use YouTube said it interferes with their sleep at least weekly; the same is true for 29% of teenage girls who use Instagram; and 31% of teenage girls who use Snapchat.¹⁶¹

152. In another 2016 study, 52% of girls said they use image filters every day, and 80% reported using an app to change their appearance before the age of 13.¹⁶² In fact, 77% of girls

¹⁵⁶ Robert E. Roberts & Hao T. Doung, *The Prospective Association between Sleep Deprivation and Depression among Adolescents Sleep*, 37(2) *Sleep* 239–244, 242 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3900610/pdf/aasm.37.2.239.pdf>.

¹⁵⁷ Xianchen Liu & Daniel J. Buysse, *Sleep and youth suicidal behavior: a neglected field*, 19(3) *Current Op. Psychiatry* 288–293, 291–292 (2006), <https://pubmed.ncbi.nlm.nih.gov/16612215/>.

¹⁵⁸ Shalini Paruthi *et al.*, *Consensus Statement of the American Academy of Sleep Medicine on the Recommended Amount of Sleep for Healthy Children: Methodology and Discussion*, 12 *J. Clinical Sleep Med.* 1549–1561, 1549 (2016), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5078711/pdf/jcsm.12.11.1549.pdf>.

¹⁵⁹ Beatrice Nolan, *Kids are waking up in the night to check their notifications and are losing about 1 night’s worth of sleep a week, study suggests*, *Bus. Insider* (Sept. 19, 2022), <https://www.businessinsider.com/social-media-costing-children-one-night-sleep-study-2022-9>.

¹⁶⁰ Jacqueline Nesi *et al.*, *Teens and Mental Health: How Girls Really Feel about Social Media at 26*, *Common Sense Media* (2023), https://www.commonsensemedia.org/sites/default/files/research/report/how-girls-really-feel-about-social-media-researchreport_web_final_2.pdf.

¹⁶¹ *Id.*

¹⁶² Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, *Forbes* (Apr. 27, 2021), (footnote continued)

reported trying to change or hide at least one part of their body before posting a photo of themselves, and 50% believe they did not look good enough without photo editing.¹⁶³

153. In 2017, British researchers asked 1,500 teens to rate how Instagram, Snapchat, and YouTube affected them on certain well-being measures, including anxiety, loneliness, body image, and sleep.¹⁶⁴ Teens rated all three platforms as having a negative impact on body image, FOMO, and sleep. Teens also noted that Instagram and Snapchat had a negative impact on anxiety, depression, and loneliness.

154. In 2018, a *Journal of Social and Clinical Psychology* study examined a group of college students whose use of Instagram, Facebook, and Snapchat was limited to 10 minutes per day per product. The study found that this limited-use group showed “significant reductions in loneliness and depression over three weeks” compared to a control group that used social media as usual.¹⁶⁵

155. Similarly, in another 2018 study of 40,000 children and adolescents ages 2–17, children and adolescents who spent more time using screen media were “lower in psychological well-being than low users.”¹⁶⁶ Further, users with high screen time were “significantly more likely to display poor emotion regulation (not staying calm, arguing too much, being difficult to get along with), an inability to finish tasks, lower curiosity, and more difficulty making

<https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

¹⁶³ *Id.*

¹⁶⁴ #StatusOfMind, Royal Soc’y Pub. Health (May 2017), <https://www.rsph.org.uk/static/uploaded/d125b27c-0b62-41c5-a2c0155a8887cd01.pdf>; see also Jonathan Haidt, *The Dangerous Experiment on Teen Girls*, Atl. (Nov. 21, 2021), <https://www.theatlantic.com/ideas/archive/2021/11/facebooks-dangerous-experiment-teen-girls/620767/>.

¹⁶⁵ Melissa G. Hunt *et al.*, *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*, 37 J. Soc. & Clinical Psych. 751–768, 751 (2018), <https://guilfordjournals.com/doi/epdf/10.1521/jscp.2018.37.10.751>.

¹⁶⁶ 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 Preventive Med. Reps. 271–283, 279 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6214874/pdf/main.pdf>.

friends.”¹⁶⁷ And among adolescents, high screentime users were twice as likely to receive a diagnosis of depression or anxiety or need treatment for mental or behavioral health problems.¹⁶⁸

156. A 2019 survey of American adolescents ages 12–14 found that a user’s displeasure with their body could be predicted based on their frequency of using social media (including Instagram and Facebook) and based on the extent to which they engaged in behaviors that adopt an observer’s point-of-view (such as taking selfies or asking others to “rate one’s looks”). This effect was more pronounced among girls than boys.¹⁶⁹

157. Another study in 2019 of more than 6,500 American adolescents ranging in age from 12–15 years old found that those who used social media for three hours or more per day were more likely to suffer from mental health problems such as anxiety and depression.¹⁷⁰ Notably, this association remained significant even after adjusting for demographics, past alcohol and marijuana use, and history of mental health problems, mitigating the possibility of reverse causality.¹⁷¹ This study also showed that “[a]dolescents who engage in high levels of social media use may experience poorer quality sleep[.]”¹⁷² Further, the study noted “negative[] . . . body image,” “anxiety” and “depression” as connected to social media use.¹⁷³

158. In 2020, a study of Australian adolescents found that investment in others’ selfies (through likes and comments) was associated with greater odds of meeting criteria for clinical/subclinical bulimia nervosa, clinical/subclinical binge-eating disorder, night eating

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Ilyssa Salomon & Christia Spears Brown, *The Selfie Generation: Examining the Relationship Between Social Media Use and Early Adolescent Body Image*, 39 J. Early Adolescence 539–560 (2018), <https://journals.sagepub.com/doi/abs/10.1177/0272431618770809>.

¹⁷⁰ Kira Riehm *et al.*, *Associations Between Time Spent Using Social Media and Internalizing and Externalizing Problems Among US Youth*, 76(12) JAMA Psychiatry 1266–1273 (2019), <https://jamanetwork.com/journals/jamapsychiatry/fullarticle/2749480>.

¹⁷¹ *Id.*

¹⁷² *Id.* at 1271.

¹⁷³ *Id.*

syndrome, and unspecified feeding and eating disorders.¹⁷⁴

159. In 2020, a longitudinal study investigated whether “Facebook Addiction Disorder” predicted suicide-related outcomes and found that children and adolescents addicted to Facebook are more likely to engage in self-injurious behavior, such as cutting and suicide.¹⁷⁵ Other studies examining the link between these increases found that adolescents who spent more time on screen activities were significantly more likely to have high depressive symptoms or have at least one suicide-related outcome, and that the highest levels of depressive symptoms were reported by adolescents with high social media use and fewer in-person social interactions.¹⁷⁶

160. One of the primary reasons the use of social media is associated with depressive symptoms among adolescents is because Defendants’ platforms encourage unhealthy social

¹⁷⁴ Alexandra R. Lonergan *et al.*, *Protect me from my selfie: Examining the association between photo-based social media behaviors and self-reported eating disorders in adolescence*, 53 Int’l J. Eating Disorders 755–766 (2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23256>.

¹⁷⁵ See, e.g., Julia Brailovskaia *et al.*, *Positive Mental Health Mediates the Relationship Between Facebook Addiction Disorder and Suicide-Related Outcomes: A Longitudinal Approach*, 23(5) Cyberpsychology, Behav., & Soc. Networking 346–350 (2020), <https://doi.org/10.1089/cyber.2019.0563>; see also Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17 (2018), https://courses.engr.illinois.edu/cs565/sp2018/Live1_Depression&ScreenTime.pdf (updated Jean M. Twenge *et al.*, *Corrigendum: Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 7 Clinical Psych. Sci. 397 (2019), <https://journals.sagepub.com/doi/epub/10.1177/2167702618824060>).

¹⁷⁶ Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17 (2018), https://courses.engr.illinois.edu/cs565/sp2018/Live1_Depression&ScreenTime.pdf (updated Jean M. Twenge *et al.*, *Corrigendum: Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 7 Clinical Psych. Sci. 397 (2019), <https://journals.sagepub.com/doi/epub/10.1177/2167702618824060>); see also Anthony Robinson *et al.*, *Social comparisons, social media addiction, and social interaction: An examination of specific social media behaviors related to major depressive disorder in a millennial population*, 24 J. Applied Biobehavioral Rsch., Jan. 8, 2019, <https://doi.org/10.1111/jabr.12158>.

comparison and feedback-seeking behaviors.¹⁷⁷ This causes youth to engage in negative comparisons with their peers.¹⁷⁸ Specifically, adolescents are likely to engage in harmful upward comparisons with others they perceive to be more popular.¹⁷⁹

161. In 2020, clinical research demonstrated an observable link between youth social media use and disordered eating behavior.¹⁸⁰ The more time young girls spend using Defendants’ platforms, the more likely they are to develop disordered eating behaviors.¹⁸¹ And the more social media accounts adolescents have, the more disordered eating behaviors they exhibit.¹⁸²

162. Eating disorders often occur simultaneously with other self-harm behaviors such as cutting and are often associated with suicide.¹⁸³

163. A 2022 study of Italian adolescent girls ages 13–17 and young women ages 18–28 found that Instagram’s image editing and browsing features, combined with an emphasis on

¹⁷⁷ Jacqueline Nesi & Mitchell J. Prinstein, *Using Social Media for Social Comparison and Feedback-Seeking: Gender and Popularity Moderate Associations with Depressive Symptoms* at 4, 43 J. Abnormal Child Psych. 1427–1438 (2015), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5985443/pdf/nihms948986.pdf>.

¹⁷⁸ *Id.*; see also Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, 10 BMC Psychiatry 279 (2022), <https://bmcpyschology.biomedcentral.com/counter/pdf/10.1186/s40359-022-00990-7.pdf> (explaining that youth are particularly vulnerable because they “use social networking sites for construing their identity, developing a sense of belonging, and for comparison with others”).

¹⁷⁹ *Id.*

¹⁸⁰ 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, 101 (2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1002/eat.23198>.

¹⁸¹ *Id.* at 101–103.

¹⁸² *Id.*

¹⁸³ See, e.g., Sonja A. Swanson *et al.*, *Prevalence and Correlates of Eating Disorders in Adolescents*, 68(7) Archives Gen. Psychiatry 714–723 (2011), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5546800/pdf/nihms886935.pdf> (correction *Errors in Figures*, 177 JAMA Pediatrics (2023), <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2801455>).

influencer interactions, promulgated unattainable body ideals that caused users to compare their bodies to those ideals.¹⁸⁴ These trends were more prominent among adolescent girls, given their higher susceptibility to social pressures related to their bodies and given the physical changes associated with puberty.

164. In 2023, a study of magnetic resonance images demonstrated that compulsive use of Defendants’ platforms measurably alters children’s brains.¹⁸⁵ This study measured fMRI responses in 12-year-old adolescents who used Facebook, Instagram, and Snapchat over a three-year period and found that neural patterns diverged. Specifically, those who engaged in high social media checking behavior “showed lower neural sensitivity to social anticipation” than those who engaged in low to moderate checking behavior.¹⁸⁶

165. Problematic social media use is also linked to self-reported and diagnosed attention-deficit/hyperactivity disorder (“ADHD”) in adolescents.¹⁸⁷ One longitudinal study of adolescents found that over two years, high-frequency use of digital media, including social media, was associated with statistically significant increased odds of developing ADHD symptoms.¹⁸⁸ As another study notes, social media presents “potentially distracting activities

¹⁸⁴ Federica Pedalino & Anne-Linda Camerini, *Instagram Use and Body Dissatisfaction: The Mediating Role of Upward Social Comparison with Peers and Influencers among Young Females*, 19(3) Int’l J. Env’t Rsch. & Pub. Health 1543 (2022), <https://www.mdpi.com/1660-4601/19/3/1543>.

¹⁸⁵ Maria Maza *et al.*, *Association of Habitual Checking Behaviors on Social Media With Longitudinal Functional Brain Development*, 177 JAMA Pediatrics 160–167 (2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812>.

¹⁸⁶ *Id.*

¹⁸⁷ Tycho J. Dekkers & Jorien van Hoorn, *Understanding Problematic Social Media Use in Adolescents with Attention-Deficit/Hyperactivity Disorder (ADHD): A Narrative Review and Clinical Recommendations*, 12(12) Brain Scis. 1625 (2022), <https://www.mdpi.com/2076-3425/12/12/1625>; Maartje Boer *et al.*, *Attention Deficit Hyperactivity Disorder-Symptoms, Social Media Use Intensity, and Social Media Use Problems in Adolescents: Investigating Directionality*, 91(4) Child Dev. 853–865 (2019), <https://srcd.onlinelibrary.wiley.com/doi/epdf/10.1111/cdev.13334>.

¹⁸⁸ Chaelin K. Ra *et al.*, *Association of Digital Media Use With Subsequent Symptoms of* (footnote continued)

[that] may co-occur with other behaviours such as short-term attention, restlessness, forgetfulness, impulsiveness and decreased ability to retain information. These behaviours are symptoms of ADHD that can lead to maladaptive functioning in academic, home and recreational settings.”¹⁸⁹

166. Social media addiction can also cause individuals to perform worse in other activities. In the academic context, several studies have shown that excessive social media use and addiction is related to poorer academic performance and receiving lower grades.¹⁹⁰ Such poor academic performance is often linked to (1) distraction from multitasking on social media, thereby adversely affecting learning, and (2) high enough usage to amount to addiction, which increases academic procrastination and reduces sleep time and quality, increasing academic stress.¹⁹¹ And studies show that the amount of time a student spends on social media is

Attention-Deficit/Hyperactivity Disorder Among Adolescents, 320(3) JAMA 255–263 (2018), <https://jamanetwork.com/journals/jama/fullarticle/2687861>.

¹⁸⁹ Zaheer Hussain & Mark D. Griffiths, *The Associations between Problematic Social Networking Site Use and Sleep Quality, Attention-Deficit Hyperactivity Disorder, Depression, Anxiety and Stress*, 19 Int’l J. Mental Health & Addiction 686–700, 694 (2021), <https://link.springer.com/content/pdf/10.1007/s11469-019-00175-1.pdf>.

¹⁹⁰ Emre Çam & Onur İşbulan, *A new addiction for teacher candidates: Social networks*, 11(3) Turkish Online J. Educ. Tech. 14–19, 14 (2012), https://www.researchgate.net/publication/267556427_A_new_addiction_for_teacher_candidates_Social_networks; Mustafa Koc & Seval Gulyagci, *Facebook Addiction Among Turkish College Students: The Role of Psychological Health, Demographic, and Usage Characteristics*, 16(4) Cyberpsychology, Behav., & Soc. Networking 279–284 (2013), <https://doi.org/10.1089/cyber.2012.0249>; Paul Kirschner & Aryn Karpinski, *Facebook and academic performance*, 26(6) Computs. Hum. Behav. 1237–1245 (2010), <https://doi.org/10.1016/j.chb.2010.03.024>; Manjur Kolhar *et al.*, *Effect of social media use on learning, social interactions, and sleep duration among university students*, 28(4) Saudi J. Biological Scis. 2216–2222 (2021), <https://www.sciencedirect.com/science/article/pii/S1319562X21000103/pdf?md5=b16529034494af5780843d4990768894&pid=1-s2.0-S1319562X21000103-main.pdf>.

¹⁹¹ Ajay M. Bhandarkar *et al.*, *Impact of social media on the academic performance of undergraduate medical students*, 77 Med. J. Armed Forces India 37–41 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7873710/pdf/main.pdf> (citing Aryn C. Karpinski *et al.*, *An exploration of social networking site use, multitasking, and academic performance among United States and European university students*, 29(3) Computs. Hum. (footnote continued)

negatively correlated with their academic performance, meaning the more a student spends on social media the worse their grades are.¹⁹² In fact, 82% of Gen Z students say social media “has distracted them from their schoolwork.”¹⁹³ Noting the “negative and significant relationship between the overall use of social networks and academic performance of students,” one study author has stated it is “imperative” for school authorities to “take interventional steps to help students who are dependent on these [social media] networks and, through workshops, inform them about the negative consequences of addiction to social networks.”¹⁹⁴ This places a large burden on school districts, including New York City Public Schools.

167. Defendants’ platforms have triggered depression, anxiety, eating disorders, self-harm, and suicidality among thousands of children, including youth in NYC Plaintiffs’ community, to which NYC Plaintiffs must respond. Defendants have created nothing short of a national crisis.

168. From 2009 to 2019, the rate of high school students who reported persistent sadness or hopelessness increased by 40% (to one out of every three students).¹⁹⁵ The share of

Behav. 1182–1192 (2013), <https://www.sciencedirect.com/science/article/abs/pii/S0747563212002798>; Seyyed Mohsen Azizi *et al.*, *The relationship between social networking addiction and academic performance in Iranian students of medical sciences: a cross-sectional study*, 7(1) BMC Psychiatry 28 (2019), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6500070/pdf/40359_2019_Article_305.pdf; see Yubo Hou *et al.*, *Social media addiction: Its impact, mediation, and intervention*, 13(1) J. Psychosocial Rsch. Cyberspace, 2019, <https://cyberpsychology.eu/article/view/11562/10369>.

¹⁹² Jamal Al-Menayes, *Social Media Use, Engagement and Addiction as Predictors of Academic Performance*, 7(4) Int’l J. Psych. Stud. 86–94 (2015), <http://dx.doi.org/10.5539/ijps.v7n4p86>.

¹⁹³ Karen D’Souza, *Eight out of 10 Gen Zers say social media distracts from schools*, EdSource (Dec. 8, 2021), <https://edsource.org/updates/eight-out-of-10-gen-zers-say-social-media-distracts-from-school>.

¹⁹⁴ Seyyed Mohsen Azizi *et al.*, *The relationship between social networking addiction and academic performance in Iranian students of medical sciences: a cross-sectional study* at 1, 7(1) BMC Psychiatry 28 (2019), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6500070/pdf/40359_2019_Article_305.pdf.

¹⁹⁵ Vivek H. Murthy, Office of the Surgeon General, *Protecting Youth Mental Health: The U.S.* (footnote continued)

kids who seriously considered suicide increased by 36%, and those that created a suicide plan increased by 44%.¹⁹⁶

169. From 2007 to 2019, suicide rates among youth aged 10-24 in the United States increased by 57%.¹⁹⁷ By 2018, suicide was the second leading cause of death for youth ages 10–24.¹⁹⁸

170. From 2007 to 2016, emergency room visits for youth aged 5–17 rose about 117% for anxiety disorders, 44% for mood disorders, and 40% for attention disorders.¹⁹⁹

171. By 2019, one-in-five children aged 3–17 in the United States had a mental, emotional, developmental, or behavioral disorder.²⁰⁰ Mental health issues are particularly acute among females.²⁰¹

Surgeon General's Advisory (2021) at 8, <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ 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/>.

¹⁹⁹ Charmaine Lo *et al.*, *Children's Mental Health Emergency Department Visits: 2007–2016*, 145(6) Pediatrics, June 2020, at 3, https://publications.aap.org/pediatrics/article-pdf/145/6/e20191536/1080074/peds_20191536.pdf.

²⁰⁰ Press Release, U.S. Dep't of Health & Hum. Servs., *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic* (Dec. 7, 2021), <https://public3.pagefreezer.com/browse/HHS.gov/13-12-2021T22:28/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>.

²⁰¹ Vivek H. Murthy, Office of the Surgeon General, *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory* (2021) at 3, <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>; *see also* Jean M. Twenge *et al.*, *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17, 8 (2018), https://courses.engr.illinois.edu/cs565/sp2018/Live1_Depression&ScreenTime.pdf (updated by Jean M. Twenge *et al.*, *Corrigendum: Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 7 Clinical Psych. Sci. (footnote continued)

172. In December 2021, the Surgeon General issued an advisory on the youth mental health crisis.²⁰² The Surgeon General explained, “[m]ental health challenges in children, adolescents, and young adults are real and widespread. Even before the pandemic, an alarming number of young people struggled with feelings of helplessness, depression, and thoughts of suicide—and rates have increased over the past decade.”²⁰³ Those “mental health challenges were the leading cause of disability and poor life outcomes in young people.”²⁰⁴

173. In February 2023, the Centers for Disease Control (“CDC”) released new statistics revealing the extent of the public health crisis in this country regarding youth mental health.²⁰⁵

174. This CDC survey showed that “[i]n 2021, 42% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities”; 57% of female high school students reported feeling “persistent feelings of sadness or hopelessness” in 2021, compared to 36% in 2011; 41% of female respondents and 29% of all respondents report experiencing “poor mental health” in the past 30 days; 30% of female high school students had “seriously considered attempting suicide” in 2021, compared to 19% in 2011.²⁰⁶

397 (2019), <https://journals.sagepub.com/doi/epub/10.1177/2167702618824060>) (noting that mental health issues are particularly acute among females).

²⁰² Vivek H. Murthy, Office of the Surgeon General, *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

²⁰³ Press Release, U.S. Dep’t of Health & Hum. Servs., *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic* (Dec. 7, 2021), <https://public3.pagefreezer.com/browse/HHS.gov/13-12-2021T22:28/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>.

²⁰⁴ *Id.*

²⁰⁵ Azeen Ghorayashi & Roni Caryn Rabin, *Teen Girls Report Record Levels of Sadness*, *C.D.C. Finds*, N.Y. Times (May 10, 2023), <https://www.nytimes.com/2023/02/13/health/teen-girls-sadness-suicide-violence.html?searchResultPosition=1>.

²⁰⁶ *Youth Risk Behavior Surveillance System (YRBSS)*, CDC (Apr. 27, 2023), www.cdc.gov/yrbs.

175. In 2022, an analysis of datasets comprising 84,011 participants found that the cross-sectional relationship between use of Defendants’ platforms and life satisfaction ratings is most negative in younger adolescents.²⁰⁷ Longitudinal analyses revealed windows of sensitivity to social media and adolescents between ages 11 and 19 years old, and that decreases in life satisfaction ratings also predict subsequent increases in social media use.²⁰⁸

176. In 2023, young adolescent participants in a cohort study who engaged in habitual social media checking behaviors showed a “distinct neurodevelopmental trajectory within regions of the brain comprising the affective salience, motivational, and cognitive control networks in response to anticipating social rewards and punishments compared with those who engaged in nonhabitual checking behaviors.”²⁰⁹ In other words, these results showed that “teens who grow up checking social media more often are hypersensitive to feedback from their peers.”²¹⁰ Previous studies confirm that social media use is associated with changes to users’ brain anatomy. In another study, MRI scans of 20 social media users with varying degrees of social media addiction showed social media addiction is associated with a more efficient impulsive brain system, demonstrated by reduced grey matter volumes in the amygdala (bilaterally).²¹¹ This pruning of the amygdala presumably leads to generating strong impulsive behaviors. Such brain alteration is similar to that associated with other addictive activities like gambling and substance abuse.

²⁰⁷ Amy Orben *et al.*, *Windows of developmental sensitivity to social media*, 13 *Nature Commc’ns* 1649 (2022), <https://www.nature.com/articles/s41467-022-29296-3.pdf>.

²⁰⁸ *Id.*

²⁰⁹ Maria Maza *et al.*, *Association of Habitual Checking Behaviors on Social Media With Longitudinal Functional Brain Development*, 177 *JAMA Pediatrics* 160–167, 161 (2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812>.

²¹⁰ Ellen Barry, *Social Media Use Is Linked to Brain Changes in Teens, Research Finds*, N.Y. Times (Jan. 3, 2023), <https://www.nytimes.com/2023/01/03/health/social-media-brain-adolescents.html>.

²¹¹ Quinghua He *et al.*, *Brain Anatomy Alterations Associated with Social Networking Site (SNS) Addiction*, 7 *Sci. Reps.* 45064 (2017), <https://www.nature.com/articles/srep45064.pdf>.

177. Published in 2023, a systemic review from January 2004 to July 2022 evaluated the impact of social media interventions on mental well-being and demonstrated that abstinence from Defendants’ platforms is effective in improving mental well-being, especially for depression.²¹²

178. Use of Defendants’ platforms by adolescent females significantly affects their wellbeing.²¹³ Moreover, the use of specific features on Defendants’ platforms is a strong predictor of negative body image perception, increase of social media addiction and of scores on the Appearance Related Social Media Consciousness Scale, the Social Media Addiction Scale for Adolescents, and the Body Image Scale.²¹⁴

179. A 2023 study from May to August of high school students demonstrated that as the level of social media addiction increases, adolescents are becoming increasingly socially ostracized and experiencing harmful levels of loneliness.²¹⁵

180. In another 2023 experimental study, 50 students were allocated randomly into groups either using social media as normal or reducing their usage by 15 minutes a day. Over the three-month period, the group reducing social media activity reported “less social media dependence, and improved general health and immune functioning, as well as reduced feelings of loneliness and depression.”²¹⁶ Not only did this study confirm prior cross-sectional studies

²¹² Ruth Plackett *et al.*, *The Impact of Social Media Use Interventions on Mental Well-Being: Systemic Review*, 25 J. Med. Internet Rsch. E44922 (2023), <https://www.jmir.org/2023/1/e44922/PDF>.

²¹³ Sevim Çimke & Dilek Yıldırım Gürkan, *Factors affecting body image perception, social media addiction, and social media consciousness regarding physical appearance in adolescents*, J. Pediatric Nursing (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0882596323002506>.

²¹⁴ *Id.*

²¹⁵ Necmettin Çiftci *et al.*, *The mediating role of social ostracism in the effect of social media addiction on loneliness in adolescents*, 73 J. Pediatric Nursing 177–183 (2023), <https://www.sciencedirect.com/science/article/abs/pii/S0882596323002452>.

²¹⁶ Phil Reed *et al.*, *Reduction in Social Media Usage Produces Improvements in Physical Health and Wellbeing: An RCT*, 8 J. Tech. Behav. Sci. 140–147, 146 (2023), <https://link.springer.com/content/pdf/10.1007/s41347-023-00304-7.pdf>.

showing an association between reduced social media use and improved health, this study had the advantage “in showing an experimentally-controlled relationship between reduced social media activity and improved wellbeing . . . adding to the suggestion of a causal connection[.]”²¹⁷

181. In May 2023, the Surgeon General issued an advisory: *Social Media and Youth Mental Health*.²¹⁸ The advisory “calls attention to the growing concerns about the effects of social media on youth mental health.”²¹⁹ The advisory noted that “[s]ocial media platforms are often designed to maximize user engagement” and highlighted the use of “algorithms that leverage user data” to achieve maximum engagement.²²⁰ Consistent with Defendants having known of the harm their platforms cause users, particularly youth, the Surgeon General’s advisory noted “[t]here is broad concern . . . that a lack of access to data and lack of transparency from technology companies have been barriers to understanding the full scope and scale of the impact of social media on mental health and well-being.”²²¹ Put another way, Defendants have gone to great lengths to prevent the public from gaining knowledge of the serious harms that result from excessive use of social media.

182. Also in May 2023, the American Psychological Association issued a health advisory on social media use in adolescence due to the harmful effects of social media use on adolescents’ social, educational, psychological, and neurological development.²²² Both visible and unknown features built into social media platforms inform adolescent experiences on such platforms. The American Psychological Association recommends that Defendants’ platforms

²¹⁷ *Id.*

²¹⁸ Vivek H. Murthy, Office of the Surgeon General, *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf>.

²¹⁹ *Id.* at 3.

²²⁰ *Id.* at 9.

²²¹ *Id.* at 11.

²²² Am. Psych. Ass’n, *Health Advisory on Social Media Use in Adolescence* (May 2023), <https://www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf>.

tailor features such as the “Like” button, recommended posts, unrestricted time limits, endless scrolling, notices, and alerts to the social and cognitive abilities of adolescent users.²²³

183. The scientific literature recognizes that design features of social media platforms cause problematic social media use, social media addiction, and resulting negative mental health outcomes.²²⁴ These harms result from the Defendants’ conduct in designing, developing, producing, operating, promoting, distributing, and marketing their social media platforms to attract and addict minors.

184. Further, “[n]early all researchers now agree that there are correlations between ... time spent on social media and ... mental health problems.”²²⁵ The literature indicates that higher use and higher social media addiction scores are more positively associated with more severe health outcomes.²²⁶

185. As discussed herein, each of Defendants’ platforms manipulate young users’

²²³ *Id.* at 5.

²²⁴ 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 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6679162/pdf/ijerph-16-02612.pdf>; Christian Montag & Jon D. Elhai, *On Social Media Design, (Online-) Time Well-spent and Addictive Behaviors in the Age of Surveillance Capitalism*, 10 Current Addiction Reps. 610–616 (2023), <https://link.springer.com/content/pdf/10.1007/s40429-023-00494-3.pdf>; Maèva Flayelle *et al.*, *A taxonomy of technology design features that promote potentially addictive online behaviours*, 2 Nature Revs. Psych. 136–150 (2023), <https://doi.org/10.1038/s44159-023-00153-4>.

²²⁵ Jonathan Haidt *et al.*, *Social Media and Mental Health: A Collaborative Review* at 11, N.Y.U. (Nov. 1, 2023) (unpublished manuscript available at tinyurl.com/SocialMediaMentalHealthReview).

²²⁶ See Yaoguo Geng *et al.*, *Smartphone addiction and depression, anxiety: The role of bedtime procrastination and self-control*, 293 J. Affective Disorders 415–421, 417 (2021), <https://doi.org/10.1016/j.jad.2021.06.062>; Pu Peng & Yanhui Liao, *Six Addiction Components of Problematic Social Media Use in Relation to Depression, Anxiety, and Stress Symptoms: a Latent Profile Analysis and Network Analysis*, 23 BMC Psychiatry 321 (2023), <https://bmcpsy psychiatry.biomedcentral.com/counter/pdf/10.1186/s12888-023-04837-2.pdf>; Anthony Robinson *et al.*, *Social comparisons, social media addiction, and social interaction: An examination of specific social media behaviors related to major depressive disorder in a millennial population*, 24 J. Applied Biobehavioral Rsch., Jan. 8, 2019, <https://doi.org/10.1111/jabr.12158>.

brains by building in stimuli and social reward mechanisms (e.g., “Likes”) that cause users, such as youth in NYC Plaintiffs’ community, to compulsively seek social rewards. That, in turn, leads to neuroadaptation; a child requires more and more stimuli to obtain the desired dopamine release, along with further impairments of decision-making. It also leads to reward-seeking. These consequences are the foreseeable results of Defendants’ engineering decisions.

186. Defendants’ actions have led to a national youth mental health crisis. Notably, the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, and the Children’s Hospital Association declared a national emergency based on the current state of youth mental health.²²⁷ Moreover, in 2021, the Surgeon General issued an advisory alerting the public that “[r]ecent national surveys of young people have shown alarming increases in the prevalence of certain mental health challenges” and that “in 2019 one in three high school students and half of female students reported persistent feelings of sadness or hopelessness, an overall increase of 40% from 2009.”²²⁸

187. While Defendants have profited off of their design, development, production, operation, promotion, distribution and marketing of their social media platforms to America’s youth, NYC Plaintiffs have expended significant human and financial resources to address the youth mental health crisis caused by Defendants.

6. Defendants could have avoided harming NYC Plaintiffs.

188. Each Defendant solicited youth, including youth in NYC Plaintiffs’ community, on the open market and encouraged the use of their addictive platforms.

²²⁷ Vivek H. Murthy, Office of the Surgeon General, *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>; 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/aapaacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/>.

²²⁸ Vivek H. Murthy, Office of the Surgeon General, *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* (2021) at 3, <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

189. Each Defendant offers its product to the public with dangerous, standardized features and designs (discussed herein) that users, like youth in NYC Plaintiffs' community, cannot change.

190. Youth in NYC Plaintiffs' community (along with millions of other U.S. users) are incredibly valuable to Defendants. Although Defendants' platforms are ostensibly free of charge, in reality, Defendants charge users by collecting their data, which they then leverage into advertising revenue. For example, Instagram's terms of use state, in part:

We agree to provide you with the Instagram Service. ... Instead of paying to use Instagram, by using the Service covered by these Terms, you acknowledge that we can show you ads that businesses and organizations pay us to promote on and off the Meta Company Products. We use your personal data, such as information about your activity and interests, to show you ads that are more relevant to you.²²⁹

191. Each Defendant knew or should have known that its platforms were causing serious harm and impacts on public schools and local communities, like NYC Plaintiffs' schools, city, and public hospitals.

192. Each Defendant could have, but purposefully failed to, design its platforms to protect and avoid injury to kids and adolescent users, such as youth in NYC Plaintiffs' community, and avoid harm to NYC Plaintiffs.

193. Each Defendant knew or should have known that adolescents' developing brains leave them relatively less able to delay gratification, control impulses, or resist immediately pleasurable social rewards.

194. Each Defendant knew or should have known that the more children use social

²²⁹ The other Defendants have similar provisions. For example, TikTok's Terms of Service state, in part: "You acknowledge that we may generate revenues, increase goodwill or otherwise increase our value from your use of the Services, including . . . through the sale of usage data[.]" Snap Terms of Service permit Snap to use content submitted by users for any purpose, including revenue generating purposes, and acknowledge Snap leverages the collection of user data to sell advertising. YouTube's Terms of Service similarly permit YouTube to use content uploaded by users for business purposes, including monetization of that content, and Google's Privacy Policy (applicable to YouTube) details the wide range on user data Google collects, whether you are a registered user or not.

media, the harder it is for them to quit.

195. Each Defendant knew or should have known that excessive use of its platforms has severe and wide-ranging effects on youth mental and physical health.

196. Each Defendant knew or should have known that youth are especially vulnerable to long-term harm from its addictive platforms.

197. Each Defendant knew or should have known that many of its users are under the age of 13, despite the limitations set out in COPPA.

198. The harm to NYC Plaintiffs caused by Defendants' actions was foreseeable. Defendants purposefully sought to attract and addict minors—including those who attend NYC Plaintiffs' schools and those in NYC Plaintiffs' community—to their social media platforms and engaged in substantial efforts to promote, distribute, and market their social media platforms to minors, despite knowing that their design choices made the social media platforms incredibly dangerous to adolescents. Moreover, while deliberately seeking to attract and addict minors to their platforms, Defendants were aware that school districts, public health departments, and public hospitals—which provide adolescents with critical educational, counseling, mental health, and social services—would be forced to address, through financial and human resources, the devastating impact that compulsive social media use and addiction is known to have on youth mental health. Accordingly, NYC Plaintiffs were in the foreseeable zone of risk from Defendants' targeting of minors who reside in NYC Plaintiffs' local communities and attend NYC Plaintiffs' schools.

199. Despite the foreseeable risk to youth and entities like NYC Plaintiffs, each Defendant failed to adequately warn youth or their parents, including NYC Plaintiffs' students and families, of the known risks and harms of using its platforms. Defendants also failed to warn school districts, cities, and hospitals, including NYC Plaintiffs, of the impact of their platforms on youth.

200. Each Defendant avoided design changes that would have increased youth safety. And, each Defendant pressed ahead with changes designed to keep kids hooked, even though

they knew or should have known those changes presented risks to the wellbeing of youth.

201. Each Defendant was in a superior position to control the risks of harm, ensure the safety of its platforms, and insure against and spread the costs of any harm resulting from its dangerous choices.

202. NYC Plaintiffs and the public did not have, and could not have had, as much knowledge as Defendants about Defendants' platforms and how they were dangerously designed.

B. FACTUAL ALLEGATIONS AS TO META

1. Background and overview of Meta's platforms.

203. Meta coded, engineered, manufactured, produced, assembled, and operates Facebook and Instagram, two of the world's most popular social media platforms, and placed them into the stream of commerce. In 2022, two billion users worldwide were active on Instagram each month, and almost three billion were monthly active users of Facebook.²³⁰ This enormous reach has been accompanied by enormous damage for adolescent users.

204. Meta understands that its platforms are used by kids under 13: "[T]here are definitely kids this age on [Instagram][.]"²³¹ Meta understands that its platforms are addictive: "(1) teens feel addicted to [Instagram] and feel a pressure to be present, (2) like addicts, they feel that they are unable to stop themselves from being on [Instagram], and (3) the tools we currently have aren't effective at limiting their time on the ap [sic]."²³² Meta also understands that addictive use leads to problems: "it just keeps people coming back even when it stops being good for them[.]"²³³ Further, Meta understands that these problems can be so extreme as to

²³⁰ Alexandra Barinka, *Meta's Instagram Users Reach 2 Billion, Closing In on Facebook*, Bloomberg (Oct. 26, 2022), <https://www.bloomberg.com/news/articles/2022-10-26/meta-s-instagram-users-reach-2-billion-closing-in-on-facebook>.

²³¹ META3047MDL-003-00123666 at META3047MDL-003-00123666.

²³² META3047MDL-003-00157036 at META3047MDL-003-00157036.

²³³ META3047MDL-003-00011760 at META3047MDL-003-00011761.

include encounters between adults and minors—with such “sex-talk” 32 times more prevalent on Instagram than on Facebook.²³⁴

205. Despite this knowledge, Meta has abjectly failed at protecting child users of Instagram and Facebook. Rather than resolving the problems created by its platforms, “the mental health team stopped doing things . . . it was defunded . . . [and] completely stopped[.]”²³⁵ “We’ve consistently deprioritized addiction as a work area[.]”²³⁶ Zuckerberg himself was personally warned: “We are not on track to succeed for our core well-being topics (problematic use, bullying & harassment, connections, and SSI),[] and are at increased regulatory risk and external criticism. These affect everyone, especially [y]outh and [c]reators; if not addressed, these will follow us into the Metaverse[.]”²³⁷

206. Yet Meta did nothing. Like with considering actions to protect children in other ways, “the growth impact was too high.”²³⁸ Taking action would lower usage of (and therefore lower profits earned from) a critical audience segment. “Youth and [t]eens are critically important to Instagram. . . . there’s a new group of 13-year-olds every year and the competition over their [s]ocial [m]edia engagement has never been more fierce.”²³⁹

207. Meta’s gestures toward youth safety were never serious and always driven by public relations: “it’s all theatre.”²⁴⁰ Meta offered tools to kids and parents, like “time spent,” that it knew presented false data—“Our data as currently shown is incorrect. . . . We’re sharing

²³⁴ META3047MDL-003-00119838 at META3047MDL-003-00119838.

²³⁵ META3047MDL-003-00011697 at META3047MDL-003-00011698.

²³⁶ META3047MDL-003-00157133 at META3047MDL-003-00157134.

²³⁷ META3047MDL-003-00188109 at META3047MDL-003-00188114 (footnote omitted). “SSI” refers to “suicide and self-injury.” META3047MDL-003-00068863 at META3047MDL-003-00068863, META3047MDL-003-00068872.

²³⁸ META3047MDL-003-00013254 at META3047MDL-003-00013254.

²³⁹ META3047MDL-003-00030070 at META3047MDL-003-00030071.

²⁴⁰ META3047MDL-003-00053803 at META3047MDL-003-00053803.

bad metrics externally. . . . [although] we vouch for these numbers.”²⁴¹ At the same time, Meta engaged in a cynical campaign to “counter-messag[e] around the addiction narrative” by discrediting existing research as “BS...psedu [sic] science[.]”²⁴² Meta knew better. Meta failed to prevent the harms suffered by youth, despite having ample ability and knowledge.

a. Meta’s origins and the development of Facebook.

208. In October 2003, a sophomore at Harvard College named Mark Zuckerberg hacked into the websites of Harvard’s residential dorms to collect photos of students. He then designed a website called “Facemash” that invited users to rank the “hotness” of female students by comparing their photos side-by-side. In just one day, Facemash users cast over 22,000 votes judging the looks of women at Harvard.²⁴³ This was precisely the point of Facemash, as its homepage made clear: “Were we let in for our looks? No. Will we be judged on them? Yes.”²⁴⁴ When interviewed about Facemash, Zuckerberg stated, “I’m a programmer and I’m interested in the algorithms and math behind it[.]”²⁴⁵ Zuckerberg was summoned to appear before Harvard College’s disciplinary body.

209. After narrowly escaping expulsion, Zuckerberg began writing code for a new website, thefacebook.com. The growth of the product that subsequently became Facebook has

²⁴¹ META3047MDL-003-00157133 at META3047MDL-003-00157133.

²⁴² META3047MDL-003-00082165 at META3047MDL-003-00082165–META3047MDL-003-00082166.

²⁴³ Katherine A. Kaplan, *Facemash Creator Survives Ad Board*, Harv. Crimson (Nov. 19, 2003), <https://www.thecrimson.com/article/2003/11/19/facemash-creator-survives-ad-board-the/>; Bari M. Schwartz, *Hot or Not? Website Briefly Judges Looks*, Harv. Crimson (Nov. 4, 2003), <https://www.thecrimson.com/article/2003/11/4/hot-or-not-website-briefly-judges/>; Sam Brodsky, *Everything to know about Facemash, the site Zuckerberg created in college to rank ‘hot’ women*, Metro (Apr. 12, 2018), <https://www.metro.us/everything-to-know-about-facemash-the-site-zuckerberg-created-in-college-to-rank-hot-women/>; @noamcohen, Twitter (Mar. 20, 2018, 12:27 PM), <https://twitter.com/noamcohen/status/976178549550931968>.

²⁴⁴ Bari M. Schwartz, *Hot or Not? Website Briefly Judges Looks*, Harv. Crimson (Nov. 4, 2003), <https://www.thecrimson.com/article/2003/11/4/hot-or-not-website-briefly-judges/>.

²⁴⁵ *Id.*

been extensively documented and was the subject of an Academy Award-winning film.²⁴⁶ By the end of 2005, Facebook had expanded its reach to thousands of colleges and high schools in the United States and abroad. Over the coming years, Facebook grew well beyond campuses, reaching over 100 million total active users by Fall 2008. By the end of 2011, Facebook's photo collection from its users was projected to include 140 billion photos and reach 800 million users.²⁴⁷ By the end of 2011, Facebook, Inc. had also turned its initial losses into immense profitability, bringing in annual revenues of \$3.7 billion and working with an operating cash of \$1.5 billion.²⁴⁸

210. However, Facebook knew its future success was not guaranteed. On February 1, 2012, Facebook, Inc. filed with the SEC for an initial public offering. Facebook's filing noted that its historic performance might not continue indefinitely:

A number of other social networking companies that achieved early popularity have since seen their active user bases or levels of engagement decline, in some cases precipitously. There is no guarantee that we will not experience a similar erosion of our active user base or engagement levels. A decrease in user retention, growth, or engagement could render Facebook less attractive to developers and advertisers, which may have a material and adverse impact on our revenue, business, financial condition, and results of operations.²⁴⁹

211. Facebook, Inc. also disclosed that the proliferation of smartphones could materially affect its ongoing prospects:

²⁴⁶ *The Social Network*, Columbia Pictures (2010).

²⁴⁷ Richard MacManus, *Facebook Mobile Usage Set to Explode*, Read Write Web (Oct. 27, 2011), https://web.archive.org/web/20120520003847/http://www.readwriteweb.com/archives/facebook_mobile_usage_set_to_explode.php; Athima Chansanchai, *One-third of year's digital photos are on Facebook*, NBC News (Sept. 20, 2011), <https://www.nbcnews.com/news/world/one-third-years-digital-photos-are-facebook-flna120576>.

²⁴⁸ Erick Schonfeld, *Facebook's Profits: \$1 Billion, On \$3.7 Billion in Revenues*, TechCrunch (Feb. 1, 2012), <https://techcrunch.com/2012/02/01/facebook-1-billion-profit/>.

²⁴⁹ Facebook, Inc., Registration Statement (Form S-1) at 11 (Feb. 1, 2012), https://www.sec.gov/Archives/edgar/data/1326801/000119312512034517/d287954ds1.htm#toc287954_2.

[O]ur users could decide to increasingly access our products primarily through mobile devices. We do not currently directly generate any meaningful revenue from the use of Facebook mobile products, and our ability to do so successfully is unproven. Accordingly, if users continue to increasingly access Facebook mobile products as a substitute for access through personal computers, and if we are unable to successfully implement monetization strategies for our mobile users, our revenue and financial results may be negatively affected.²⁵⁰

212. Facebook actively pursued changes to its product, including adding design features offered to the public. As a result of these actions, Facebook achieved its goal. As of October 2021, Facebook had ballooned to roughly 2.91 billion monthly active users, thus reaching 59% of the world's social networking population, the only social media product to reach over half of all social media users. At least 6% of these users are children in the U.S. between the ages of 9 and 11.²⁵¹

213. Since its inception, Facebook has implemented several changes, developments, and designs to its product to prolong user engagement and impose alterations to the user experience. As discussed further below, several changes, developments, and designs render the product dangerous, addictive, and harmful.

b. Modifications of Facebook's product features over time.

214. When Meta launched thefacebook.com on February 4, 2004, only Harvard students could create accounts using their university-issued email addresses. In March 2004, students at Stanford, Columbia, and Yale were permitted to join, and eventually, any student with a college- or university-issued email address could join Facebook.²⁵² In 2005, Facebook was opened to high school students, provided they were invited by someone who was already

²⁵⁰ *Id.* at 13.

²⁵¹ 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/>.

²⁵² Saul Hansell, *Site Previously for Students Will Be Opened to Others*, N.Y. Times (Sept. 12, 2006), <https://www.nytimes.com/2006/09/12/technology/site-previously-for-students-will-be-opened-to-others.html>; Adam P. Schneider, *Facebook Expands Beyond Harvard*, The Harvard Crimson (Mar. 1, 2004), <https://www.thecrimson.com/article/2004/3/1/facebook-expands-beyond-harvard-harvard-students/>.

using the site.²⁵³ By September 2006, Facebook was preparing to open membership to all users.²⁵⁴ At the time, Meta claimed that it was open only to persons aged 13 and older with a valid email address.²⁵⁵ However, Meta did not require verification of a user's age or identity and did not verify users' email addresses. As a result, underage users could easily register an account with and access Facebook.

215. At first, Facebook was a collection of personal profiles and single photos. It was described by *The New York Times* as “a fancy electronic version of the whiteboard that students often mount on their doors to leave and receive messages.”²⁵⁶ Users could post a single profile picture, add personal details such as gender, birthdate, phone number, and interests, or connect with other users by “friending” them, either by searching for them or inviting them by email. Users could also display their relationship statuses or, alternatively, what they were “[l]ooking for” (e.g., friendship, dating, a relationship, “random play,” or “whatever I can get”) and “[i]nterested in” (e.g., women, men). In September 2004, however, Meta introduced the “Wall,” which allowed users to interact with “friends” by posting on each other's profiles. This product feature kept users returning to Facebook to monitor Wall activity.

216. In 2005, Facebook began allowing users to upload an unlimited number of photos, making it the first photo hosting website to do so.²⁵⁷

²⁵³ Ellen Rosen, *THE INTERNET; Facebook.com Goes to High School*, N.Y. Times (Oct. 16, 2005), <https://www.nytimes.com/2005/10/16/nyregion/the-internet-facebookcom-goes-to-high-school.html>.

²⁵⁴ Saul Hansell, *Site Previously for Students Will Be Opened to Others*, N.Y. Times (Sept. 12, 2006), <https://www.nytimes.com/2006/09/12/technology/site-previously-for-students-will-be-opened-to-others.html>.

²⁵⁵ *Id.*; Jennifer Van Grove, *Facebook then and now (pictures)*, CNET (Feb. 13, 2014), <https://www.cnet.com/pictures/facebook-then-and-now-pictures/>.

²⁵⁶ Ellen Rosen, *THE INTERNET; Facebook.com Goes to High School*, N.Y. Times (Oct. 16, 2005), <https://www.nytimes.com/2005/10/16/nyregion/the-internet-facebookcom-goes-to-high-school.html>.

²⁵⁷ Craig Kanalley, *A History of Facebook Photos (Infographic)*, Huffington Post (Aug. 2, 2011), https://www.huffpost.com/entry/facebook-photos-infographic_n_916225.

217. In 2006, Meta introduced the Newsfeed to Facebook.²⁵⁸ While previously “[e]very browsing session was like a click-powered treasure hunt[,]”²⁵⁹ the Newsfeed provided a centralized home page where users could view their friends’ activity, including any changes to their profiles or activity on the app, such as, for example, uploading new pictures, or a change in relationship status.²⁶⁰ It was the first “social feed” of its kind, and, as intended, increased time spent on the product.²⁶¹ Users immediately decried this feature as an invasion of privacy.²⁶² Mark Zuckerberg rationalized the feature by saying, “we agree, stalking isn’t cool; but being able to know what’s going on in your friends’ lives is.”²⁶³ The Newsfeed algorithm was originally designed to maximize a user’s time spent in one session. However, Meta later changed the code to maximize as many use sessions as possible. The frequency of sessions is a strong indicator of problematic use, a point internal Facebook researchers have made when suggesting that Facebook should “help people consolidate their use of Facebook into fewer sessions.”²⁶⁴ Despite this knowledge, Meta continued to focus on maximizing sessions, including for teens,²⁶⁵ even prioritizing the metric over “integrity” improvements to its platforms.²⁶⁶

²⁵⁸ *This Is How Facebook Has Changed Over the Past 14 Years*, Think Mktg. (Feb. 6, 2018), <https://thinkmarketingmagazine.com/facebook-celebrates-14-years-of-milestones-a-timeline/>.

²⁵⁹ Jillian D’Onfro, *Facebook’s News Feed is 10 years old. This is how the site has changed*, World Econ. F. (Sept. 9, 2016), <https://www.weforum.org/agenda/2016/09/facebooks-news-feed-is-10-years-old-this-is-how-the-site-has-changed>.

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² Moneywatch, *Facebook Under Fire for New Feature*, CBS News (Sept. 7, 2006), <https://www.cbsnews.com/news/facebook-under-fire-for-new-feature/>.

²⁶³ Jillian D’Onfro, *Facebook’s News Feed is 10 years old. This is how the site has changed*, World Econ. F. (Sept. 9, 2016), <https://www.weforum.org/agenda/2016/09/facebooks-news-feed-is-10-years-old-this-is-how-the-site-has-changed>.

²⁶⁴ Haugen_00010114 at Haugen_00010121.

²⁶⁵ *See, e.g.*, META3047MDL-003-00161881 at META3047MDL-003-00161915 (highlighting moderate decline in sessions among teen Instagram users in the United States).

²⁶⁶ *See* META3047MDL-003-00170806 at META3047MDL-003-00170822 (Instagram sessions “cannot decrease”).

218. In May 2007, Meta launched a video service on Facebook, which allowed it to compete with YouTube and the then-popular MySpace.²⁶⁷ Users could upload videos or record them from a webcam.

219. In April 2008, Meta launched Facebook Chat, which later became Facebook Messenger, allowing users to have private conversations with each other.²⁶⁸ Facebook Chat appeared as a permanent bar across the bottom of users' screens; it also provided users the ability to see which friends were "online" and presumably available to chat. Facebook Chat allowed users to immerse themselves even deeper into Meta's product; one commentator noted that "[b]y making Facebook more real time/presence oriented, Facebook session length should go up a lot."²⁶⁹

220. In May 2008, Meta added a "People You May Know" feature to the product, touting it as a way to "connect [users] to more of your friends" on Facebook.²⁷⁰ Facebook's algorithms utilize the vast amount of data it collects from its users to make personalized suggestions to users for "friending."²⁷¹ It utilizes information such as a user's friends list, their friends' friends list, education information, and work information, along with other data, to make these suggestions.²⁷² Some users dislike the feature, complaining that it constantly shows them people they do not want to friend, or even suggests people in sexually explicit poses[,]²⁷³ but Facebook does not provide the option to disable this feature.

²⁶⁷ Pete Cashmore, *Facebook Video Launches: YouTube Beware!*, Mashable (May 24, 2007), <https://mashable.com/archive/facebook-video-launches>.

²⁶⁸ Dan Farber, *Facebook Chat begins to roll out*, CNET (Apr. 6, 2008), <https://www.cnet.com/culture/facebook-chat-begins-to-roll-out/>.

²⁶⁹ *Id.*

²⁷⁰ Kashmir Hill, *'People You May Know:' A Controversial Facebook Feature's 10-Year History*, Gizmodo (Aug. 8, 2018), <https://gizmodo.com/people-you-may-know-a-controversial-facebook-features-1827981959>.

²⁷¹ *Id.*

²⁷² *Id.*

²⁷³ *Id.*

221. In February 2009, Meta launched the “Like” button on Facebook.²⁷⁴ The button allowed users to provide a quick reaction, as opposed to typing out a comment. Facebook’s algorithm counts and displays Likes to other users. The measure also served as a social measuring stick, by which users could gauge the success of their posts, photographs, and videos. Soon after, Meta expanded the Like feature to comments as well. Users could also use the Like button to follow public figures, such as brands or publishers. When a user Liked a brand, for example, Meta would use that information to show ads for that brand to the user’s friends on Facebook.²⁷⁵ In April 2010, Meta launched “social plug-ins” that would allow people to “Like” things on the Internet outside of Facebook. Meta used the button to track Facebook users’ engagement across the Internet, leveraging the data it gathered to sell targeted ads and fuel the Newsfeed algorithm.²⁷⁶ The button also shaped users’ own behavior, as they were conditioned to act and interact in whatever ways would generate the Like rewards, or risk having their activity hidden from their friends’ Newsfeeds.²⁷⁷

222. Also in 2009, Meta changed the Newsfeed experience from chronological to algorithmic ordering, with Meta now dictating which posts users would see by highlighting “top stories” in each user’s Newsfeed.²⁷⁸

223. In December 2010, Meta began using facial recognition to identify people in users’ Facebook photos and suggest that users tag them.²⁷⁹ Rather than letting users opt-in to the

²⁷⁴ Will Oremus, *How Facebook Designed the Like Button—and made social media into a Popularity Contest*, Fast Co. (Nov. 15, 2022), <https://www.fastcompany.com/90780140/the-inside-story-of-how-facebook-designed-the-like-button-and-made-social-media-into-a-popularity-contest>.

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ Alex Hern, *Facebook to restore chronological feed of posts from friends*, Guardian (July 21, 2022), <https://www.theguardian.com/technology/2022/jul/21/facebook-to-restore-chronological-feed-of-posts-from-friends>.

²⁷⁹ Ben Parr, *Facebook brings facial recognition to photo tagging*, Mashable (Dec. 16, 2010), (footnote continued)

feature, Meta automatically enabled it for all users.²⁸⁰

224. Meta also debuted infinite scrolling in 2010, initially for photos, but later for its core Newsfeed, ensuring that users would never reach the bottom of a page and would, instead, keep scrolling without end or limits, leading to excessive and compulsive product use.²⁸¹

225. In August 2012, Meta introduced the Facebook Messenger app, a feature that allowed users to see when their friends were last active on the product.²⁸²

226. In August 2015, Meta launched Facebook Live, which allowed users to live-stream videos.²⁸³ It immediately prompted more engagement with the platform and furthered Meta's goal of keeping users coming back, both to create the videos and to interact with them.²⁸⁴

227. In February 2016, Meta expanded Facebook's "Like" feature for posts, adding "Reactions" such as "like," "love," "haha," "wow," "sad," and "angry."²⁸⁵ The following year, reactions were extended to comments.²⁸⁶ In a manner similar to Likes, these reactions further manipulated adolescents' behavior, preying on their psychological vulnerabilities to produce compulsive use.

<http://www.cnn.com/2010/TECH/social.media/12/16/facebook.facial.recognition.mashable/index.html>.

²⁸⁰ Charles Arthur, *Facebook in new privacy row over facial recognition feature*, Guardian (June 8, 2011), <https://www.theguardian.com/technology/2011/jun/08/facebook-privacy-facial-recognition?INTCMP=SRCH>.

²⁸¹ Bob Leggett, *How the Internet Destroyed Your Attention Span*, Popzazzle (Apr. 30, 2021), <https://popzazzle.blogspot.com/2021/04/how-the-internet-destroyed-your-attention-span.html>.

²⁸² Billy Gallagher, *Facebook Brings Notifications, Album-Specific Uploads to Standalone Camera App*, TechCrunch (Aug. 28, 2012), https://techcrunch.com/2012/08/28/facebook-brings-notifications-album-specific-uploads-to-standalone-camera-app/?icid=tc_dan-schawbel_art&blogger=dan-schawbel#.

²⁸³ Joe Lazauskus, *The Untold Story of Facebook Live*, Fast Co. (Sept. 29, 2016), <https://www.fastcompany.com/3064182/the-untold-story-of-facebook-live>.

²⁸⁴ *Id.*

²⁸⁵ Casey Newton, *Facebook rolls out expanded Like button reactions around the world*, Verge (Feb. 24, 2016), <https://www.theverge.com/2016/2/24/11094374/facebook-reactions-like-button>.

²⁸⁶ Natt Garun, *Facebook reactions have now infiltrated comments*, Verge (May 3, 2017), <https://www.theverge.com/2017/5/3/15536812/facebook-reactions-now-available-comments>.

228. In March 2017, following the launch of a similar product on Instagram, Meta introduced Facebook Stories, with the hope of competing with the success of Snapchat among young people.²⁸⁷ With Stories, users could post short, ephemeral videos that appeared for 24-hours at the top of friends' Newsfeeds.²⁸⁸ Stories is designed to keep users coming back to the platform at least daily or otherwise risk missing out, feeding performance metrics that are crucial to Meta's bottom line.

229. Later that year, in December 2017, Meta rolled out Messenger Kids, a messaging app designed for kid's ages 6 to 12,²⁸⁹ for the purpose of getting younger users on its product sooner. The app does not require a Facebook account, and instead allows children to create accounts that are managed through parents' Facebook accounts.²⁹⁰ Meta touted it as a way to "give[] parents more control."²⁹¹ The app, however, still collects an extraordinary amount of data about its child users, including their messages, any photos they send, and what features they use on the app.²⁹² Currently, there are no other official Facebook platforms marketed publicly by Meta as intended for children under 13 (despite the proliferation of such users on Instagram and Facebook). However, as of April 2021, Meta was actively seeking to develop ways for children as young as six to use the product.²⁹³

²⁸⁷ Casey Newton, *Facebook launches stories to complete its all-out assault on Snapchat*, Verge (Mar. 28, 2017), <https://www.theverge.com/2017/3/28/15081398/facebook-stories-snapchat-camera-direct>.

²⁸⁸ *Id.*

²⁸⁹ Nick Statt, *Facebook launches a version of Messenger for young children*, Verge (Dec. 4, 2017), <https://www.theverge.com/2017/12/4/16725494/facebook-messenger-kids-app-launch-ios-iphone-preview>.

²⁹⁰ *Id.*

²⁹¹ Loren Cheng, *Introducing Messenger Kids, a New App for Families to Connect*, Meta (Dec. 4, 2017), <https://about.fb.com/news/2017/12/introducing-messenger-kids-a-new-app-for-families-to-connect/>.

²⁹² Nitasha Tiku, *Facebook for 6-Year-Olds? Welcome to Messenger Kids*, Wired (Dec. 5, 2017), <https://www.wired.com/story/facebook-for-6-year-olds-welcome-to-messenger-kids/>.

²⁹³ Ezra Kaplan & Jo Ling Kent, *Documents reveal Facebook targeted children as young as 6 for* (footnote continued)

230. In August 2020, Meta introduced “Reels” on Instagram.²⁹⁴ Reels are short videos posted by other Instagram users, presented in an algorithmically generated feed, and in a full-screen format popularized by TikTok. Meta subsequently introduced Reels to Facebook in 2021.²⁹⁵ As explained more fully below, Meta committed to making videos more and more prevalent on of their platforms to attract and keep younger users in the face of competition from TikTok.

c. Facebook’s acquisition and control of Instagram.

231. On or around April 6, 2012, Zuckerberg called Kevin Systrom, one of the co-founders of Instagram, offering to purchase his company.²⁹⁶

232. Instagram launched as a mobile-only app that allowed users to create, filter, and share photos. On the first day of its release in October 2010, it gained a staggering 25,000 users.²⁹⁷ By April 2012, Instagram had approximately 27 million users. When Instagram released an Android version of its app—right around the time of Zuckerberg’s call—it was downloaded more than a million times in less than a day.²⁹⁸ Instagram’s popularity is so

consumer base, NBC News (Oct. 29, 2021), https://www.nbcnews.com/tech/social-media/facebook-documents-reveal-company-targeted-children-young-6-rcna4021?cid=sm_npd_nn_tw_ma.

²⁹⁴ Instagram, *Introducing Instagram Reels*, Meta (Aug. 5, 2020), <https://about.fb.com/news/2020/08/introducing-instagram-reels/>.

²⁹⁵ Facebook, *Launching Reels on Facebook in the US*, Meta (Sept. 29, 2021), <https://about.fb.com/news/2021/09/launching-reels-on-facebook-us/>.

²⁹⁶ Nicholas Carlson, *Here’s The Chart That Scared Zuckerberg Into Spending \$1 Billion On Instagram*, Bus. Insider (Apr. 14, 2012), <https://www.businessinsider.com/heres-the-chart-that-scared-zuckerberg-into-spending-1-billion-on-instagram-2012-4> [<https://web.archive.org/web/20230313191032/http://www.businessinsider.com/heres-the-chart-that-scared-zuckerberg-into-spending-1-billion-on-instagram-2012-4>].

²⁹⁷ Dan Blystone, *Instagram: What It Is, Its History, and How the Popular App Works*, Investopedia (Oct. 22, 2022), <https://www.investopedia.com/articles/investing/102615/story-instagram-rise-1-photo0sharing-app.asp#:~:text=History%20of%20Instagram>.

²⁹⁸ Kim-Mai Cutler, *From 0 To \$1 Billion In Two Years: Instagram’s Rose-Tinted Ride To Glory*, TechCrunch (Apr. 9, 2012), <https://techcrunch.com/2012/04/09/instagram-story-facebook-acquisition/>.

widespread and image-based, a new term has grown up around it for the perfect image or place, “Instagrammable.”²⁹⁹ Its users also use a variety of slang derived from the product, such as “IG”; “The Gram”; “Do it for the Gram”, a phrase used by a user performing a risky or unusual action to garner attention; “Finsta,” a contraction of fun or fake Instagram used to refer to secondary accounts; among other slang.

233. On April 9, 2012, just days after Zuckerberg’s overture to Systrom, Facebook, Inc. purchased Instagram, Inc. for \$1 billion in cash and stock. This purchase price was double the valuation of Instagram implied by a round of funding the company had closed days earlier.³⁰⁰

234. Facebook, Inc. held its initial public offering less than two months after acquiring Instagram, Inc.³⁰¹

235. Zuckerberg’s willingness to pay a premium for Instagram was driven by his instinct that Instagram would be vital to reaching a younger, smartphone-oriented audience—and thus critical to his company’s future success.

236. This was prescient. Instagram’s revenue grew exponentially from 2015 to 2022.³⁰² A study conducted in the second quarter of 2018 showed that, over the prior year, advertisers’ spending on Instagram grew by 177%—more than four times the growth of ad spending on Facebook.³⁰³ Likewise, visits to Instagram rose by 236%, nearly *thirty* times the growth in site

²⁹⁹ Sarah Frier, *No Filter: The Inside Story of Instagram* (Simon & Schuster 2020).

³⁰⁰ Alexia Tsotsis, *Right Before Acquisition, Instagram Closed \$50M At A \$500M Valuation From Sequoia, Thrive, Greylock And Benchmark*, TechCrunch (Apr. 9, 2012), <https://techcrunch.com/2012/04/09/right-before-acquisition-instagram-closed-50m-at-a-500m-valuation-from-sequoia-thrive-greylock-and-benchmark/>.

³⁰¹ Evelyn Rusli & Peter Eavis, *Facebook Raises \$16 Billion in I.P.O.*, N.Y. Times (May 17, 2012), <https://archive.nytimes.com/dealbook.nytimes.com/2012/05/17/facebook-raises-16-billion-in-i-p-o/>.

³⁰² See Josh Constine, *Instagram hits 1 billion monthly users, up from 800M in September*, TechCrunch (June 20, 2018), <https://techcrunch.com/2018/06/20/instagram-1-billion-users/> (showing meteoric rise in monthly active users over period and reporting year-over-year revenue increase of 70% from 2017–2018).

³⁰³ Merkle, *Merkle Releases Its Q2 2018 Digital Marketing Report*, Bloomberg (July 19, 2018), (footnote continued)

visits experienced by Facebook during the same period.³⁰⁴ By 2021, Instagram accounted for over half of Meta's \$50.3 billion in net advertising revenues.³⁰⁵

237. Meta has claimed credit for Instagram's success since its acquisition. Zuckerberg told market analysts that Instagram "wouldn't be what it is without everything that we put into it, whether that's the infrastructure or our advertising model[.]"³⁰⁶

238. Instagram has become the most popular photo-sharing social media product among teenagers and young adults in the United States. 62% of American teens use, with 10% of users reporting that they use it "almost constantly."³⁰⁷ Instagram's young user base has become even more important to Meta as the number of teens using Facebook has decreased over time.³⁰⁸

239. Facebook's and Instagram's success, and the riches they have generated for Meta, have come at an unconscionable cost in human suffering.

240. In September 2021, *The Wall Street Journal* began publishing internal documents

<https://www.bloomberg.com/press-releases/2018-07-19/merkle-releases-its-q2-2018-digital-marketing-report>.

³⁰⁴ *Id.*

³⁰⁵ Sara Lebow, *For the first time, Instagram contributes over half of Facebook's US ad revenues*, Insider Intel. (Nov. 1, 2021), <https://www.emarketer.com/content/instagram-contributes-over-half-of-facebook-us-ad-revenues>.

³⁰⁶ Salvador Rodriguez, *Mark Zuckerberg is adamant that Instagram should not be broken off from Facebook*, CNBC (Oct. 30, 2019), <https://www.cnbc.com/2019/10/30/mark-zuckerberg-is-adamant-that-instagram-should-remain-with-facebook.html>.

³⁰⁷ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>; *see also* Erinn Murphy *et al.*, *Fall 2021: Taking Stock with Teens* at 19, Piper Sandler (2021), https://piper2.bluematrix.com/docs/pdf/3bad99c6-e44a-4424-8fb1-0e3adfcdbd1d4.pdf?utm_source=newsletter&utm_medium=email&utm_campaign=newsletter_axiosam&stream=top (81% of teens use Instagram at least once a month).

³⁰⁸ 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>.

leaked by former Facebook product manager, Frances Haugen.³⁰⁹ The documents are disturbing. They reveal that, according to Meta’s researchers, 13.5% of U.K. girls reported that Instagram made suicidal thoughts worse, and 17% of teen girls reported worsening eating disorders after using Instagram.³¹⁰ Over 40% of Instagram users who reported feeling “unattractive” said that feeling began while using Instagram,³¹¹ and 32% of teen girls who already felt bad about their bodies felt even worse because of the app.³¹²

241. Internal Meta presentations from 2019 and 2020 were transparent in their conclusions about the harms caused by Instagram: “‘We make body image issues worse for one in three teen girls[;]’”³¹³ “Mental health outcomes related to this can be severe[;]”³¹⁴ and “Aspects of Instagram exacerbate each other to create a perfect storm.”³¹⁵

³⁰⁹ See *the facebook files: A Wall Street Journal investigation*, Wall St. J., <https://www.wsj.com/articles/the-facebook-files-11631713039?mod=bigtop-breadcrumb> (collection of *The Wall Street Journal* articles).

³¹⁰ Morgan Keith, *Facebook’s internal research found its Instagram platform contributes to eating disorders and suicidal thoughts in teenage girls, whistleblower says*, Bus. Insider (Oct. 3, 2021), <https://www.businessinsider.com/facebook-knows-data-instagram-eating-disorders-suicidal-thoughts-whistleblower-2021-10>.

³¹¹ Georgia Wells *et al.*, *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>; *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 9, Wall St. J. (Mar. 26, 2020), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

³¹² Billy Perrigo, *Instagram Makes Teen Girls Hate Themselves. Is That a Bug or a Feature?*, Time (Sept. 16, 2021), <https://time.com/6098771/instagram-body-image-teen-girls/>.

³¹³ Georgia Wells *et al.*, *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

³¹⁴ *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://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

³¹⁵ Georgia Wells *et al.*, *Facebook Knows Instagram is Toxic for Teen Girls, Company Documents Show*, Wall St. J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739>.

242. Haugen’s revelations made clear to the public what Meta has long known: In an effort to addicts kids and drive increased usage, Meta’s platforms exploit the neurobiology of developing brains, and all the insecurities, status anxieties, and beauty comparisons that come along with it. In a bid for higher profits, Meta ignored or actively concealed the harms resulting from its addiction-based business model, which are widespread, serious, long-term, and in tragic instances, fatal.

d. Modifications of Instagram’s product features over time.

243. In its earliest form, Instagram was a photo-sharing app. Users could post still images—enhanced by the product’s suite of built-in photo filters—“follow” other users, and “Like” or comment on posts by other users, all in a centralized chronological feed. Instagram also allowed users to see their friends’ activity—such as liking or commenting on a post, or following other accounts—on the app, through its “Following” tab.

244. In January 2011, Instagram added hashtags, which allowed users to group together posts about particular topics.³¹⁶

245. Since acquiring Instagram, Meta has introduced to the product a host of additional features to drive pre-teen and teenage engagement and, in doing so, increase advertising revenues.

246. In June 2013, in addition to the still, filtered images for which the product was known, Instagram began to support videos of up to 15 seconds.³¹⁷ This feature also included 13 new, specially created filters that could be applied to the videos.³¹⁸ At the time, this feature satisfied what some characterized as the “years-long search for an ‘Instagram for video,’”³¹⁹ and

³¹⁶ Jonah Madrigallos, *Diving Deep into the Science of the Instagram Algorithm*, Signalytics (Sept. 1, 2021), <https://www.signalytics.ai/instagram-algorithm/>.

³¹⁷ Colleen Taylor, *Instagram Launches 15-Second Video Sharing Feature, With 13 Filters And Editing*, TechCrunch (June 20, 2013), <https://techcrunch.com/2013/06/20/facebook-instagram-video/>.

³¹⁸ *Id.*

³¹⁹ *Id.*

allowed Instagram to compete with a popular video-sharing product at the time, Vine. It also allowed users posting videos to select their “favorite” scene from the video to be displayed as the cover image on video posts. According to Systrom, this ensured that user’s videos were “beautiful even when they’re not playing.”³²⁰ Despite this, Instagram remained largely a photo-sharing app.

247. In December 2013, Meta added Instagram Direct, a feature that allows users to send messages or posts to specific people directly from the app.³²¹ This function allowed Instagram to compete against messaging platforms like Snapchat that were gaining popularity among teens and pre-teens.

248. In June 2015, Meta opened Instagram to all advertisers, weaving advertisements into users’ Feeds.³²²

249. In March 2016, Meta did away with Instagram’s chronological feed and implemented engagement-based ranking algorithms.³²³ Now, upon opening the app, users would no longer see posts from people they followed in the order they were posted; instead, they would encounter an algorithmic feed, like the one employed on Meta’s other product, Facebook. At the time, Instagram said that the new algorithmic feed would rank the order of posts in users’ feeds “based on the likelihood [that users would] be interested in the [post], [their] relationship with the person posting and the timeliness of the post[.]”³²⁴

³²⁰ Kevin Systrom, *Introducing Video on Instagram*, Instagram (June 20, 2013), <https://about.instagram.com/blog/announcements/introducing-video-on-instagram>.

³²¹ Jordan Crook, *Instagram Introduces Instagram Direct*, TechCrunch (Dec. 12, 2013), <https://techcrunch.com/2013/12/12/instagram-messaging/>.

³²² Vindu Goel & Sydney Ember, *Instagram to Open its Photo Feed to Ads*, N.Y. Times (June 2, 2015), <https://www.nytimes.com/2015/06/03/technology/instagram-to-announce-plans-to-expand-advertising.html>.

³²³ Alex Heath, *Instagram is about to go through its most radical change ever*, Bus. Insider (Mar. 15, 2016), <https://www.businessinsider.com/instagram-to-introduce-algorithmic-timeline-2016-3>.

³²⁴ *Id.*

250. In February 2016, with the popularity of video rising on Instagram, Meta added view counts to videos, allowing users to see how many times users had viewed their posts.³²⁵ Later that year, in December 2016, Instagram added the ability to “Like” comments to posts (symbolized by a heart emoji).³²⁶ Both features became a source of additional motivation by users to seek social acceptance and validation.

251. In August 2016, Meta introduced Instagram Stories,³²⁷ another feature intended to compete against Snapchat for the youth market. Systrom has admitted that the feature was copied from a Snapchat feature popular with children called “Snapchat Stories.”³²⁸ Later that year, in November 2016, Meta introduced Instagram Live,³²⁹ designed to compete with both Snapchat’s ephemeral, disappearing posts, and the live-streamed videos of a then-popular product called Periscope. Instagram Live permitted users to live stream video, which disappeared as soon as the live stream stopped.

252. Meta recognized early on that the Live feature was successful among young users. A February 2017 internal memo noted that of the 9.2 million broadcasts per day, “35% of [Live] broadcasters are teens (early and late high school).”³³⁰

³²⁵ Michael Zhang, *Instagram is Adding View Counts to Your Videos*, PetaPixel (Feb. 11, 2016), <https://petapixel.com/2016/02/11/instagram-adding-view-counts-videos/>.

³²⁶ Hayley Tsukayama, *Instagram will soon let you like comments – or even turn them off completely*, Wash. Post (Dec. 6, 2016), <https://www.washingtonpost.com/news/the-switch/wp/2016/12/06/instagram-will-soon-let-you-like-comments-or-even-turn-them-off-completely/>.

³²⁷ *Introducing Instagram Stories*, Instagram (Aug. 2, 2016), <https://about.instagram.com/blog/announcements/introducing-instagram-stories#:~:text=Today%2C%20we're%20introducing%20Instagram,a%20slideshow%20format%3A%20your%20story.>

³²⁸ Rachel Kraus, *Instagram Founder Admits He Blatantly Stole Stories from Snapchat*, Mashable (Mar. 11, 2019), <https://mashable.com/article/kevin-systrom-instagram-stories-snapchat>.

³²⁹ Josh Conline, *Instagram launches disappearing Live video and messages*, TechCrunch (Nov. 21, 2016), <https://techcrunch.com/2016/11/21/instagram-live/>.

³³⁰ MDL AG Compl. at 21, ¶ 106.

253. In December 2016, Meta introduced a product feature that allowed users to “save” posts from other users.³³¹ By tapping a bookmark icon underneath posts in their feeds, users could save posts for later, in a private tab that was viewable only to the saving user.

254. In April 2017, Meta introduced another feature with appeal to children, an offline mode that allows users to view posts and interact with Instagram even when they do not have access to an internet connection,³³² for example when riding a bus to or from school or when parents have disabled home internet to prevent overuse of social media by their kids.

255. In January 2018, Meta launched a feature allowing Instagram users to see when others they had messaged with were active, or most recently active, on Instagram. This feature exploits social reciprocity, which, as explained above, results in more time spent using the product.

256. In June 2018, at the same time it announced that Instagram had grown to one billion users, Meta introduced IGTV, both in the Instagram app and as a standalone product.³³³ IGTV was intended to rival YouTube. IGTV allowed users to upload videos up to one-hour long.

257. In September 2018, Systrom and Instagram co-founder Mike Krieger resigned from Instagram, and Facebook named Adam Mosseri, a 10-year veteran of Facebook, as Instagram’s new CEO.

258. Under Mosseri’s leadership, Instagram aggressively focused on acquiring and maximizing the engagement of young users. In 2018, Instagram allotted most of its global annual marketing budget to targeting 13- to 15-year-old children, a marketing demographic it

³³¹ Lisa Eadicicco, *Instagram Just Added a New Feature that Lets You Save Other Users’ Posts*, Time (Dec. 14, 2016), <https://time.com/4602063/instagram-new-update-features-2016/>.

³³² Josh Constine, *Instagram on Android gets offline mode*, TechCrunch (Apr. 18, 2017), <https://techcrunch.com/2017/04/18/instagram-offline/>.

³³³ Kevin Systrom, *Welcome to IGTV, our New Video App*, Instagram (June 20, 2018), <https://about.instagram.com/blog/announcements/welcome-to-igtv>.

calls “early high school.”³³⁴ According to Meta, these users represent the platform’s “teen foothold” for its “US pipeline.”³³⁵ “Youth and [t]eens are critically important to Instagram. While Instagram has strong market-fit with [t]eens, we know we need to constantly ‘re-win’ this segment[.]”³³⁶ Meta has expressly sought to maximize metrics like “teen time spent” on the Instagram product.³³⁷

259. One way Meta sought to increase its teen metrics was through its launch of “Reels” in August 2020, which mimicked the format of videos on TikTok. As noted, Reels mirrors TikTok by algorithmically presenting short, “full-screen” videos posted by other Instagram users. Like TikTok, Reels counts and displays the number of likes, follows, comments, shares, and views of a video. The following year, Meta did away with IGTV, which had allowed longer videos to be posted by users in a more traditional format. In late July 2022, Mosseri announced that “more and more of Instagram is going to become video over time[.]”³³⁸

260. Instagram creates images and GIFs for users to incorporate into their videos and picture postings. Instagram has also acquired publishing rights to thousands of hours of music and video, which it provides to its users to attach to the videos and pictures that they post on Instagram.

³³⁴ Sheera Frenkel *et al.*, *Instagram Struggles With Fears of Losing Its ‘Pipeline’: Young Users*, N.Y. Times (Oct. 16, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

³³⁵ *Id.*

³³⁶ META3047MDL-003-00030070 at META3047MDL-003-00030071.

³³⁷ 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>.

³³⁸ Marisa Dellatto, *Instagram Exec Defends Shift to Video Despite Complaints from Creators like Kylie Jenner*, Forbes (July 26, 2022), <https://www.forbes.com/sites/marisadellatto/2022/07/26/instagram-exec-defends-shift-to-video-despite-complaints-from-creators-like-kylie-jenner/?sh=4099badd5c6e>.

2. Meta intentionally encourages youth to use its platforms and then leverages that usage to increase revenue.

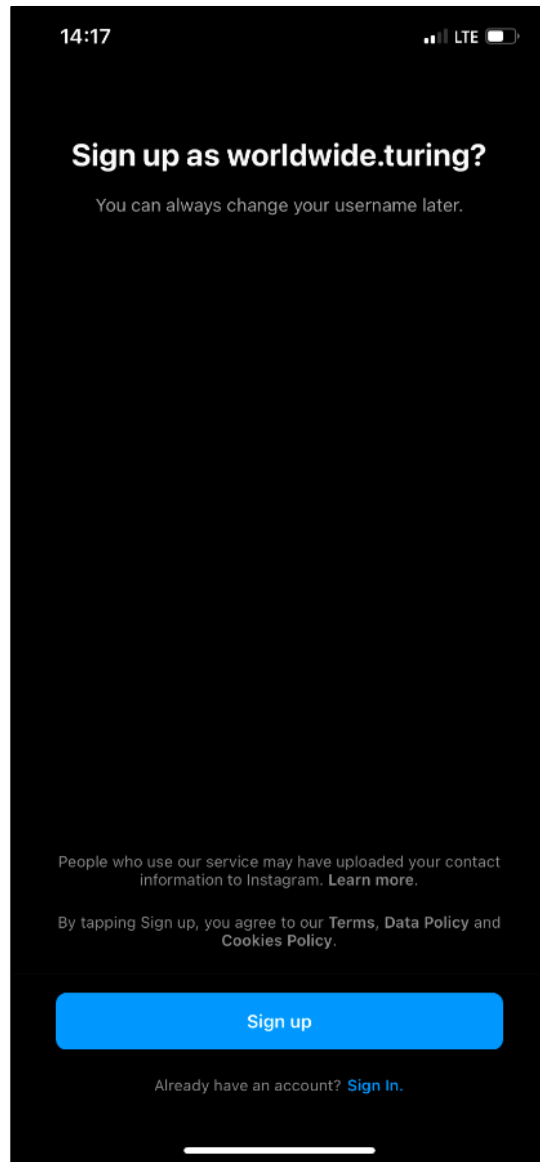
261. Facebook and Instagram owe their success to their design choices, including their underlying computer code and algorithms, and to Meta’s failure to warn the public, particularly youth, that the platforms present serious safety risks. Meta’s tortious conduct begins before a user has viewed, let alone posted, any content.

262. Meta describes the Instagram product as a “mobile-first experience.”³³⁹ Indeed, the great majority of Instagram users in the U.S. access Instagram through a mobile application for either the iOS or Android operating systems.

263. To use the Facebook or Instagram app, one must first obtain it. On a mobile device, this is accomplished by visiting a store from which the product can be downloaded—either the Apple App Store (for iPhone users) or the Google Play Store (for Android users). Once installed onto an individual’s smartphone, they can open the app. They are then asked to create a new account by entering an email address, adding a name, and creating a username and password.

264. A prospective Instagram or Facebook user is then invited to press a colorful “Sign up” button. In small print above this button, the user is informed that “[b]y tapping Sign up, you agree to our Terms, Data Policy and Cookies Policy.” The text of those policies is not presented on the sign-up page. While the words “Terms,” “Data Policy,” and “Cookies Policy” are slightly bolded, the user is not informed that they can or should click on them, or otherwise told how they can access the policies.

³³⁹ Yorgos Askalidis, *Launching Instagram Messaging on Desktop*, Instagram (Sept. 25, 2020), <https://about.instagram.com/blog/engineering/launching-instagram-messaging-on-desktop>.



265. Meta’s Data Policy (rebranded as a “Privacy Policy” in 2022), which applies to a range of Meta apps, including Facebook and Instagram,³⁴⁰ indicates Meta collects a breathtaking amount of data from the users of its platforms, including, among others:

- a. “[c]ontent you create, like posts, comments or audio”;
- b. “[c]ontent you provide through our camera feature or your camera roll settings, or

³⁴⁰ *Privacy Policy*, Meta (June 15, 2023), <https://mbasic.facebook.com/privacy/policy/printable/#annotation-1>.

- through our voice-enabled features”;
- c. “information you’ve shared with us through device settings, like GPS location, camera access, photos and related metadata”;
 - d. “[m]essages you send and receive, including their content”;
 - e. “[m]etadate about content and messages”;
 - f. “[t]ypes of content, including ads, you view or interact with, and how you interact with it”;
 - g. “[t]he time, frequency and duration of your activities on our Products”;
 - h. “your contacts’ information, such as their name and email address or phone number, if you choose to upload or import it from a device, like by syncing an address book”;
 - i. information about “[w]hat you’re doing on your device, like whether our app is in the foreground or if your mouse is moving”;
 - j. “device signals from different operating systems[,]” including “things like nearby Bluetooth or Wi-Fi connections”;
 - k. “[i]nformation about the network you connect your device to and your connection, including your IP address” (including the “name of your mobile operator or internet service provider (ISP)[,] . . . [l]anguage[,] . . . [t]ime zone[,] . . . , [m]obile phone number[,] . . . , [c]onnection and download speed”),
 - l. “[i]nformation about other devices that are nearby or on your network”,
 - m. “Wi-Fi hotspots you connect to using our Products”; and
 - n. information from third parties, including, “[m]arketing and advertising vendors and data providers, who have the rights to provide us with your information.”

266. While the Data Policy indicates the scope of user information collected by Meta through Facebook and Instagram, it is far less forthcoming about the purposes for which this data is collected, and its consequences for younger users.

267. The Data Policy presents those goals as benign and even positive for its users—

“to provide a personalized experience to you” and to “[m]ake suggestions for you (such as people you may know, groups or events that you may be interested in or topics that you may want to follow)[.]”³⁴¹

268. The Data Policy does not inform users that the more time individuals spend using Facebook and Instagram, the more ads Meta can deliver and the more money it can make; or that the more time users spend on Facebook and Instagram, the more Meta learns about them, and the more it can sell to advertisers the ability to micro-target highly personalized ads.³⁴²

269. Meta monetizes its users and their data by selling ad placements to marketers. Meta generated \$69.7 billion from advertising in 2019, more than 98% of its total revenue for the year.³⁴³

270. Given its business model, Meta has every incentive to—and knowingly does—addict users to Facebook and Instagram. It accomplishes this through the algorithms that power its apps, which are designed to induce compulsive and continuous scrolling for hours on end, operating in conjunction with the other dangerous features described throughout this Complaint.³⁴⁴

³⁴¹ *Id.*

³⁴² Nor does it inform users that Meta previously allowed third-party apps to harvest from Facebook “vast quantities of highly sensitive user and friends permissions.” Order Granting in Part Plaintiffs’ Motion for Sanctions at 9, *In Re: Facebook, Inc. Consumer Privacy User Profile Litigation*, No. 18-md-02843-VC (N.D. Cal. Feb. 9, 2023), ECF No. 1104. This has included an app called Sync.Me, which—according to Meta’s internal investigative documents—“had access to many ‘heavyweight’ permissions, including the user’s entire newsfeed, friends’ likes, friends’ statuses, and friends’ hometowns.” *Id.* It has included Microstrategy, Inc., which accessed data from “16 to 20 million” Facebook users, despite only being installed by 50,000 people. *Id.* And it has included one Yahoo app that made “‘billions of requests’” for Facebook user information, including “personal information about those users’ friends, including the friends’ education histories, work histories, religions, politics, ‘about me’ sections, relationship details, and check-in posts.” *Id.* at 9–10.

³⁴³ Rishi Iyengar, *Here’s how big Facebook’s ad business really is*, CNN (July 1, 2020), <https://www.cnn.com/2020/06/30/tech/facebook-ad-business-boycott>.

³⁴⁴ See Christian Montag *et al.*, *Addictive Features of Social Media/Messenger Platforms and Freemium Games against the Background of Psychological and Economic Theories* at 5, 16(14) (footnote continued)

271. Indeed, even Mark Zuckerberg confirmed Meta’s core business model relies on increasing the amount of time its users stay on their platforms. Zuckerberg wrote he hoped to see time spent on Instagram increase by 10% between 2016 and 2021.³⁴⁵

272. As Meta noted in its 2021 Annual Report to the SEC, “[t]he size of our user base and our users’ level of engagement across our products are critical to our success.”³⁴⁶ It noted that factors affecting Meta’s revenue generation include: (1) “user engagement, including time spent on [Meta’s] products”; (2) increasing “user access to and engagement with [Meta’s] products”; (3) Meta’s ability “to maintain or increase the quantity or quality of ads shown to users”; (4) maintaining traffic to monetized features like the “Feed” and “Stories”; (5) the “effectiveness of [Meta’s] ad targeting”; and (6) the degree to which users engage with Meta’s ads.³⁴⁷

273. Accordingly, Meta constantly collects and reviews data on young users’ activity on its platforms. As a Director of Product Management at Instagram stated in January 2020, he was “focused on getting a very clear understanding of our current US [Daily Active People] and [Monthly Active People] growth situation, opportunities, and challenges because 1) US Teens are our #1 cohort for both long-term growth of [Instagram] and [Facebook] Family incrementality.”³⁴⁸

274. Meta’s Data Policy contains no warnings whatsoever that use of its platforms at

Int’l J. Env’t Rsch. & Pub. Health 2612 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6679162/pdf/ijerph-16-02612.pdf> (“One technique used to prolong usage time in this context is the endless scrolling/streaming feature.”); *see generally*, Ludmila Lupinacci, *‘Absentmindedly scrolling through nothing’: liveness and compulsory continuous connectedness in social media*, 43 Media, Culture & Soc’y 273 (2021), <https://journals.sagepub.com/doi/epdf/10.1177/0163443720939454> (describing the ways that users use and experience social media apps).

³⁴⁵ MDL AG Compl. at 12, ¶ 57.

³⁴⁶ Meta Platforms, Inc., Annual Report (Form 10-K) at 13 (Feb. 2, 2022), <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>.

³⁴⁷ *Id.* at 15–16.

³⁴⁸ MDL AG Compl. at 14, ¶ 69.

the intensity and frequency targeted by Meta creates known risks of mental, emotional, and behavioral problems, nor does it mention the increased likelihood of injury for children, Instagram's key audience.

275. Instagram's collection and utilization of user data begins the instant a user presses "Sign Up." At that point, Instagram prompts a new user to share a substantial amount of personal data. First, Instagram asks the user to share their personal contacts, either by syncing contacts from their phone and/or syncing their "Friends" from Facebook—"We'll use your contacts to help you find your friends and help them find you." Next, Instagram asks the new user to upload a photo of themselves. After that, Instagram asks the user to "Choose your interests" to "Get started on Instagram with account recommendations tailored to you." Finally, Instagram invites the new user to "Follow accounts to see their photos and videos in your feed," offering a variety of recommendations. After sign-up is completed, Instagram prompts the new user to post either a photo or a short video.

276. Meta's collection and utilization of user data continues unabated as a new user begins to interact with its platforms. Meta's tracking of behavioral data—ranging from what the user looks at, to how long they hover over certain images, to what advertisements they click on or ignore—helps Meta build out a comprehensive and unique enticement, tailor-made to inconspicuously lure each respective user. As the user continues to use the product, Meta's algorithm works silently in the background to refine this enticement, by continuously monitoring and measuring patterns in the user's behavior. Meta's algorithm is sophisticated enough that it can leverage existing data to draw educated inferences about even the user behavior it does not track firsthand. Meta's comprehensive data collection allows it to target and influence its users to engineer their protracted "engagement" with its platforms.

277. Meta's collection and analysis of user data allows it to assemble virtual dossiers on its users, covering hundreds if not thousands of user-specific data segments. This data collection and analysis allows advertisers to micro-target advertising to very specific categories of users, who can be segregated into pools or lists using Meta's data segments. Only a fraction

of these data segments come from content knowingly designated by users for publication or explicitly provided by users in their account profiles. Many of these data segments are collected by Meta through surveillance of each user's activity on the platform and off the platform, including behavioral surveillance that users are not even aware of, like navigation paths, watch time, and hover time. As Meta's user database grows, it leverages that data to manipulate users into spending more time on the platforms. As users spend more time on the platforms, Meta can extract more and more detailed information. The more detailed information Meta can extract from users, the more money it makes.

278. Currently, advertisers can target Instagram and Facebook ads to young people based on age, gender, and location.³⁴⁹ According to U.S.-based non-profit Fairplay, Meta did not actually cease collecting data from teens for advertising in July 2021, as Meta has claimed.³⁵⁰

279. Meta clearly understands the revenue and growth potential presented by its youngest users, and it is desperate to retain them. In an internal email from August 2017, a Meta employee expressed one of Meta's "[l]onger-term [f]ocus [a]reas" was how to "get teens to share their location with us so we can leverage that data for awesome product experiences and also analytics around high schools."³⁵¹ Further, documents obtained by *The New York Times* indicate that, since 2018, almost all Instagram's \$390 million global marketing budget has gone towards showing ads to teenagers.³⁵²

280. Meta has also acknowledged the importance of its young users by quantifying their value to the company. An internal email from September 2018 characterized Meta's youth

³⁴⁹ Andrea Vittorio, *Meta's Ad-Targeting to Teens Draws Advocacy Group Opposition*, Bloomberg (Nov. 16, 2021), <https://news.bloomberglaw.com/privacy-and-data-security/metad-targeting-to-teens-draws-advocacy-group-opposition>.

³⁵⁰ *Id.*

³⁵¹ Complaint and Jury Demand ("Mass. AG Compl.") at 19, ¶ 83, *Commw. Mass. v. Meta Platforms, Inc.*, No. 2384cv02397-BLS1 (Mass. Super. Ct. Nov. 6, 2023), ECF No. 1.

³⁵² Sheera Frenkel *et al.*, *Instagram Struggles With Fears of Losing Its 'Pipeline': Young Users* N.Y. Times (Oct. 16, 2021), <https://www.nytimes.com/2021/10/16/technology/instagram-teens.html>.

users in terms of their “Lifetime Value (LTV)” to Meta, defined as the cumulative total profit expected from a user.³⁵³ The email identified “[t]he lifetime value of a 13 y/o teen is roughly \$270 per teen” and that “[t]his number is core to making decisions about [Meta’s] business” because “you do not want to spend more than the LTV of the user.”³⁵⁴

281. Despite its research to the contrary, Meta has denied it places a monetary value on young users. At a Senate subcommittee hearing on September 30, 2021, Senator Amy Klobuchar asked Meta executive Antigone Davis what Meta believed the lifetime monetary value of young users was. Davis responded, “[t]hat’s just not the way we think about [it].”³⁵⁵ Davis also denied that Meta “considered the profit value of developing products when [Meta] make[s] their decisions of how those products look,” testifying that this would be a “terrible business model.”³⁵⁶

282. Before the rise of Instagram, Facebook was the social media product by which Meta targeted young users. Until recently, this targeting was devastatingly effective. In January 2014, 90% of U.S. teens used Facebook monthly; as late as January 2016, 68% did.³⁵⁷

283. While the number of teen Facebook users has declined in recent years, Facebook remains critical to Meta’s strategy towards young users. Meta views Facebook as the nexus of teen users’ lives on social media, “where all social circles intersect,” and as filling a similar role for such users as the career-focused social media product LinkedIn fills for adults.³⁵⁸ According to the summary of a 2018 meeting, Meta’s expressed goal was to have users “move through” Meta’s platforms “as they grow, i.e. Messenger Kids → Instagram → Facebook.”³⁵⁹

³⁵³ MDL AG Compl. at 19, ¶ 84.

³⁵⁴ *Id.*

³⁵⁵ MDL AG Compl. at 19, ¶ 85.

³⁵⁶ *Id.*

³⁵⁷ META3047MDL-003-00171899 at META3047MDL-003-00171904.

³⁵⁸ *Id.* at META3047MDL-003-00171909.

³⁵⁹ META3047MDL-003-00003731 at META3047MDL-003-00003732.

284. To create this cycle, Meta embarked on a “major investment in youth,” researching and pursuing platforms targeted at kids as young as six.³⁶⁰ The centerpiece of these efforts is Messenger Kids.³⁶¹ In 2019, Meta conducted at least two research projects on growing Messenger Kids. One study explored how to use “Playdates as a Growth Lever for Messenger Kids.”³⁶² During this study, Meta sought to understand better how playdates might be an area to increase usage among kids by interviewing parents of active users.³⁶³ Investigators suggested there was an opportunity to “brainstorm features and/or prompts encouraging use of the app, prior and after playdates to improve [sic] retention and active threads.”³⁶⁴ Later that year, they released a finding from a second investigation of parents and children who used Messenger Kids and those who did not.³⁶⁵ To drive Messenger Kids growth, the study recommended “encourag[ing] more [kid-to-kid] connections in [Messenger Kids]” by “surfac[ing] and develop[ing] additional in-app activities that involve others,” while emphasizing to parents the “play-based messaging” and the “play aspect of [Messenger Kids] — camera filters, games, filters via notif[ication]s and QPs.”³⁶⁶ These are many of the same features found in Instagram.

285. Meta was also eager to market its platforms to tweens—users aged 10-12. Although Meta employees publicly denied using children as “guinea pigs” to develop product features, internally Meta was intensely interested in children’s use of their apps.³⁶⁷ Meta

³⁶⁰ Haugen_00017238 at Haugen_00017238.

³⁶¹ Nick Statt, *Facebook launches a version of Messenger for young children*, Verge (Dec. 4, 2017), <https://www.theverge.com/2017/12/4/16725494/facebook-messenger-kids-app-launch-ios-iphone-preview>.

³⁶² Haugen_00023087 at Haugen_00023087.

³⁶³ *Id.* at Haugen_00023088.

³⁶⁴ *Id.* at Haugen_00023090.

³⁶⁵ Haugen_00023066 at Haugen_00023067.

³⁶⁶ *Id.* at Haugen_00023085.

³⁶⁷ John Twomey, *Molly Russell inquest latest: Teenager viewed suicide videos of ‘most distressing nature’*, Express (Sept. 23, 2022), <https://www.express.co.uk/news/uk/1673461/Molly-Russell-inquest-latest-Teenager-suicide-videos-instagram>.

conducted research projects, with titles such as, *Tweens JTBD Survey*;³⁶⁸ and *Exploring Tweens' Social Media Habits*.³⁶⁹ In the latter study, Meta compared tween perceptions of their competitors' platforms to understand "tween product needs,"³⁷⁰ noting that tweens can "connect and have fun using existing apps, even though they're not made with a 10-to-12-year-old in mind."³⁷¹ Meta's takeaway was to "use entertainment/interests as a starting point for engagement" and to "highlight fitting in."³⁷²

286. In 2019, Meta conducted a series of interviews in Los Angeles and Denver with tween friend groups, friend pairs, and individuals.³⁷³ Meta used this research to craft "product recommendation[s]" to appeal to tweens, suggesting features to help "decrease friction in the digital interaction funnel."³⁷⁴ The recommendations included developing ways to "provide automatic signals that indicate whether friends are available to interact," "[e]nable tweens to instrumentally signal their availability," "[p]rovide lightweight conversation starters that tweens can use to test the reciprocity of an interaction (e.g., poking, waves)," and "build in a way that enables quick communication across all messaging modalities."³⁷⁵

287. Meta's interest, efforts, and success in expanding the presence of its platforms in children's lives is clear. Given the delicate, developing nature of the young brain and Meta's creation of social media platforms designed to promote repetitive, compulsive use, it is not surprising that American society is now grappling with the ramifications of Meta's growth-at-any-cost approach. In a candid moment, a Software Engineer at Meta admitted that "[i]t's not a

³⁶⁸ "JTBD" appears to stand for "Jobs to Be Done." Haugen_00024450 at Haugen_00024454.

³⁶⁹ Haugen_00023849 at Haugen_00023850.

³⁷⁰ *Id.* at Haugen_00023888.

³⁷¹ *Id.* at Haugen_00023886.

³⁷² *Id.* at Haugen_00023888.

³⁷³ Haugen_00024450 at Haugen_00024450.

³⁷⁴ *Id.* at Haugen_00024466.

³⁷⁵ *Id.*

secret that we've often resorted to aggressive tactics in the name of growth, and we've been pretty unapologetic about it.”³⁷⁶

288. Meta has studied features and designs from its other platforms to make Instagram as attractive and addictive as possible to young users. Meta's flagship product Facebook was the original testing ground for many of Instagram's addictive and otherwise harmful features, which the two platforms share to this day. This feature overlap is no accident: it represents a conscious strategy adopted by Meta to keep social media users hooked on its “family” of platforms for their entire lives.

3. Meta intentionally designed its platform to addict children and adolescents.

289. Meta designed Facebook and Instagram with harmful features that users encounter at every stage of interaction with the product and that lead to serious problems in NYC Plaintiffs' schools and communities. These include, but are not limited to: (a) recommendation algorithms, fueled by extensive data collection, which are designed to promote use in quantities and frequency harmful to youth; (b) features that prey upon children's desire for validation and need for social comparison; (c) features that are designed to create harmful loops of repetitive and excessive product usage; (d) lack of effective age-verification mechanisms, despite having the ability to implement them; (d) inadequate parental controls and facilitation of unsupervised use of the platforms; and (e) intentionally placed obstacles to discourage cessation of use of the platforms.

290. Facebook and Instagram have been designed, maintained, and constantly updated by one of the world's most wealthy, powerful, and sophisticated corporations. Large teams of expert data scientists, user experience (“UX”) researchers, and similar professionals have spent years fine-tuning these platforms to addict users. Every aspect of the platforms' interfaces, each layer of their subsurface algorithms and systems, and each line of underlying code has been crafted by brilliant minds. Every detail—the color of product icons, the placement of buttons

³⁷⁶ Haugen_00000934 at Haugen_00000934.

within the interface, the timing of notifications, etc.—is designed to increase the frequency and length of use sessions. Therefore, it is impractical to create a comprehensive list of addictive, harm-causing elements of and features in the product until in-depth discovery occurs. Many features, such as the inner workings of Meta’s algorithms, are secret and unobservable to users. Discovery during this litigation will reveal additional details about the addictive and harmful design of Meta’s platforms.

a. Meta has failed to implement effective age-verification measures to keep children off Facebook and Instagram.

291. Children of all ages can use and become addicted to Meta’s platforms without any effective safeguard or process prior to entry. Yet children are most vulnerable to the negative impacts of Facebook and Instagram.

292. Meta purports to prohibit children under the age of 13 from using their platforms but, at all relevant times, has lacked any reliable form of age verification to prevent underage users from using their platforms. Even now, over two years after Frances Haugen testified before Congress regarding the harm Meta knowingly causes to minors, users are only asked to self-report their birthday when signing up for a Facebook or Instagram account:

When's Your Birthday?

December 31, 2022

You can choose who can see this from your profile.
Why do I need to provide my birthday?

Continue

September	28	2019
October	29	2020
November	30	2021
December	31	2022
January	1	2023
February	2	2024
March	3	2025

(Facebook, January 2023)

Add your birthday

This won't be part of your public profile.
Why do I need to provide my birthday?

December 31, 2022

Use your own birthday, even if this account is for a business, a pet or something else.

Next

September	28	2019
October	29	2020
November	30	2021
December	31	2022
January	1	2023
February	2	2024
March	3	2025

(Instagram, January 2023)

293. If users report a birthday indicating they are less than 13 years old, the platforms redirect them to the messages below:

When's Your Birthday?

December 22, 2018

Please enter a valid birthday.

Continue

Month	Day	Year
October	20	2016
November	21	2017
December	22	2018
January	23	2019
February	24	2020

(Facebook, January 2023)

Join Facebook

We'll help you create an account in a few easy steps.

Get Started

Error

We are not able to process your registration at this time. Please try again later.

OK

Already have an account?

(Facebook, January 2023)

Add your birthday

This won't be part of your public profile. Why do I need to provide my birthday?

October 14, 2014 8 years old

We Couldn't Create an Account for You

OK

Use your own birthday, even if this account is for a business, a pet or something else.

Next

Month	Day	Year
August	12	2012
September	13	2013
October	14	2014
November	15	2015
December	16	2016

(Instagram, January 2023)

294. After acknowledging this message, users can immediately reattempt to create an account and input an eligible birthday. When a user enters an eligible birthday, there are no restrictions to creating an account other than having it linked to a cell phone number or an email. In a matter of seconds—without meaningful age verification, identity verification, or parental consent—children of all ages can create a Facebook or Instagram account, then immediately become subject to recommendation systems designed to induce endless interaction with algorithmically tailored user experiences, all while their behavior is closely but inconspicuously monitored, without actual consent, to make a progressively more addicting experience.

295. Meta chooses not to universally utilize available, effective, and reliable age verification methods and systems used by many companies across the internet. Indeed, Meta has jettisoned age-related safeguards that were initially present on the Facebook product to increase its user numbers, thereby increasing its profit, to the detriment of children.

296. Other online platforms employ substantially more effective and reliable age

verification schemes before granting children access. These include, but are not limited to, connecting new users to parents' accounts, credit card verification, verification by presentation of an identification card (or other government-issued document), or linking a verified undergraduate or professional email, among other methods. Meta chooses not to implement any of these systems, even though they are technologically feasible, used by many companies across the Internet, and could be employed at relatively low cost. Indeed, Meta itself uses an age verification technique for its Facebook Dating product that it claims can verify ages without identifying users—but does not use the same technology at account startup for Facebook or Instagram.³⁷⁷

297. For most of its history, Meta has known that children under the age of 13 are using its apps. This was clearly evidenced by, for example, posted photos of elementary school age users. Yet Meta continued to promote and usher Facebook and Instagram to children. As long as a new user simply clicked a box confirming that they were at least 13 years old, Meta asked no questions, engaged in zero follow-up, and let the user access the platforms indefinitely. This did not go unnoticed by certain of its employees who criticized the company's policy: "[I]f we collected age on [Instagram] we could age-gate [suicide and self-injury ('SSI')] content. . . and if we used age classifiers we could detect under 13s and kick them off the platform[.]"³⁷⁸

298. Indeed, Meta did not ask for the age of new Instagram users until December 2019, after Instagram had been on the market for more than seven years.³⁷⁹ Even then, Meta did not ask *existing* users to disclose their ages, effectively grandfathering in underage users. Indeed, an internal document confirms that, in April 2020, Meta had an age for only approximately 55% of

³⁷⁷ Erica Finkle, *Bringing Age Verification to Facebook Dating*, Meta (Dec. 5, 2022), <https://about.fb.com/news/2022/12/facebook-dating-age-verification/>.

³⁷⁸ META3047MDL-003-00086015 at META3047MDL-003-00086015.

³⁷⁹ META3047MDL-003-00157020 at META3047MDL-003-00157020 ("[W]e have very limited age information on [Instagram] (we only started collecting age in December at registration).").

its users,³⁸⁰ which Meta did not attempt to correct until August 30, 2021. Meta did not begin requiring age verification for users who attempt to change their age from under to over 18 until 2022.³⁸¹

299. There can be no serious debate about whether Meta has more effective age verification tools at its disposal. Meta has internal age identification models, such as the “teen_non_teen” model or the “dim_ig_age_prediction_adult_classifier” that can estimate a user’s age.³⁸² Although tools like this could be used to identify when a user is under 13 (or, for that matter, if a user is a teenager and should therefore be safeguarded from particularly injurious aspects of Meta’s platforms), Meta does not use this safeguard.³⁸³

300. Perversely, Meta does employ age verification on Instagram—but only when a user self-reports they are *younger* than 13. In that case, Meta provides a user with what amounts to an appeal right: “[I]f you believe we made a mistake, please verify your age by submitting a valid photo ID that clearly shows your face and date of birth.”

³⁸⁰ META3047MDL-003-00042548 at META3047MDL-003-00042551–META3047MDL-003-00042552.

³⁸¹ Instagram, *Introducing New Ways to Verify Age on Instagram*, Meta (June 23, 2022), <https://about.fb.com/news/2022/06/new-ways-to-verify-age-on-instagram/>. Meta explained the choice of age by saying that they provide users under 18 with an experience that is appropriate for their age, including “preventing unwanted contact from adults they don’t know[.]” However, as described herein, each week hundreds of thousands of children are inappropriately contacted by adults on Instagram.

³⁸² Haugen_00003463 at Haugen_00003463–Haugen_00003465; *see also* Ibrahim Mousa Al-Zuabi *et al.*, *Predicting customer’s gender and age depending on mobile phone data*, 6 J. Big Data 18 (Feb. 19, 2029), <https://journalofbigdata.springeropen.com/counter/pdf/10.1186/s40537-019-0180-9.pdf> (discussing generally how a similar age prediction algorithm works).

³⁸³ Haugen_00003463 at Haugen_00003463–Haugen_00003465.

4:07 5G

Help Us Verify Your Age

You must be at least 13 years old to have an Instagram account. We disabled your account because you are not old enough yet. If you believe we made a mistake, please verify your age by submitting a valid photo ID that clearly shows your face and date of birth.

Full name

Email address
 Please provide the email address connected to your account.

Instagram username

Date of birth

Your ID
 no file selected

Please provide a photo of a [valid ID](#).

Your photo ID must include your face and date of birth so we can verify your age. After you send us a copy of your ID, it'll be encrypted and stored securely. Your ID won't be visible on your profile, to friends or to other people on Instagram and will be deleted 30 days after submission.

Any additional info

ABOUT US HELP API JOBS TERMS PRIVACY

help.instagram.com

301. At best, this reflects a completely upside-down view of Meta's duty of care, using age verification to screen *in* minor users but not to screen them *out*. At worst, Meta's "are you sure you're really under 13" question invites pre-teens to falsify their identification to gain access to Instagram.

302. Similarly, Meta imposes unnecessary barriers to the removal of accounts created by children under 13. Since at least April 2018, Instagram and Facebook both accept reports of accounts created by children under 13.³⁸⁴ However, before an Instagram or Facebook account is

³⁸⁴ *Report an Underage User on Instagram*, Instagram, <https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmIGpy-NOLLtpctHOWkalXtfJ1ft9O09Q>; *Report an Underage Child*, Facebook, <https://www.facebook.com/help/contact/209046679279097>.

deleted, Meta requires verification that the child is under the age of 13. For example, Instagram's reporting page states:

If you're reporting a child's account that was made with a false date of birth, and the child's age can be reasonably verified as under 13, we'll delete the account. You will not get confirmation that the account has been deleted, but you should no longer be able to view it on Instagram. Keep in mind that complete and detailed reports (example: providing the username of the account you're reporting) help us take appropriate action. If the reported child's age can't reasonably be *verified as under 13*, then we may not be able to take action on the account.³⁸⁵

Facebook's reporting page contains almost identical language.³⁸⁶ By choosing to implement age verification only before deleting accounts of users suspected to be children, but not when those accounts are first created, Meta makes it more difficult to prove a user is under age 13 than it does for a minor to pretend to be over 13.

303. It is unclear how long Meta takes to delete a reported account, if it does so at all. Meta has ignored some parents' attempts to report and deactivate accounts of children under 13 years old.

304. Zuckerberg has stated that he believes children under 13 should be allowed on Facebook,³⁸⁷ so Meta's lax approach to age verification appears to reflect true company policy.

305. Meta's approach to underage users has consistently been one of feigned ignorance. On October 10, 2021, Senator Marsha Blackburn reported that a young celebrity told Instagram CEO Adam Mosseri that she had been active on Instagram since she was eight. Mosseri replied

³⁸⁵ *Report an Underage User on Instagram*, Instagram, <https://help.instagram.com/contact/723586364339719?fbclid=IwAR3E5rZo8zvp9Uw3giRoQRMy5qFmIGpy-NOLLtpctH0wkaIXtfJ1ft9O09Q> (emphasis added).

³⁸⁶ *Report an Underage Child*, Facebook, <https://www.facebook.com/help/contact/209046679279097>.

³⁸⁷ Kashmir Hill, *Mark Zuckerberg Is Wrong About Kids Under 13 Not Being Allowed on Facebook*, Forbes (May 20, 2011), <https://www.forbes.com/sites/kashmirhill/2011/05/20/mark-zuckerberg-is-wrong-about-kids-under-13-not-being-allowed-on-facebook/?sh=2ea85e825506>.

that he “didn’t want to know that.”³⁸⁸

306. But Meta *does* know that its age-verification protocols are inadequate to keep minors off Facebook and Instagram. According to a May 2011 *ABC News* report, “about 7.5 million [Facebook] users in the U.S. are under the age of 13, and about 5 million are under the age of 10[.]”³⁸⁹ Meta knows through retrospective cohort analyses that “up to 10 to 15% of even 10-year-olds in a given cohort may be on Facebook or Instagram.”³⁹⁰

307. Meta knows that its chosen method of registration does not adequately protect minor users from reporting inaccurate and implausible age information. As one product engineer cautioned while analyzing the age of Facebook users, “Don’t believe anything in the stated age graph for under 30. They are all mixed up . . . We have way more people who say they are born in the early 90s than exist in the population.”³⁹¹

308. Meta’s internal studies confirm its knowledge that kids, tweens, and teens use its platforms. In one study, Meta researched children as young as seven and found that, in the fifth grade, “social media becomes a part of their digital diets.”³⁹² Moreover, they identified that 24% of children ages 7-9 and 55% of tweens ages 10-12 have at least one social media account,³⁹³ and specifically stated that Instagram’s perceived user base included middle schoolers.³⁹⁴

³⁸⁸ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

³⁸⁹ Ki Mae Heussner, *Underage Facebook Members: 7.5 Million Users Under Age 13*, ABC News (May 9, 2011), <https://abcnews.go.com/Technology/underage-facebook-members-75-million-users-age-13/story?id=13565619>.

³⁹⁰ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

³⁹¹ Haugen_00012303 at Haugen_00012314.

³⁹² Haugen_00023849 at Haugen_00023855; Haugen_00023849 at Haugen_00023858910.

³⁹³ *Id.* at Haugen_00023866.

³⁹⁴ *Id.* at Haugen_00023879.

309. Another internal post reveals Meta's knowledge of the widespread use of Instagram by preteens, as well as its targeting of children under the age of 13. In a study from around January 2021: *The Role of the Teen in Shaping a Household's Experience of Instagram*, Meta expressed a desire to utilize teenagers as the doorway into capturing an entire household of users, including children under age 13.³⁹⁵ The study explains that teens can be used to teach their preteen siblings how to join while underage, and to help them develop a habit of using and posting indiscriminately.³⁹⁶ The study expresses concern that some teens may teach their preteen siblings to post less, and recommends that Meta combat this by changing perceptions among teens so that they will instruct their preteen siblings to use Instagram more spontaneously.³⁹⁷

Key discussion points from this document include:

Teens strongly influenced preteens' understanding of what and how frequently to share on [Instagram], even discouraging them from sharing. . . . We need to understand [Instagram] myths circulating among teens to inform comms and shift the perception of sharing on [Instagram]. . . .

Historically, teens have been a key focus for [Instagram]. Acquiring and maintaining them continues to be a priority, reflected by investment in new features like Reels. Additionally, capturing the teen user cohort on [Instagram] is critical as we think about Instagram's role within the broader family of apps. . . . [Teens] are typically the first within a household to join. In many cases, they're also critical to the onboarding process for parents and preteens alike. . . .

Older teens were [Instagram] catalysts for preteens. Most preteens became curious about and wanted an [Instagram] account because of their older sibling. In some cases, preteens even relied on their older sibling to create and set up their account, seeking their guidance on a username, profile photo, and accounts to [f]ollow. . . . If we're looking to acquire (and retain) new users we need to recognize a teen's influence within the household to help do so, and the potential ripple effect. . . .³⁹⁸

310. Meta has not used its copious knowledge about preteen engagement with its

³⁹⁵ Haugen_00016728 at Haugen_00016728.

³⁹⁶ *See id.* at Haugen_00016731–Haugen_00016734.

³⁹⁷ *Id.* at Haugen_00016736–Haugen_00016740.

³⁹⁸ *Id.* at Haugen_00016731–Haugen_00016734.

platforms to comply with the law. Far to the contrary, it has leveraged its research to manipulate households and target preteens through their siblings.

b. Facebook’s and Instagram’s parental controls are ineffective.

311. Once a child has begun scrolling on Meta’s platforms, they can use the platforms entirely without the protective aid of parental guidance. Indeed, Facebook and Instagram are plainly problematic due to the lack of adequate parental controls, which hinder parents’ ability to monitor and protect their children from harm.

312. Meta does not require “verifiable parental consent” for minors to use Facebook or Instagram. Meta has chosen to avoid its obligations by *purporting* to ban children younger than 13, despite, as demonstrated above, knowing that such children continue to access and use its platforms due to its inadequate age verification methods.

313. A reasonable company that knows or should have known its platforms are harmful to adolescents would require parental consent for *any* minor to use them. But Meta’s lack of parental consent requirement for users robs parents of an important way to protect their children from the harms caused by Instagram and Facebook.

314. Meta’s platforms largely lack readily available parental controls, despite their affordability and ease of implementation. For example, Meta has chosen not to: (a) require children’s accounts on Facebook and Instagram to be linked to their parents’, as it does with another one of its platforms—Messenger Kids;³⁹⁹ (b) send reports of a child’s activity to parents; (c) allow parents to implement maximum daily usage limitations or to prohibit use during certain hours (e.g., school and sleep hours); (d) notify parents about interactions with accounts associated with adults; or (e) require parental approval before a minor can follow new accounts.

315. Controls like these would enable parents to track the frequency, time of day, and duration of their child’s use, and identify and address problems arising from such use. It is

³⁹⁹ Loren Cheng, *Introducing Messenger Kids, a New App for Families to Connect*, Meta (Dec. 4, 2017), <https://about.fb.com/news/2017/12/introducing-messenger-kids-a-new-app-for-families-to-connect/>.

reasonable for parents to expect that social media companies that actively promote their platforms to minors will undertake reasonable efforts to notify parents when their children's use becomes excessive, occurs overnight, or becomes otherwise problematic. Meta could feasibly design Instagram and Facebook to address these concerns at negligible cost.

316. Meta creates a foreseeable risk to NYC Plaintiffs' schools and students through its design choices, and then attempts to shift the burden of protection from those platforms onto parents. Meanwhile, Meta intentionally designs Facebook and Instagram to aid children's efforts to undermine parental supervision. For example, Instagram and Facebook allow children to create a limitless number of anonymous accounts without parental approval or knowledge and allows kids to block parent profiles.⁴⁰⁰ On Instagram, children can post stories to "Close Friends Only," i.e., to a select group of followers, excluding their parents. On Facebook, children can place their parents on a "restricted list" of people who are unable to view their stories. Meta has intentionally designed many aspects of Instagram and Facebook to undermine parental supervision in an effort to maximize teen usage: "If Mom starts using an app all the time, the app can lose a 'cool' factor, if we're not conscious of separation."⁴⁰¹ "[W]e should be thinking about how having parents being on Instagram might affect graph management and teen engagement over time. Discovery/usage of additional accounts could prove critical for authentic sharing by teens."⁴⁰²

⁴⁰⁰ In 2018, Meta observed that "the participation rate of multiple account switching (basically the equivalent of finstas) [was] going up," with 36% of teens engaging in multiple account switching. Haugen_00017698 at Haugen_00017784. "Finsta," a widely used slang term, is a contraction of "fake" and "Insta" (short for Instagram). "It is neither an official designation nor a type of account offered by Facebook. Rather, it is a term many users ascribe to secondary accounts they create for themselves on Instagram, where their identities — and, often, the content of their posts — are obscured to all but a small, carefully chosen group of followers." Caity Weaver & Danya Issawi, *'Finsta,' Explained*, N.Y. Times (Sept. 30, 2021), <https://www.nytimes.com/2021/09/30/style/finsta-instagram-accounts-senate.html>.

⁴⁰¹ Haugen_00016728 at Haugen_00016735.

⁴⁰² Haugen_00011969 at Haugen_00011975. "Graph management" apparently refers to efforts by a user to unfollow accounts, i.e., "prun[e]." META3047MDL-003-00146492 at (footnote continued)

317. As one internal document described the issue:

[A]re teens able to maintain spaces that feel sacred to them (and their friends) or do we see decreased usage or new behavior patterns emerge as household members join? . . . Preservation of protected spaces will require: [1] Learning how to create spaces within the app where teens feel like they have privacy both from their own parents but also privacy from non-peers (e.g., Aunt Sally, neighbor down the street, teachers, etc.). [2] Finding opportunities, such as [“]close friends[”] where teens have their own, protected peer communities. [3] Understanding the value of certain features being more complex (i.e., indirectly made for teens because more challenging for parents or preteens). Both Snapchat and TikTok are somewhat confusing to parents, in turn affording teens a protected place to play/engage.⁴⁰³

318. Meta’s internal documents recognize that parents are largely ill-equipped to protect children from its platforms. As one employee asserted in the discussion of a focus group survey regarding the mental health impact of Meta’s platforms on teenagers:

The other big reason that parents aren’t a source of support has to do with parents’ ability (or really, their inability) to understand what adolescence in the age of social media looks and feels like. The parents of today’s teens came of age before social media, so they don’t know and *can’t* know what it’s like to live in what feels like a constant spotlight. When today’s parents were teens, social comparison was much more limited both in terms of scope and scale. Teens today compare themselves to many more people, much more often, and about more parts of life than their parents did during their adolescence. In addition, today’s parents were able to turn it off when they went home, while teens feel compelled to be on social media all the time.⁴⁰⁴

319. When employees have raised the possibility of additional safeguards—“could we offer a parental control feature so that parents and kids could learn and cope together?”—Meta has consistently ignored them.⁴⁰⁵

320. Finally, Meta has failed to develop effective reporting tools to deal with abuse directed at underage Instagram and Facebook users. Meta does not have a phone number that a

META3047MDL-003-00146496; META3047MDL-003-00178437 at META3047MDL-003-00178437–META3047MDL-003-00178438.

⁴⁰³ Haugen_00016728 at Haugen_00016735.

⁴⁰⁴ Haugen_00017069 at Haugen_00017173.

⁴⁰⁵ *Id.* at Haugen_00017172.

parent, caregiver, teacher, school counselor, school administrator, or child can call to report such abuse in real time, and its online reporting mechanisms lack immediate response protocols, regardless of the seriousness of the harm at issue. In fact, Meta has, in some instances, declined to respond to reports filed through its online reporting tool, citing technical issues.

c. Facebook and Instagram were intentionally designed to addict its users.

321. From the moment a child first begins to scroll on Facebook or Instagram, Meta assails them with an addictive and harmful features. The platforms permeate with user experience and user interface designs intended to create and maintain an addictive “flow-state,” using auto-playing features, time-limited experiences, IVR, reciprocity, and gamification.

322. To drive user engagement (and thereby drive data collection and advertising revenue), Facebook and Instagram utilize a series of design features that are carefully calibrated to exploit users’ neurobiology, especially aspects unique to minors. Indeed, Meta’s product design team’s research with respect to “long-term retention” confirmed that “the young ones are the best ones . . . You want to bring people to your service young and early.”⁴⁰⁶ These features work in tandem with algorithmic ranking, discussed below, to promote addictive engagement. Meta understands this, “teens tell us that they try to take a break but feel compelled back onto the app.”⁴⁰⁷ But it does not warn prospective or current users about the following features or their safety risks, which are particularly harmful to children and result in serious problems in NYC Plaintiffs’ schools.

323. *First*, Meta programs IVR into its platforms. Behavioral training via IVR keeps users endlessly scrolling in search of a dopamine release, oftentimes despite their desire to put their device down and move onto other activities. Children, who are less likely to have adequate impulse control than adults, are more susceptible to being drawn into this engineered flow state and more likely to grow dependent on Facebook or Instagram.

⁴⁰⁶ Mass. AG Compl. at 39, ¶ 146.

⁴⁰⁷ META3047MDL-003-00093303 at META3047MDL-003-00093303.

324. *Second*, Facebook and Instagram utilize “Likes” to control the release of dopamine in children. This feature, which Meta first created for Facebook and “introduced . . . to the world” in 2010, allows users to indicate that they approve a post, and visibly tallies the number of “Likes” any given post has earned.⁴⁰⁸ Instagram launched in 2010 with the Like feature built-in—a user can “Like” a post simply by tapping a heart-shaped button.

325. As with a slot machine, users never know when a “Like” will come. Rather than delivering “Likes” in real time, Meta’s platforms space out “Likes” (and other notifications such as comments and follows) to trigger on a schedule most likely to strengthen users’ addiction, e.g., when they would otherwise end their use sessions. This design conditions users to stay on the platforms, including through social comparison and feedback seeking, creating detrimental effects on minors’ physical and mental health. Indeed, Meta knows from its own internal research that the “Like” feature negatively impacts its younger users.⁴⁰⁹ In that research, Meta acknowledged how much younger users care about the number of “Likes” they received.⁴¹⁰

326. Despite this knowledge, Meta has expanded the “Likes” feature in both Facebook and Instagram. In December 2016, Meta began allowing users to “Like” comments, not just posts. In February 2022, Meta began allowing users to “Like” Instagram Stories.⁴¹¹ Expanding the “Like” feature has intensified and multiplied the body of feedback that teen users receive (or don’t receive) on their posts, preying on their desire to seek validation through comparison with others.

327. Meta’s research confirms that hiding “Likes” for all its users would decrease social

⁴⁰⁸ Ray C. He, *Introducing new Like and Share Buttons*, Meta (Nov. 6, 2013), <https://developers.facebook.com/blog/post/2013/11/06/introducing-new-like-and-share-buttons/>.

⁴⁰⁹ See Haugen_00008207 at Haugen_00008210 (summarizing 2020 research and referencing 2018 research regarding the stress and anxiety that “Likes” cause teens).

⁴¹⁰ *Id.* at Haugen_00008232.

⁴¹¹ Jhinuk Sen, *Instagram is adding Likes to Stories so it doesn’t clog up people’s inboxes*, Bus. Today (Feb. 15, 2022), <https://www.businesstoday.in/technology/news/story/instagram-is-adding-likes-to-stories-so-it-doesnt-clog-up-peoples-inboxes-322661-2022-02-15>.

comparison on the apps.⁴¹² Yet its research also demonstrated that hiding “Likes” would decrease the rates at which users click on advertisements (and thereby lower Meta’s ad revenue).⁴¹³

328. For that reason—despite its ability to alleviate the negative impact of “Likes” on younger users—Meta chose only to implement ineffective, nominal measures as a public relations strategy. Meta first created the option for users to hide “Like” counts in May 2021, but it made this an optional setting left off by default.⁴¹⁴ Moreover, even when hidden, the number of “Likes” remains visible to the poster. These changes stop short of resolving the issue of negative social comparison and compulsive use that these score-keeping features cause.

329. *Third*, Meta has designed its video features to create and maximize users’ flow state, which also keeps them immersed in its platforms for longer periods of time. Video clips on Facebook Reels and Instagram Reels automatically play as users scroll, and automatically restart once scrolling is concluded. Reels cannot be paused, and tapping on the video will simply mute its audio. In addition, Meta imposes limits on the length of videos on Reels (currently 90 seconds, and at times as short as 15 seconds). These limits ensure that users do not become bored by long videos and end their sessions.

330. Meta designed the comment features of Reels to minimize any disruption to users’ heightened flow state. The interface of Reels displays the “Like,” “Comment,” “Save,” and “Share” buttons on the bottom right of the screen. This placement avoids the milliseconds of delay or discomfort that could disrupt the flow state of right-handed users if placed elsewhere on the screen. Furthermore, these buttons are overlaid on top of the continuously playing clips, to eliminate any temporal or visual interruption during which a user might evaluate whether to continue using the product. Likewise, when a user taps to view the comments on a Reel, the

⁴¹² Haugen_00008207 at Haugen_00008232.

⁴¹³ *Id.* at Haugen_00008250.

⁴¹⁴ Instagram, *Giving People More Control on Instagram and Facebook*, Meta (May 26, 2021), <https://about.fb.com/news/2021/05/giving-people-more-control/>.

video's audio and the top quarter of the video continue to play behind the comments section. Again, this design feature keeps the user's attention on the feed.

331. In keeping with its study of IVR, Meta knows when to strategically interrupt a user's flow. Occasionally, while a video is playing, a comment from the video will appear on the bottom of the screen, even without the user tapping to view the comments section. These comments are selected, displayed, and timed intentionally, to retain a user's attention by engaging with the comments section.

332. And Meta tracked data showing features like auto-play furthered Meta's goal of increasing the amount of time young users spent on Facebook and Instagram:

We have been investing effort in researching time spent to find opportunities. By comparing long-term tests that always or never auto-play videos, we find that auto-play increases overall time spent for some people and cannibalizes time spent for others. Using SmartScorer, we found that auto-play increases time spent for people with high inventory utilization and younger people (college and late high school), and decreases time spent for other people. This shows there is opportunity to grow time spent by personalizing auto-play rules in feed (details)."⁴¹⁵

333. *Fourth*, Meta carefully calibrates the notifications it sends outside of the Facebook and Instagram apps, to maximize success in drawing back users who are not presently using the platforms and engaging in unrelated activities, such as attending school. Internal company documents outline Meta's strategy of pursuing "Teen Growth" by "leverag[ing] teens' higher tolerance for notifications to push retention and engagement."⁴¹⁶ By default, Facebook and Instagram notify users through text and email about activity that might be of interest, which prompts users to open and reengage with the platforms. However, Meta intentionally chooses to use "clickbait"⁴¹⁷ to display only a limited amount of information in notifications, in order to

⁴¹⁵ MDL AG Compl. at 27, ¶ 145.

⁴¹⁶ MDL AG Compl. at 52, ¶ 304.

⁴¹⁷ *Clickbait*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/clickbait> (defined as "something (such as a headline) designed to make readers want to click on a hyperlink especially when the link leads to content of dubious value or interest").

trigger curiosity and manipulate the user to click or tap through to the product. In December 2020, Meta internally acknowledged that the goal of this feature was to optimize engagement at the expense of value to users: “A few years ago we stopped sending out emails telling you what happened - e.g., telling you what your friend did - instead we just say ‘someone comment [sic] on your post,’ in the hope that you’ll click through. This a clear value-engagement tradeoff.”⁴¹⁸ Similarly, Meta stopped sending push notifications telling users about friend activities, finding that, without notifications, users were forced to go to the product itself to “check what’s happening,” thereby initiating a new session, increasing engagement, and improving Meta’s bottom line.⁴¹⁹ Meta designed these features despite knowledge that they would increase addictive behaviors,⁴²⁰ and in disregard of safer alternative designs.⁴²¹

334. Meta knows that its storm of notifications is successful in keeping youth on its platforms. In a November 2019 internal presentation: *Instagram Notification Systems Roadshow*, Meta’s research revealed that as a result of its “high volume” push notifications, young users are “overload[ed],” “overwhelm[ed],” and compelled to re-open Instagram repeatedly throughout the day.⁴²²

335. Similarly in May 2020, Meta conducted research: *Teen Fundamentals*. This research showed that because “[a]pproval and acceptance are huge rewards for teens,” notifications are highly effective in encouraging teens to continue coming back to Meta’s platforms over and over again in hopes of receiving an “award,” i.e., some type of positive social

⁴¹⁸ Haugen_00010114 at Haugen_00010117.

⁴¹⁹ *Id.*

⁴²⁰ See Haugen_00016893 at Haugen_00016899–Haugen_00016902.

⁴²¹ See Haugen_00016893 at Haugen_00016913 (Meta intern suggesting changing to a subtler form of notifications); Haugen_00016893 at Haugen_00016915–Haugen_00016916 (Meta intern urging the company to stop “inundating users with excessive notifications” and instead focus on user experience to create meaningful connections for users).

⁴²² Mass. AG Compl. at 28, ¶ 93.

validation.⁴²³ Indeed, Meta’s research noted that teen brains have “insatiable” need for these “feel good dopamine effects.”⁴²⁴

336. Meta’s studied manipulation of user engagement through notifications is particularly detrimental to teenagers, who lack impulse control and crave social rewards, and who are therefore more susceptible to falling into compulsive patterns of product use. Those harms are compounded by the fact that Meta sends push notifications in the middle of the night, prompting children to re-engage with Instagram and Facebook when they should be sleeping. Disturbed and insufficient sleep is associated with poor health outcomes.⁴²⁵

337. Meta pursued its strategy of maximizing engagement through notifications to young users despite knowing from its own internal research that it causes harm to young users’ well-being. In July 2018, a research article circulated internally within Meta: *Problematic Facebook use: When People Feel Like Facebook Negatively Affects Their Life*, noted that notifications are psychologically harmful to young users by “caus[ing] inattention and hyperactivity among teens,” and “reduc[ing] productivity and well-being.”⁴²⁶

338. Similarly, in a November internal presentation: *[Instagram] Notification Systems Roadshow*, Meta’s employees acknowledged that some of its users are “overloaded because they are inherently more susceptible to notifications dependency.”⁴²⁷ Despite acknowledging users’ concern that Instagram’s push notifications had the potential to “constantly harm . . . mental health,” the presentation did not propose any product changes to protect young users’ mental health—and instead deferred the “harmful effect on teen usage” for further investigation.⁴²⁸

⁴²³ Mass. AG Compl. at 27, ¶ 91.

⁴²⁴ Mass. AG Compl. at 35, ¶ 129.

⁴²⁵ *The Teen Brain: Still Under Construction* at 6, Nat’l Inst. Mental Health (2011), <https://foster-ed.org/wp-content/uploads/2017/02/The-Teen-Brain-Still-Under-Construction-2011.pdf>.

⁴²⁶ Haugen_00021690 at Haugen_00021708.

⁴²⁷ MDL AG Compl. at 53, ¶ 312.

⁴²⁸ *Id.*

339. *Fifth*, the “Stories” feature of both Facebook and Instagram is designed to create artificial urgency so that users return to the apps from frequently. “Stories” was added by Meta in response to the growing popularity of Snapchat with teenagers in 2016. “Stories” appear at the top of a user’s home page upon opening the app and are available to view for only 24 hours, after which they disappear. This creates pressure to use the product daily, or else risk missing out on dopamine-causing stimuli or social interactions. This feature is particularly addictive to adolescent users, like NYC Plaintiffs’ students, who feel increased social pressure to view all their contacts’ stories each day before they disappear, thus increasing their compulsive usage and potential addiction to the product.⁴²⁹ The ephemeral nature is a ploy intended to inspire urgent perusal, and it works.⁴³⁰

340. Meta’s internal data shows that its “Stories” feature successfully increased the amount of time users spend on Instagram. Internal data from 2018 touted statistics that 72% of people on Instagram viewed Stories each day, that “[g]rowth is especially strong” among U.S. teens, and that based on these viewership rates “Stories Ads Revenue” had grown to be “20% of daily Instagram revenue.”⁴³¹ Internal Meta documents from 2018 also state that “we’ve invested in [Facebook] stories—and have seen engagement more than double[;] teen original sharing [is] up for the first time since 2012.”⁴³²

341. Another purposefully designed FOMO-inducing feature is Instagram’s “Live” feature that Meta launched in 2016. Through the “Live” feature, an Instagram user can broadcast

⁴²⁹ Sarah Lempa, *Science Behind [sic] Why Instagram Stories Are So Addicting*, Healthline (Apr. 5, 2021), <https://www.healthline.com/health/why-are-instagram-stories-so-addicting#The-story-behind-the-Stories>.

⁴³⁰ Madiha Jamal, *Ephemeral Content — The Future of Social Media Marketing*, Better Mktg. (Mar. 2, 2021), <https://bettermarketing.pub/ephemeral-content-the-future-of-social-media-marketing-996d265916c2#:~:text=Ephemeral%20content%20relates%20to%20the,WhatsApp%20Stories%2C%20and%20LinkedIn%20Stories>.

⁴³¹ Mass. AG Compl. at 31, ¶ 109.

⁴³² MDL AG Compl. at 21, ¶ 101.

livestream videos for their followers or the public to watch and react to in real time.⁴³³ As the feature's name suggests, these videos are only accessible and can be interacted with during the time that user is going "Live."

342. When an Instagram account "goes Live," Instagram sends out a notification on the mobile devices of users that follow that account that reads, "[@user] started a live video. Watch it before it ends!"⁴³⁴ Instagram sends this notification even when a user does not have the Instagram app open to induce them to re-open and revisit the platform.

343. Emails to Instagram executives show that the "Live" feature was designed to maximize young users' time spent on Instagram. In a December 2015 strategy email to Meta's executives, including former Instagram CEO Kevin Systrom and CTO Mike Krieger, Meta employees set goals "[to] drive substantial watch time via Live" by "[finding] partners to appeal to teens" and "driving time spent" for teens by "supporting initiatives" around "Live Events."⁴³⁵

344. Meta quickly found that the Live feature was popular among young users, including teens. An internal highlights memo noted in February 2017 that of the over 9 million daily broadcasts, "[Meta] found that 35% of [Live] broadcasters are teens (early and late high school)."⁴³⁶

345. As another set of Meta researchers acknowledged, the majority of negative experiences on Instagram come not from direct interactions with others (i.e., through comments or direct messages) but rather through algorithmically-generated recommendations, via Explore, Feed, Stories, or hashtag pages.⁴³⁷

346. All of the above design choices, in addition to those discussed in the section that follows, interact with and compound one another to make Meta's platforms relentlessly

⁴³³ *Live*, Instagram Help Ctr., https://help.instagram.com/272122157758915/?helpref=hc_fnav.

⁴³⁴ *Notification Settings*, Instagram Help Ctr., <https://help.instagram.com/105448789880240>.

⁴³⁵ Mass. AG Compl. at 33–34, ¶ 122.

⁴³⁶ MDL AG Compl. at 21, ¶ 106.

⁴³⁷ META3047MDL-003-00087111 at META3047MDL-003-00087112.

addictive and harmful for youth, including youth in NYC Plaintiffs’ schools and community.

d. Meta knew that its platforms caused problematic use and failed to prevent it.

347. Meta has long been aware of this compounding likelihood of injury posed by its platforms.

348. In 2017, Meta investigated Facebook users who were addicted to the product—that is, those who “cannot stop using [the] product to the point where it can cause them harm.”⁴³⁸ The research found that “[i]n a given week, approximately 5.9 million people leave Facebook” because they “spent too much time” or because they were taking a temporary break and “planned to return.”⁴³⁹ “This subset provided a good signal for people who could be addicted, who ultimately leave Facebook as a solution.”⁴⁴⁰ The analysis also found that this subset had a higher number of sessions per day, received more notifications, and responded quicker to notifications compared to all users.⁴⁴¹ In 2018, Meta examined the issue of “Facebook addiction” through a study: *Problematic Facebook use: When people feel like Facebook negatively affects their life*.⁴⁴² The investigators defined “problematic use” as meaning: “Serious problems with sleep, work, or relationships that they attribute to Facebook AND concerns or preoccupations about how they use Facebook (e.g., a fear of missing out (FOMO) or lack of control)[.]”⁴⁴³ Notably, the investigators did not target the heaviest Facebook users in their research.⁴⁴⁴

349. The study found that approximately 5% of teens ages 13-20 were problematic

⁴³⁸ Haugen_00016893 at Haugen_00016895. This group’s investigation also included meeting with Nir Eyal, author of the book: *Hooked: How to Build Habit-Forming Products*.

⁴³⁹ Haugen_00016893 at Haugen_00016898.

⁴⁴⁰ *Id.*

⁴⁴¹ Haugen_00016893 at Haugen_00016899–Haugen_00016902.

⁴⁴² Haugen_00021690 at Haugen_00021690.

⁴⁴³ *Id.* at Haugen_00021692.

⁴⁴⁴ *Id.* at Haugen_00021697.

users.⁴⁴⁵ “Problematic use is highest among teens and people in their 20s, consistent with previous findings that younger people generally have more problems with self-regulation.”⁴⁴⁶ Additionally, “problematic users” evidenced common tendencies, such as: (a) accessing and spending more time on Facebook; (b) using Facebook late at night; (c) receiving more and responding more quickly to push notifications; (d) temporarily deactivating their account in the past; and (e) sending far more messages per minute with a higher ratio of messages sent to messages received.⁴⁴⁷ Meta understands that “teens feel addicted to [Instagram] and feel a pressure to be present” and “like addicts, they feel that they are unable to stop themselves from being on [Instagram][.]”⁴⁴⁸

350. A study into Instagram user behaviors from that same year similarly found that “high time spent users do tend to be disproportionately younger users, and these users may warrant extra attention.”⁴⁴⁹ The study found that “[a]s time spent increases, we see a larger proportion of users that are high school, college or early work life-stages, with additional increases in high school when we zoom in on the top 1% of time spent users.”⁴⁵⁰

351. Meta knows that “problematic use” of Facebook and Instagram leads to real problems. In one internal company document, Meta acknowledged that the pressure to be present and obtain validation on Instagram meant that teens lacked the capacity to “switch off and shut down,” noting that teens “can get addicted to things that make them feel bad.”⁴⁵¹ One of Meta’s data scientists did not mince words when describing this phenomenon to their colleagues:

⁴⁴⁵ *Id.* at Haugen_00021699.

⁴⁴⁶ *Id.* at Haugen_00021697.

⁴⁴⁷ *Id.* at Haugen_00021703–Haugen_00021704; Haugen_00021708–Haugen_00021710, Haugen_00021715–Haugen_00021716.

⁴⁴⁸ META3047MDL-003-00157036 at META3047MDL-003-00157036.

⁴⁴⁹ Haugen_00017177 at Haugen_00017181.

⁴⁵⁰ *Id.*

⁴⁵¹ Haugen_00017069 at Haugen_00017128, Haugen_00017132.

I worry that driving sessions incentivizes us to make our product more addictive, without providing much more value. How to keep someone returning over and over to the same behavior each day? Intermittent rewards are most effective (think slot machines), reinforcing behaviors that become especially hard to extinguish—even when they provide little reward, or cease providing reward at all.⁴⁵²

Another Meta employee was clear-eyed that “little reward” was too charitable—and that addictive use was actively harming kids’ mental health:

In the focus groups teens told us that they don’t like the amount of time they spend on the app but feel like they have to be present. They often feel ‘addicted’ and know that what they’re seeing is bad for their mental health but feel unable to stop themselves. This makes them not feel like they get a break [sic] or to can’t switch off social media[.]

[A]bout 30% (and even larger proportions of those who are unsatisfied with their lives) said that the amount of time they spend on social media makes them feel worse. About half of teens in both [the U.S. and UK] want Instagram to encourage them to take a break or to get off the app[.]

[In another survey,] we found that time spent is among one of the most negative experiences for [Instagram] (25%+ say they spend too much time on social media, and it’s worst on Instagram and Facebook). At the same time, they didn’t think there was anything they could do about it and had fairly negative things to say about the time spent tools we have (particularly that the tools are easy to ignore).⁴⁵³

352. In January 2021, another Meta employee wrote: “No one wakes up thinking they want to maximize the number of times they open Instagram that day. But that’s exactly what our product teams are trying to do.”⁴⁵⁴

353. Meta failed to invest in adequate tools to limit the harm their platforms inflicted on users. As their internal documents reveal, “the tools we currently have aren’t effective at limiting [users’] time on the ap [sic][.]”⁴⁵⁵ Nonetheless, Meta publicly presented certain of these tools as solutions, despite knowing of their ineffectiveness. For example, Meta offered its users

⁴⁵² Haugen_00010114 at Haugen_00010127.

⁴⁵³ Haugen_00017069 at Haugen_00017171.

⁴⁵⁴ META3047MDL-003-00161686.

⁴⁵⁵ META3047MDL-003-00157036 at META3047MDL-003-00157036.

a feature that purported to show how much time users had spent on Instagram, and Meta touted this feature “when speaking to consumers, the press, and stakeholders about our efforts to combat social media addiction.”⁴⁵⁶ But internally, Meta acknowledged that the data reported by this tool was fundamentally “incorrect”:

It’s not just that Apple / Google have better data. Ours is wrong. Far worse. We’re sharing bad metrics externally. We’ve been unable to right it despite several person-months of efforts. . . . So it’s wrong (bad enough in itself), can’t be fixed easily (we’ve tried), has been half-rolled-out for a while . . . the group that audits metrics we provide to the outside world[] has called us out on it. . . . The reason this is relevant is we vouch for these numbers. Any day they’re out there is a legal liability.⁴⁵⁷

354. Meta’s failure to prevent, and indeed pursue, compulsive use by children, and the harms resulting therefrom, are a function of its misplaced priorities. One “integrity researcher” at Facebook wrote an internal article in August 2020 with her parting thoughts as she left the company. She explained that Meta’s leadership consistently ignored concerns about user safety:

Integrity teams are facing increasing barriers to building safeguards. . . . [T]ime and time again I’ve seen promising interventions from integrity product teams, with strong research and data support, be prematurely stifled or severely constrained by key decision makers—often based on fears of public and policy stakeholder responses. Similarly (though even more concerning), I’ve seen already built & functioning safeguards being rolled back for the same reasons . . . While mountains of evidence is (rightly) required to support a new intervention, none is required to kill (or severely limit) one. . . . [This] is intended as a call to reflection for those decisions-makers [sic] imposing constraints.⁴⁵⁸

355. Meta’s decision to addict teenage users by rewiring their brains has not aged well for some of its former employees. Chamath Palihapitiya, the former Vice President of User Growth at Facebook, admitted that he feels “tremendous guilt” about his contributions to social media, saying “[t]he short-term, dopamine-driven feedback loops that we have created are

⁴⁵⁶ *Id.*

⁴⁵⁷ META3047MDL-003-00157133 at META3047MDL-003-00157133.

⁴⁵⁸ Haugen_00021096 at Haugen_00021097 (emphasis omitted).

destroying how society works[.]”⁴⁵⁹

- e. **To combat declining revenue drivers, Meta further revamped its algorithms to maximize addictive efficacy, despite increased awareness of palpable harm to youth.**

356. As a child continues to glide through the platforms’ sleek UX and UI design, Meta’s algorithms track innumerable data points about the child’s behavior (especially noting which stimuli captures the child’s attention most effectively) and uses this data to fuel one of the most addictive component of its platforms: algorithmic recommendations.

357. Meta has invested its vast resources to intentionally design Facebook and Instagram to be addictive to adolescents, all the while concealing these facts from its users and the public, including NYC Plaintiffs, NYC Plaintiffs’ students, and NYC Plaintiffs’ community.

358. As discussed above, in their original forms, Meta’s Facebook and Instagram algorithms were ranked chronologically, meaning that a particular user’s feed was organized according to when material was posted or sent by the people the user followed. In 2009, Meta did away with Facebook’s chronological feed in favor of engagement-based ranking; in 2016, it did the same on Instagram. This “engagement-based” system meant that posts that received the most likes and comments were highlighted first for users. But facing declining engagement, Meta redesigned its algorithms once again in or around early 2018. This change prioritized “meaningful social interaction” (“MSI”), with the goal of showing users content with which they were more likely to engage. The MSI-oriented algorithms purportedly emphasize the interactions of users’ connections, e.g., Likes and comments, and give greater significance to the interactions of connections that appear to be closest to users. Meta’s current algorithms consider a post’s Likes, shares, and comments, as well as a respective user’s past interactions with posts with similar characteristics, and displays the post in the user’s feed if it meets these

⁴⁵⁹ Amy B. Wang, *Former Facebook VP says social media is destroying society with ‘dopamine-driven feedback loops’*, Wash. Post (Dec. 12, 2017), <https://www.washingtonpost.com/news/the-switch/wp/2017/12/12/former-facebook-vp-says-social-media-is-destroying-society-with-dopamine-driven-feedback-loops/>.

and certain other benchmarks.

359. In algorithmically generating users' feeds, Meta draws upon the vast amount of data it collects about and from its users. Meta's algorithms combine the user's profile (e.g., the information posted by the user on the product) and the user's dossier (the data collected and synthesized by Meta, to which it assigns categorical designations) along with a dossier of similar users.⁴⁶⁰ Meta's algorithms identify and rank recommended posts to optimize for various outcomes, such as for time-spent by a user or for user engagement. This can have serious mental health consequences, and associated impact on NYC Plaintiffs' operations, because Meta knows that teens "can get addicted to things that make them feel bad."⁴⁶¹

360. Much of what Meta shows users is material that they did not sign up for but cannot avoid. In a 2019 internal document, a Meta data scientist explained that "users have told us the pages they would like to see content from, but we often override those explicit preferences because our predictions of what will get shared and engaged with disagree."⁴⁶² This same employee pointed to additional data demonstrating that users get relatively few connected posts (from pages they chose to like) as opposed to unconnected posts that are reshared by others, even as Meta knows that such material is less valued by users.⁴⁶³

⁴⁶⁰ Instagram's former Head of Product Analytics defined "ranking" as "an ordering of content by importance or relevance" in a 2018 post: *Is Ranking Good?*. Haugen_00002372 at Haugen_00002374.

⁴⁶¹ Haugen_00006798 at Haugen_00006799 (observing that Meta's recommendation algorithms "are often prone to recommending bad content"); Haugen_00024997 at Haugen_00024997 (conducting experiment showing that, in 3 weeks, "by following just . . . *recommended* content, the test user's News Feed has become a near constant barrage of polarizing nationalist content, misinformation, and violence and gore"); Haugen_00024997 at Haugen_00024998 ("[W]hen Watch isn't sure what you want, it seems to recommend a lot of softcore porn[.]"); Haugen_00003739 at Haugen_00003740 ("[Instagram] is more 'successful' ranking harmful content than benign content, and is more likely to mistakenly rank higher [] harmful content than to mistakenly rank higher benign content."); Haugen_00017069 at Haugen_00017128.

⁴⁶² Haugen_00021247 at Haugen_00021248; *see also* Haugen_00006798 at Haugen_00006799 (Meta Research Scientist in 2019 stated, "it's at best unclear whether users 'want' us to put unconnected stories in their feed, even if they like some of them.").

⁴⁶³ Haugen_00021247 at Haugen_00021248.

361. Meta also optimizes the design of its platforms for overall “network value”—that is, what will get the most downstream engagement by other users—rather than what that specific user would like.⁴⁶⁴ As the Meta data scientist put it, “we show things to users that we think they have a small chance of sharing, leading to comments between people who see it downstream, over things that have a greater chance of being explicitly liked by that user.”⁴⁶⁵

362. Through these algorithms, Meta intentionally supplants the material that users have elected to see with items that it believes will drive more use and engagement. Thus, the platforms that Meta touts as “[g]iv[ing] people the power to build community and bring[ing] the world closer together[,]” are designed in a way that prioritizes not social connection but product use at all costs, even to the detriment of the health and safety of young people.⁴⁶⁶ The result for Meta is an increase in its bottom line. The result for young users is platforms that are so addictive that they return again and again, even when their mental and physical health suffers greatly.

363. Meta knew that its engagement-based ranking algorithm (and its subsequent, iterative MSI ranking algorithm) was structured so that posts which produces intense reactions (i.e., strong engagement) triggers amplification by the apps. This propels users into the most reactive experiences, favoring posts that generate engagement because they are extreme in nature. Zuckerberg publicly recognized this in a 2018 post, in which he demonstrated the correlation between engagement and sensational content that is so extreme that it impinges upon Meta’s own ethical limits, with the following chart:⁴⁶⁷

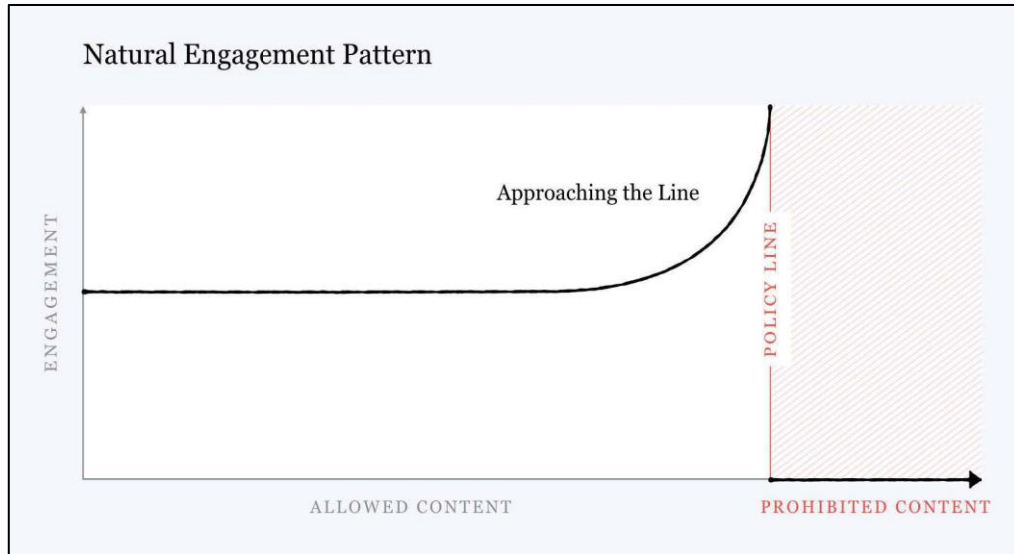
///

⁴⁶⁴ *Id.* at Haugen_00021251.

⁴⁶⁵ *Id.*

⁴⁶⁶ *Our Mission*, Meta, <https://about.meta.com/company-info/>.

⁴⁶⁷ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement* at 6, Facebook, <https://www.facebook.com/notes/751449002072082/> (last edited May 5, 2021).



364. While Zuckerberg went on to claim that Meta had designed its algorithms to avoid this natural propensity of engagement-based algorithms, his claim to the public is belied by the extensive internal and external research indicating Meta’s platforms did amplify extreme material.

365. Other documents show that Meta’s employees also discussed their motive for changing the design of the algorithm—namely, that users began to interact less with the product, which became a worrisome trend for Meta’s bottom-line. Meta’s engagement-based algorithm (including its MSI variant) was designed to drive more engagement, which, in turn, helped Meta sell more of the digital ads that generated most of their revenue. In 2016, one Facebook Tech Lead wrote: “[W]e only cared about things like time spent, open links, etc. That’s what we optimized for. That’s what we used to define success and failure. And that’s the problem.”⁴⁶⁸

366. Meta intentionally designed its MSI-focused algorithms to collect and analyze

⁴⁶⁸ Haugen_00001033 at Haugen_00001033.

several users' data⁴⁶⁹ to predict what posts will capture users' attention. Meta also tracks and utilizes data from various other sources, such as a users' off-product activities and the activities on websites that contain Facebook or Instagram "Like" or share buttons.⁴⁷⁰

367. Meta's algorithmic ranking is utilized in a variety of product features that are designed by Meta to maximize user engagement. For example, the Instagram product consists primarily of a never-ending and user-specific Feed, which Instagram's data-driven algorithms generate for each user. In the app's "Home" pane, this feed includes (but is not limited to) photos and videos posted by Instagram users that the user has elected to "follow," as well as recommended photos and videos. In the app's "Explore" pane, the feed consists almost exclusively of photos and videos from users the user has *not* elected to "follow." In both cases, Instagram's algorithms evaluate each user's data to predict what material will maximize their attention and time spent using the product, irrespective of what the user wants to see.

368. Other "recommendation" features that are similarly algorithmically powered to drive compulsive use include Facebook's Newsfeed, Instagram's Feed, Instagram Reels, Facebook Reels, Facebook Watch (and its "For You" page), Accounts to Follow, People You May Know (introductions to persons with common connections or backgrounds), Groups You Should Join, and Discover (recommendations for Meta groups to join).

369. While Meta has publicly attempted to cast MSI as making time spent on its platforms more "meaningful," MSI was just another way for Meta to increase user engagement on Instagram and Facebook. While the feature increases the chance that product interaction will be "meaningful" by Meta's definition—more "Likes," comments, and interactions—it does not consider whether recommended posts are welcomed by the user. This sets up users who may have rejected upsetting or dangerous posts to see more of the same, resulting in what Meta itself

⁴⁶⁹ Haugen_00017177 at Haugen_00017177.

⁴⁷⁰ Allen St. John, *How Facebook Tracks You, Even When You're Not on Facebook*, Consumer Reps. (Apr. 11, 2018), <https://www.consumerreports.org/privacy/how-facebook-tracks-you-even-when-youre-not-on-facebook-a7977954071/>.

calls a “horrible feedback loop / downward spiral.”⁴⁷¹ Also referred to as “feeding the spiral,”⁴⁷² the MSI algorithm increases the likelihood that a user sees posts “that makes them feel bad, they engage with it [even if only to reject it], and then their [user experience] is flooded w[ith] it.”⁴⁷³ Because Meta’s algorithm prioritizes engagement above all else, any harmful feeling or impulse that users have are amplified by Instagram—which becomes an echo chamber screaming their most upsetting thoughts back at them.

370. This feedback-loop dynamic was cast into vivid reality when 14-year-old Molly Russell took her own life.⁴⁷⁴ During an official inquest investigating the role that social media platforms played in her death, the coroner found that:

The platform operated in such a way using algorithms as to result, in some circumstances, of binge periods of images, video clips and text some of which were selected and provided without Molly requesting them. These binge periods . . . are likely to have had a negative effect on Molly The sites normalised her condition focusing on a limited and irrational view without any counterbalance of normality.⁴⁷⁵

371. The coroner further observed that “[t]here was no age verification when signing up to the on-line platform” and that Molly’s parents “did not have access, to the material being viewed or any control over that material.”⁴⁷⁶

372. Disturbingly, years before Meta sent an executive to the inquest to tout its platforms as “safe,” Meta had conducted internal research which warned that there was a risk of

⁴⁷¹ META3047MDL-003-00068860 at META3047MDL-003-00068860.

⁴⁷² META3047MDL-003-00121808 at META3047MDL-003-00121808. Meta employees sometimes refer to this “spiral” as a “rabbit hole”; *see also* META3047MDL-003-00077939 at META3047MDL-003-00077939.

⁴⁷³ META3047MDL-003-00121808 at META3047MDL-003-00121808.

⁴⁷⁴ Dan Milmo, *Social media firms ‘monetising misery’, says Molly Russell’s father after inquest*, Guardian (Sept. 30, 2022), <https://www.theguardian.com/uk-news/2022/sep/30/molly-russell-died-while-suffering-negative-effects-of-online-content-rules-coroner>.

⁴⁷⁵ Andrew Walker, *Regulation 28 Report to Prevent Future Deaths* at 2, ¶ 4, N. London Coroner’s Serv. (Oct. 13, 2022), https://www.judiciary.uk/wp-content/uploads/2022/10/Molly-Russell-Prevention-of-future-deaths-report-2022-0315_Published.pdf.

⁴⁷⁶ *Id.* at 3 ¶ 5.

“similar incidents like Molly Russell” due to the operation of algorithmic product features.⁴⁷⁷

373. Despite Molly’s death, and notwithstanding Meta’s research into dangerous spirals—at one point dubbed the “Rabbithole project”—the company did nothing to stop harm to its young users. Meta has been clear about the problem: “[O]ur recommendations algorithms will start pushing you down a rabbit hole[.]”⁴⁷⁸ They have been clear about potential solutions: targeted changes to the algorithm do lead to meaningful changes.⁴⁷⁹ But they have been resistant to making changes, citing an explicit, profit-minded reason that such tweaks “came with a clear engagement cost[.]”⁴⁸⁰

f. Meta’s dangerous and harmful features cause negative body image and harmful impacts on youth mental health.

374. Meta has known since at least 2018 that Instagram has a corrosive effect on the mental health of pre-teen and teenage users.⁴⁸¹ Meta has an internal research team comprised of employees with expertise in, *inter alia*, computer science, psychology, and quantitative and qualitative analysis. In 2019, this team completed a “teen mental health deep dive” which included focus groups, and online surveys. The study paired a survey of thousands of Instagram users with data about the time each respondent spent on Instagram and the type of posts they viewed.⁴⁸²

⁴⁷⁷ META3047MDL-003-00043617 at META3047MDL-003-00043644.

⁴⁷⁸ META3047MDL-003-00077939 at META3047MDL-003-00077939; *see also* META3047MDL-003-00068860 at META3047MDL-003-00068860; META3047MDL-003-00087111 at META3047MDL-003-00087112 (acknowledging that a majority of “negative experiences” come from algorithmically-powered features like explore and hashtags).

⁴⁷⁹ META3047MDL-003-00077939.

⁴⁸⁰ *Id.*

⁴⁸¹ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; META3047MDL-003-00146240 at META3047MDL-003-00146256.

⁴⁸² Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; Haugen_00017069; META3047MDL-003- (footnote continued)

375. The evidence collected by Meta’s research team is damning. Among other findings, Defendants’ researchers learned that:

- a. 41% of teen users of Instagram in the U.S. who reported feeling “[not] attractive” said the feeling began while using the product;⁴⁸³
- b. 32% of teenage girls said that when they felt bad about their bodies, Instagram made them feel worse;⁴⁸⁴
- c. “We make body image issues worse for 1 in 3 teen girls;”⁴⁸⁵
- d. “Frequent social comparison is a key driver of subjective well-being and teens say [Instagram] makes this problem worse;”⁴⁸⁶
- e. One in five teens said that Instagram made them feel worse about themselves or their mental health;⁴⁸⁷
- f. Two-thirds of teen girls on Instagram experienced negative social comparison;⁴⁸⁸
- g. 17% of teen girl Instagram users said the product made “[e]ating [i]ssues” worse;⁴⁸⁹

00000029.

⁴⁸³ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; META3047MDL-003-00000029 at META3047MDL-003-00000043.

⁴⁸⁴ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; Haugen_00019219 at Haugen_00019226; META3047MDL-003-00001846 at META3047MDL-003-00001852.

⁴⁸⁵ Haugen_00016699 at Haugen_00016707.

⁴⁸⁶ Haugen_00019219 at Haugen_00019226.

⁴⁸⁷ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; Haugen_00017069 at Haugen_00017091; META3047MDL-003-00000029 at META3047MDL-003-00000049.

⁴⁸⁸ Haugen_00019219 at Haugen_00019226.

⁴⁸⁹ Haugen_00020135 at Haugen_00020162.

- h. About a quarter of teens who reported feeling “[n]ot good enough” said the feeling started on Instagram;⁴⁹⁰
- i. About a quarter of teens said that Instagram undermined their confidence in the strength of their friendships;⁴⁹¹
- j. Teenagers who struggle with mental health said that Instagram worsened those problems;⁴⁹²
- k. “Teens blame Instagram for increases in the rates of anxiety and depression among teens” in recent years—a response that was “unprompted and consistent across all groups”;⁴⁹³
- l. Among teens who reported suicidal thoughts, 13% of British users and 6% of American users traced the desire to kill themselves to Instagram;⁴⁹⁴ and
- m. 13.5% of teen girls on Instagram said the product made⁴⁹⁵ thoughts of “suicide and self-injury” worse.⁴⁹⁶

376. Further, in Meta’s October 2019 *Teen Mental Health Deep Dive* research, which

⁴⁹⁰ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; META3047MDL-003-00000029 at META3047MDL-003-00000043.

⁴⁹¹ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; *Id.*

⁴⁹² Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; *Id.* at META3047MDL-003-00000053.

⁴⁹³ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; *Id.* at META3047MDL-003-00000052.

⁴⁹⁴ Georgia Wells & Jeff Horwitz, *Facebook’s Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, Wall St. J. (Sept. 28, 2021), <https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667>; *Id.* at META3047MDL-003-00000043.

⁴⁹⁵ MDL AG Compl. at 37, ¶ 204.

⁴⁹⁶ Haugen_00016699 at Haugen_00016707.

surveyed over 2,500 teenagers who use Instagram on at least a monthly basis, Meta researchers found that “[y]oung people are acutely aware that Instagram can be bad for their mental health, yet are compelled to spend time on the app[.]”⁴⁹⁷

377. Meta’s researchers were clear in explaining that Instagram product features were responsible for these problems. In one chart illustrating the “High” amount of “Body, Appearance Comparison” on Instagram, researchers cited as contributing factors “Product mechanics (addicting)” and “Explore, discover, stalk (down the rabbit hole)[.]”⁴⁹⁸ In another slide, researchers noted the particular problems with Instagram’s Explore feature, as it contains “[t]ons of body image triggers” that are “[i]ntimidating” to users.⁴⁹⁹

378. Children are developmentally unprepared for the psychological ramifications of peer judgment and online comparisons.

379. Meta’s internal researchers were not only clear about the fact that Instagram causes a high level of social comparison for teenagers; they were clear-eyed about the dire consequences. They observed that the addictive nature of the Instagram product, combined with a pressure to match unrealistic beauty ideals, can send teens into a downward spiral that includes anger, withdrawal, insecurity, and body dysmorphia—“a series of emotions that in many ways mimic stages of grief.”⁵⁰⁰ They further warned that “[u]sers[’] experience of [this] downward spiral is exacerbated by our platform[.]”⁵⁰¹ “Comparisons on Instagram can change how young women view and describe themselves,” they noted, changing a girl’s self-perception from “multi-dimensional” and “centered” to “[n]ot in control,” “[d]ark,” “[b]oxed in,” “[l]ow esteem,” and “[a]nxious.”⁵⁰² The researchers’ conclusions were stark: “Mental health outcomes related

⁴⁹⁷ Mass. AG Compl. at 34, ¶ 124.

⁴⁹⁸ Haugen_00015958 at Haugen_00015987.

⁴⁹⁹ *Id.* at Haugen_00015989.

⁵⁰⁰ *Id.* at Haugen_00015985.

⁵⁰¹ *Id.* at Haugen_00015990.

⁵⁰² *Id.* at Haugen_00015983.

to this can be severe” and can include “[e]ating [d]isorders,” “[b]ody [d]ysmorphia,” “[b]ody [d]issatisfaction,” “[d]epression,” and “[l]oneliness.”⁵⁰³

380. Meta’s research demonstrates that social comparison is particularly bad on Instagram where Meta fuels addiction to its platform by exploiting and monetizing tweens and teens’ susceptibility to body dissatisfaction and negative social comparison.⁵⁰⁴ The mental health of tween and teen users bears the cost of Meta’s manufacturing and emphasizing influence and celebrity.⁵⁰⁵ Meta knows as much. In 2020, its researchers found that exposure to “top accounts” (i.e., those with the top 0.1% follower counts) was most associated with negative comparison and that Instagram’s influence-driven algorithms ensure top accounts comprise almost half of all material viewed on the platform.⁵⁰⁶

381. Score-keeping features designed into Instagram amplify these problems and the resulting compulsive and problematic use. Teenage girls are particularly impacted when comparing “Like” counts, follower counts, views, and comments on their posts to those of models, celebrities, and so-called influencers. Meta’s internal research reveals that teen girls are eight times more likely to engage in negative social comparison than their male counterparts.⁵⁰⁷

382. Instagram compounds the foregoing problems with yet another pernicious feature—image “filters” that allow users to engage in selective self-presentation by altering their appearance in photos and videos. These filters allow facial structure alteration, body slimming, skin lightening, skin tanning, blemish clearing, the artificial overlap and augmentation of makeup, and other beautification “improvements.”⁵⁰⁸ These filters have harmed young users in

⁵⁰³ *Id.* at Haugen_00015992.

⁵⁰⁴ *See* Haugen_00015958 at Haugen_00015996.

⁵⁰⁵ Haugen_00002527 at Haugen_00002555–Haugen_00002556, Haugen_00002564–Haugen_00002565.

⁵⁰⁶ META3047MDL-003-00159559 at META3047MDL-003-00159560; *see also* Haugen_00002527 at Haugen_00002555.

⁵⁰⁷ Haugen_00017263 at Haugen_00017263.

⁵⁰⁸ *See, e.g.,* Tanyel Mustafa, *An ‘Instagram Vs Reality’ filter is showing how toxic photo editing* (footnote continued)

multiple ways, both independently and in concert with Instagram's other harmful features, all in the name of increased user engagement.⁵⁰⁹

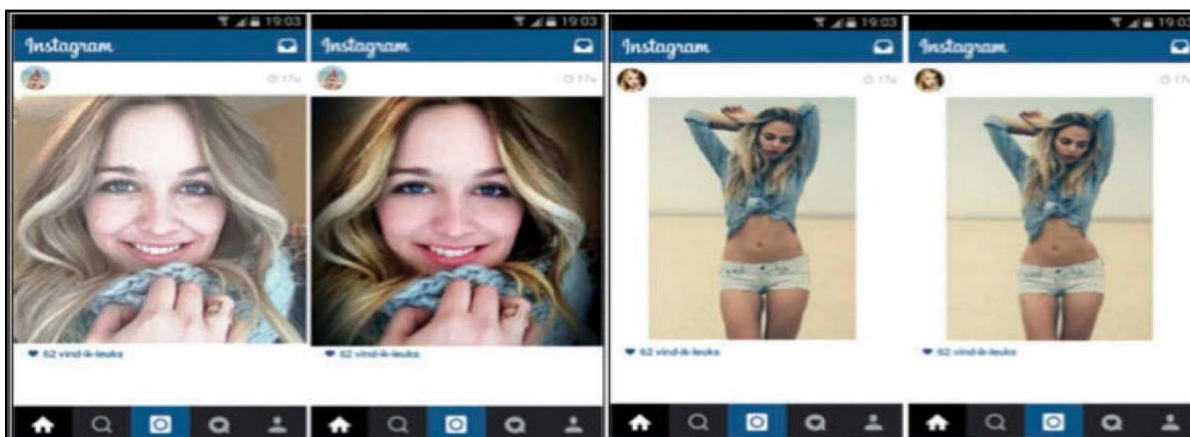


Figure 1. Examples of original versus manipulated Instagram photos emphasizing face, skin, and hair (left), or body (right).

383. First, the easy accessibility of filters, combined with features such as “Likes,” encourages adolescents to artificially change their appearance.⁵¹⁰ As noted, adolescents naturally seek social validation. When they notice increased interaction and favorable responses to their filter-edited photos (more “Likes” and “comments”), many are led to believe they are only attractive when their images are edited.⁵¹¹ These young people, including youth in NYC Plaintiffs’ schools and community, begin to prefer how they look using filters, not as they appear

can be, Metro (Apr. 30, 2021), <https://metro.co.uk/2021/04/30/an-instagram-vs-reality-tool-is-showing-how-toxic-filters-can-be-14498265/>; Mariska Kleemans *et al.*, *Picture Perfect: The Direct Effect of Manipulated Instagram Photos on Body Image in Adolescent Girls*, 21 Media Psych. 93–110, 98 (2016), <https://www.tandfonline.com/doi/pdf/10.1080/15213269.2016.1257392>.

⁵⁰⁹ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

⁵¹⁰ Tate Ryan-Mosley, *Beauty filters are changing the way young girls see themselves*, MIT Tech. Rev. (Apr. 2, 2021), <https://www.technologyreview.com/2021/04/02/1021635/beauty-filters-young-girls-augmented-reality-social-media/amp/>.

⁵¹¹ *Id.*

naturally.⁵¹² In a 2016 study, 52% of girls said they use image filters every day, and 80% have used an app to change their appearance before age 13.⁵¹³ Meta’s own findings showed teen girls spend hours editing images by altering their appearance before posting on Instagram,⁵¹⁴ and that “teen girls in particular” are “some of the biggest users of these filters.”⁵¹⁵ Pictures must be “Instagrammable” to be worthy of posting.

384. *Second*, Instagram causes youth to compare their real-life appearances to the edited appearances only achievable by filters and Meta’s tools.⁵¹⁶ These false and unrealistic body image standards further lead teenagers like NYC Plaintiffs’ students to develop negative perceptions of their appearance. Seventy-seven percent of girls reported trying to change or hide at least one part of their body before posting a photo of themselves, and 50% believe they did not look good without editing.⁵¹⁷

385. *Third*, the specific changes filters make to an individual’s appearance can cause negative obsession or self-hatred surrounding aspects of their appearance.⁵¹⁸ The filters alter

⁵¹² Pooja Shah, *How Social Media Filters Are Affecting Youth*, Parents (Apr. 28, 2022), <https://www.parents.com/kids/health/childrens-mental-health/how-social-media-filters-are-affecting-youth/>.

⁵¹³ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

⁵¹⁴ See Haugen_00019219 at Haugen_00019255; Haugen_00019257–Haugen_00019259.

⁵¹⁵ META3047MDL-003-00157020 at META3047MDL-003-00157020–META3047MDL-003-00157021.

⁵¹⁶ See Haugen_00019219 at Haugen_00019255 (explaining that users forget that Instagram only shows the highlights of people’s lives and is not depicting reality).

⁵¹⁷ Anna Haines, *From ‘Instagram Face’ To ‘Snapchat Dysmorphia’: How Beauty Filters Are Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

⁵¹⁸ Tonya Russell, *Social Media Filters Are Changing How Young People See Themselves*, Teen Vogue (Jan. 25, 2022), <https://www.teenvogue.com/story/social-media-filters-how-young-people-see-themselves/amp>.

specific facial features such as eyes, lips, jaw, face shape, and slimness, which often require medical intervention to alter in real life.⁵¹⁹ The pervasiveness of Meta-designed filters through the algorithm permeates Instagram and cause adolescent users to negatively compare their real appearances against a false physical reality.⁵²⁰ In one recent study, even users who reported a higher initial self-esteem level felt they looked 44% worse before their image was edited using a filter.⁵²¹ “[W]hen the . . . filter increased the gap between how participants wanted to look and how they felt they actually looked, it reduced their self-compassion and tolerance for their own physical flaws.”⁵²² As one psychodermatologist summed it up: “[T]hese apps subconsciously implant the notion of imperfection and ugliness, generating a loss of confidence[.]”⁵²³

386. *Fourth*, Meta intentionally designed its platforms to not alert adolescent users when images have been altered through filters or edited. Meta has therefore designed its platforms so that users, including youth in NYC Plaintiffs’ schools and community, cannot know which images are real and which are fake, deepening obsessive, negative appearance comparison.

387. *Fifth*, Meta uses social comparison to keep young users engaged with and addicted to its platforms.

388. Heavily edited and unrealistic beauty, modeling, fitness, talent, and success related posts are highly amplified by Meta’s algorithms, especially on the Feeds of young users.

389. Social comparisons on social media are frequent and are especially likely to be upward, as social media provides a continuous stream of information about other people’s

⁵¹⁹ *Id.*

⁵²⁰ *Id.*

⁵²¹ Ana Javornik *et al.*, *Research: How AR Filters Impact People’s Self-Image*, Harv. Bus. Rev. (Dec. 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

⁵²² *Id.*

⁵²³ Genesis Rivas, *The Mental Health Impacts of Beauty Filters on Social Media Shouldn’t Be Ignored – Here’s Why*, InStyle (Sept. 14, 2022), <https://www.instyle.com/beauty/social-media-filters-mental-health>.

accomplishments. Research suggests that social comparisons occur automatically; when individuals encounter information about another person, their self-perceptions will be affected. The sheer number of posts in a News Feed, each offering a thumbnail sketch of each person's carefully curated and predominantly ostentatious lives, yields numerous opportunities for social comparison. Although people do not typically post false information about themselves online, they engage in selective self-presentation. As a result, individuals browsing their News Feeds are more likely to see posts about friends' exciting social activities rather than dull days at the office, affording numerous opportunities for comparisons to people seemingly better-off. Individuals with vacillating levels of self-esteem and certitude, characteristics notoriously endemic to the adolescent cohort, are particularly oriented to making frequent and extreme upward social comparisons on social media. Social-media-induced social comparison often results in a discrepancy between the ideal self and the real self, thus evoking a sense of depression, deprivation, and distress, resulting in an overall aggravation of a person's mental state. Since the early 2000s, studies have shown that frequent upward social comparison results in lower self-esteem and reduced overall mental health. It is well-established that individuals who are more likely to engage in self-comparison are likewise more likely to suffer harm when using social media. Meta's design choices have amplified this dynamic to psychologically harmful levels, as discussed in further detail below.

390. The impact of the negative social and appearance comparison caused by Meta's design choices is profound. Instagram-induced social comparison creates a schism between the ideal self and the real self, leading to distress and depression. Filters, especially in combination with other product features, cause body image issues, eating disorders, body dysmorphia, and related harms.⁵²⁴

⁵²⁴ See Sian McLean et al., *Photoshopping the selfie: Self photo editing and photo investment are associated with body dissatisfaction in adolescent girls*, 48 Int'l J. Eating Disorders 1132–1140, 1133 (2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/> (presenting a 2015 study involving 101 adolescent girls, which found that more time spent editing and sharing selfies on social media raised their risk of experiencing body dissatisfaction and disordered eating habits); Scott (footnote continued)

391. Again, Meta has long been aware of the harms Instagram inflicts on youth by perpetuating social comparison. In one study from 2019, teens explained that Instagram harms their mental health by creating pressure to conform to social stereotypes, the need for validation through views, “Likes” and followers, and the over-sexualization of girls.⁵²⁵ These and other harmful impacts were associated with isolation, adopting unhealthy habits, depression, anxiety, insecurity, and loneliness.⁵²⁶

392. In its “Social Comparison Exploratory Research” conducted in 2020, Meta acknowledged that body image comparisons are formed in part by its features—filters that flood its app with seemingly unattainable looks like flawless skin, made worse by posters “using hashtags like no-filters but actually using filters.”⁵²⁷ Meta’s researchers found that nearly half of teen girls on Instagram feel like they often or always compare their appearance to others using the product, and more than one-third feel extreme pressure to look perfect on Instagram.⁵²⁸ In a related survey, Meta found that around the age of 30, the role of Instagram in social comparison begins to diminish.⁵²⁹

393. According to research conducted by Meta in 2019, over 60% of teens believe Instagram should help them address the effects of social comparison by recommending positive accounts, reprioritizing their feeds to promote things that make users feel good, and help them

Griffiths *et al.*, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 *Cyberpsychology, Behav., & Soc. Networking* 149–156, 149 (2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/pdf/cyber.2017.0375.pdf>.

⁵²⁵ Haugen_00017069 at Haugen_00017122.

⁵²⁶ *Id.* at Haugen_00017126.

⁵²⁷ *See Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 18, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>; Haugen_00015958 at Haugen_00015971–Haugen_00015977.

⁵²⁸ Haugen_00007080 at Haugen_00007082.

⁵²⁹ *Id.* at Haugen_00007095.

follow a balance of accounts.⁵³⁰ Most users wished Instagram gave them better user controls.⁵³¹ Yet a survey conducted two years later revealed that Meta had done little to address its users' concerns. Topics that elicited social comparison still encompassed over one-third of teen girls' feeds. And for every post from a friend that appeared in a teen girl's feed, Instagram's algorithm drove five times as many posts from the top 0.1% of popular accounts.⁵³²

394. One slide from Meta's study of social comparison offers a particularly succinct summation of how the various features built into Instagram "exacerbate each other to create a perfect storm."⁵³³ "Posting 'For the Gram'" creates a "Pressure to Look Perfect."⁵³⁴ The ability of influencers to "Monetiz[e] face + body" creates a "Highlight Reel Norm."⁵³⁵ And the "Vortex of Feed + Profile and Explore" promotes a "Hate to love" dynamic for users, which **"Feed[s] the Spiral" of compulsive use.**⁵³⁶ Taken together, these three features—all driven by design features of Instagram—create a "Social Comparison Sweet Spot."⁵³⁷

///

⁵³⁰ Haugen_00017069 at Haugen_00017145.

⁵³¹ Haugen_00020135 at Haugen_00020137, Haugen_00020171.

⁵³² Haugen_00002527 at Haugen_00002529, Haugen_00002555.

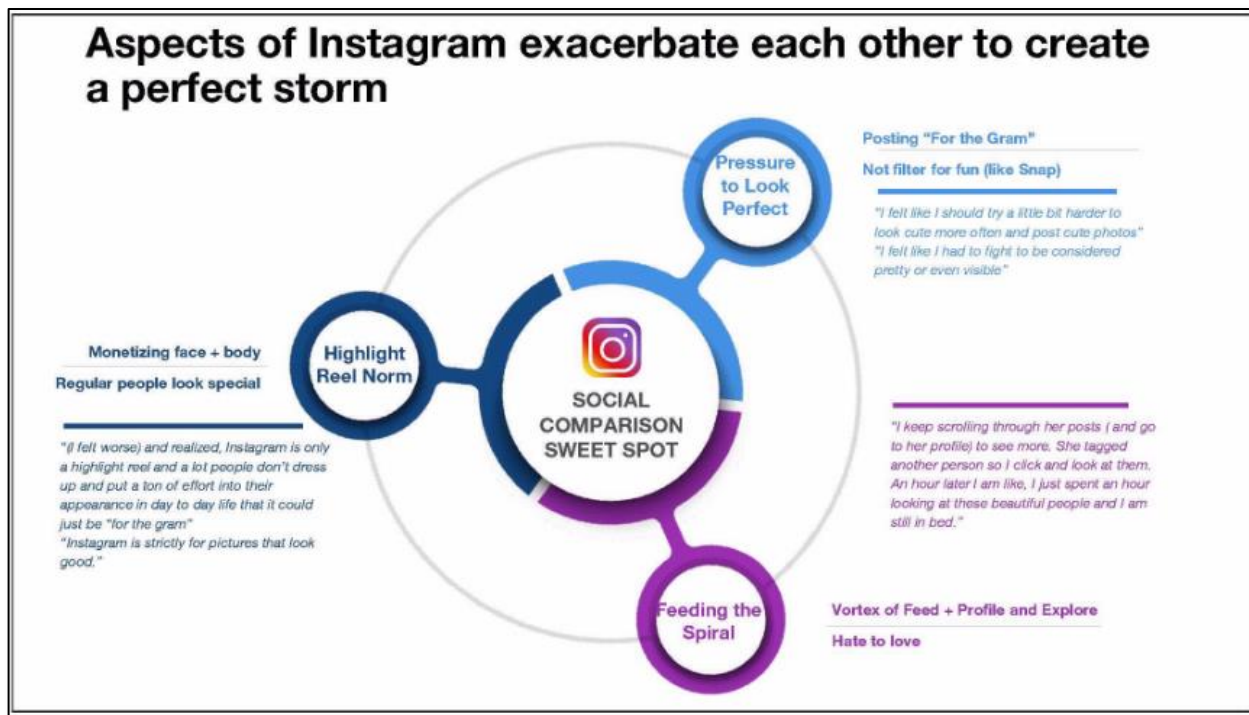
⁵³³ See *Teen Girls Body Image and Social Comparison on Instagram—An Exploratory Study in the U.S.* at 33, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>; Haugen_00015958 at Haugen_00015991.

⁵³⁴ See *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.* at 33, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>.

⁵³⁵ See *id.*; Haugen_00015958 at Haugen_00015991.

⁵³⁶ *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.* at 33, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>; Haugen_00015958 at Haugen_00015991.

⁵³⁷ See *Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the U.S.* at 33, Wall St. J. (Sept. 29, 2021), <https://s.wsj.net/public/resources/documents/teen-girls-body-image-and-social-comparison-on-instagram.pdf>; Haugen_00015958 at Haugen_00015991.



395. Meta understands that the social comparison it knowingly promotes through appearance filters creates compulsive behavior among child users, especially when paired with other features such as “Likes” and algorithmic recommendations. Specifically, Meta knows that “[s]ocial comparison creates a negative feedback loop[.]”⁵³⁸ Its internal research reveals that, as teens compare themselves to others, their self-doubt grows, which in turn heightens the degree of attention they give to feelings of doubt and worthlessness and to negative aspects of themselves. As these effects compound, teens experience depression and anxiety, making them more vulnerable and susceptible to addiction to Meta’s platforms.⁵³⁹ Meta observed that long-term, constant self-critique and scrutiny permanently shape how teens view themselves in all relationships, on and offline.⁵⁴⁰ Moreover, they found that the incessant social pressure Instagram inflicted on teens led “to obsessive control of what goes on social media and often to

⁵³⁸ Haugen_00017069 at Haugen_00017127.

⁵³⁹ *Id.* at Haugen_00017127–Haugen_00017128.

⁵⁴⁰ *See id.* at Haugen_00017128.

attention-seeking [behavior] (often in negative ways)” to obtain social validation.⁵⁴¹ In other words, Instagram’s design features resulted in an insidious cycle of harm where teens believed they could only find reprieve by increased Instagram use.

396. Meta has the technological capabilities to mitigate social comparison harms significantly, but actively chooses to ignore leading research (including its own) and its product engineers’ recommendations. One internal presentation recommended several “[t]argeted [i]nterventions” for changes to Instagram that could mitigate these harms, such as a recommendation that users take a break during a long use session.⁵⁴² In another, computational social researchers and engineers at Meta proposed numerous, feasible product design changes, including: demotions on Explore and Reels using topic and image and video features from an FBLearner model, separating top-account feed from close-friend feed, and not recommending celebrities to follow that post primarily fashion/beauty material as users “can find these accounts on their own, but [Meta] shouldn’t amplify their influence through recommendations.”⁵⁴³

397. Despite its vast knowledge of the harms that Instagram’s features were causing to adolescents, in Meta’s 2021 Milestone Tracker, the action item of reducing the negative effects from social comparison through controls had yet to be started.⁵⁴⁴ In other words, despite awareness that the deliberate design of Instagram was drastically damaging teen mental and physical health, Meta ignored the problem, failing to implement its own researchers’ recommendations.

g. Facebook’s and Instagram’s dangerous and harmful features include impediments to discontinuing use.

398. Once the addicted child realizes the injury Meta’s platforms are inflicting, and wants to quit using, Meta shifts the full force of its genius product design teams to prevent the

⁵⁴¹ *Id.* at Haugen_00017130.

⁵⁴² Haugen_00019219 at Haugen_00019272.

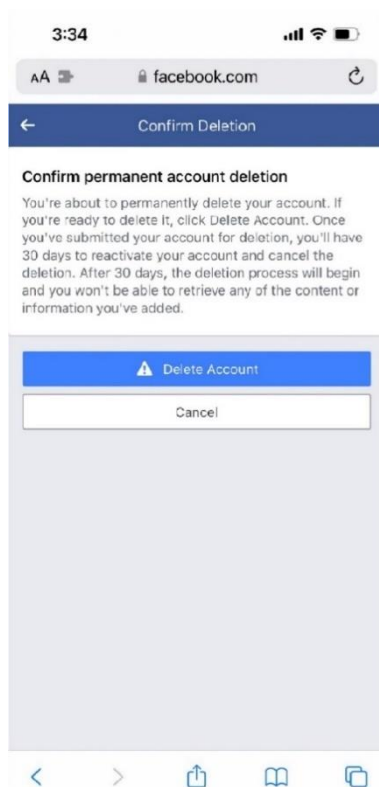
⁵⁴³ Haugen_00002527 at Haugen_00002565.

⁵⁴⁴ Haugen_00025741 at Haugen_00025763.

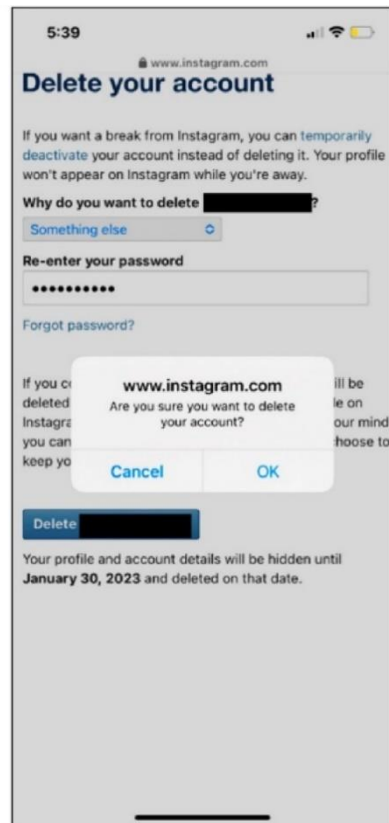
child's escape. Meta has intentionally designed its platforms so that adolescent users face significant navigational obstacles and hurdles when trying to delete or deactivate their accounts, in stark contrast to the ease with which users can create those accounts.

399. To delete or deactivate an Instagram or Facebook account, a user must locate and tap on approximately seven different buttons (through seven different pages and popups) from the main feed. Some users have undoubtedly given up in their attempt to quit because it was too difficult to navigate through the interface to completion.

400. Even if a user successfully navigates these seven pages, Meta still won't immediately delete their account. Instead, Meta preserves the account for 30 days. If at any time during those 30 days a user's addictive craving becomes overwhelming and they access the account again, the deletion process starts over. The user must go through all the above steps again, including the 30-day waiting period, if they again wish to delete their account.



(Facebook Final Deletion Screen February 2023)



(Instagram Final Deletion Screen, January 2023)(account name redacted)

401. Moreover, the deletion process includes what Meta readily acknowledges are “aggressive” attempts to dissuade users from deleting their accounts.⁵⁴⁵ Before a user can delete their Facebook account, Meta “lists some of your friends to remind you that they will no longer be able to contact you through the site and more importantly, [requires] the user to choose a reason for why they’re leaving.”⁵⁴⁶ Meta also requires users attempting to leave Instagram to select a reason why they are leaving.

402. As an additional barrier to deletion, Meta urges users of both platforms to deactivate, rather than delete, their accounts. For example, Instagram users who choose to delete their accounts are immediately shown a screen with their profile picture and asked: “Deactivate your account instead of deleting?” The option to deactivate is conspicuously highlighted. Similarly, Facebook displays a screen that automatically selects the option of deactivating rather than deleting a user account.

403. Meta’s aggressive efforts to prevent users from discontinuing their use of Facebook and Instagram is particularly problematic because unsuccessful efforts to discontinue use are a hallmark of addiction, incorporated as the sixth criteria in the *Bergen Social Media Addiction Scale*, discussed above.

4. Meta has concealed from NYC Plaintiffs, the public, and Congress the harmful effects that Instagram’s and Facebook’s design have on children.

404. Meta represents to the public that it prioritizes safety. At the same time, Meta has engaged in a years-long pattern of concealing critical information about the safety of Instagram and Facebook from the public, including NYC Plaintiffs and the youth in NYC Plaintiffs’ communities. In one internal document from February 2018, employees at Meta communicated about how best to “refin[e] counter-messaging around the addiction narrative that’s been

⁵⁴⁵ Haugen_00016893 at Haugen_00016898.

⁵⁴⁶ *Id.*

propagating.”⁵⁴⁷ This effort to conduct “message testing around addiction PR responses” included the ideas that “[t]he whole dopamine thing is completely made up and based on no research,” “[t]here’s no agreement on what is meant by addiction,” and (contradictorily) “[w]e’re taking it seriously, doing research, [and] launching new tools to help people[.]”⁵⁴⁸

405. Meta knew that none of this was true. For instance, in the summer of 2019, Zuckerberg met with a psychologist and leading expert on the mental health effects of social media on young people. This leading expert countered Zuckerberg’s contention that harms from social media are trivial and explained how, to the contrary, Instagram and other platforms have been a major contributor to the spike in young girls’ mental health problems since 2012. The psychologist addressed his research “on the dramatic rise in rates of teenage anxiety, depression, and self-harm” and explained how the research on social media’s role “points heavily to a connection, not just from correlational studies but from true experiments, which strongly indicate causation, not just correlation.”⁵⁴⁹

406. Instead of “taking [this] seriously” and “launching new tools” to protect kids,⁵⁵⁰ Meta did the opposite. By late 2019, Meta’s “mental health team stopped doing things[,]” “it was defunded” and “completely stopped[.]”⁵⁵¹ And, as noted, Meta allowed safety tools it knew were broken to be held out as fixes. All the while, Meta ignored cries from their well-being researchers to aggressively confront its youth safety problem: “[T]here’s so much more we could have done here. . . . [But] there was the explicit decision last half not to fund this anymore.”⁵⁵²

⁵⁴⁷ META3047MDL-003-00082165 at META3047MDL-003-00082165–META3047MDL-003-00082166.

⁵⁴⁸ *Id.*

⁵⁴⁹ META3047MDL-003-00089174 at META3047MDL-003-00089176.

⁵⁵⁰ META3047MDL-003-00082165 at META3047MDL-003-00082165.

⁵⁵¹ META3047MDL-003-00011697 at META3047MDL-003-00011698; *see also* META3047MDL-003-00103260 at META3047MDL-003-00103260 (referencing “the explicit decision last half to not fund [protective measures against problematic use] anymore”).

⁵⁵² *See* META3047MDL-003-00103260.

And Meta even internally researched the extent of its platforms' harmful effects on youth mental health.

407. In June 2018, an internal presentation recognized that “[i]t may be a problem if Facebook seems rewarding [to users] based on the principle of unpredictability, while the inherent value of the reward is lacking.”⁵⁵³ This includes “[n]otifications with little or no relevance, and that come at unpredictable times.”⁵⁵⁴ The same document warned that dopamine “rewards available through Facebook may contribute to problems for some people.”⁵⁵⁵

408. For example, in October 2019, Meta conducted a “Teen Mental Healthy Deep Dive” to “get a nuanced understanding of teens’ perception of how Instagram effects their mental health.”⁵⁵⁶ The results of this research showed that Instagram’s teen users “have an addicts’ narrative about their use,” “recognize the amount of time they spend online isn’t good for them,” “but at the same time know they lack the willpower to control the time spent themselves.”⁵⁵⁷

409. Similarly, in June 2020, Meta’s Senior User Experience (“UX”) Researcher noted in an internal report: *What Makes Teens Tick?*, that “our own product foundation research has shown teens are unhappy with the amount of time they spend on our app” and that “[d]ue to the immature [teen] brain, they have a much harder time stopping even though they want to.”⁵⁵⁸ The report further noted that because “[t]een brains are much more sensitive to dopamine,” the risk of “addiction” is higher and that is what “keeps them scrolling and scrolling.”⁵⁵⁹

410. The presentation also noted teens often go down “rabbit holes” because of the

⁵⁵³ MDL AG Compl. at 30, ¶ 164.

⁵⁵⁴ *Id.*

⁵⁵⁵ *Id.*

⁵⁵⁶ Mass. AG Compl. at 37, ¶ 135.

⁵⁵⁷ *Id.*

⁵⁵⁸ *Id.* at ¶ 136.

⁵⁵⁹ *Id.*

“especially ‘plastic’” nature of their brains, and asked how Instagram could satisfy “teen[s]’ insatiable appetite for novelty” through features on the app.⁵⁶⁰ The presentation further discussed teens’ “increased sensitivity” and “concerns about being judged,” along with teens’ desire for reward, which “makes them predisposed to impulse, peer pressure, and potentially harmful risky behavior.”⁵⁶¹

411. Meta has researched and analyzed addictive or “problematic use” reported by young users on its platforms. According to Meta’s 2019 research: *Hard Life Moments—Mental Health Deep Dive*, which studied “the reach, intensity, [and] impact of Instagram” “[a]cross 13 mental health and well-being issues,” “[over 30% of users across age cohorts” told Meta that “Instagram made problematic use worse.”⁵⁶² Meta researchers defined “problematic use” as “when people feel a lack of control over how they use technology, and this leads to negative life impact (e.g., sleep, parenting, social relationships, or productivity).”⁵⁶³ An internal presentation also showed that 55% of Facebook’s U.S. users suffered from problematic use, which Meta described as “serious” and as having “negative impacts on sleep, relationships, work, or lives.”⁵⁶⁴ Another internal Meta post from July 2018 showed that problematic use was highest among teens and people in their twenties.⁵⁶⁵

412. Meta also knows young users’ physical health is harmed by compulsive “problematic use” induced by its platform design features. Specifically, Meta’s researchers noted that “sleep problems” can “be part of [Facebook] addiction” and confirmed “it is true that negative impacts on sleep is one possible outcome of problematic social media use.”⁵⁶⁶ Another

⁵⁶⁰ MDL AG Compl. at 66, ¶ 407.

⁵⁶¹ *Id.*

⁵⁶² Mass. AG Compl. at 37, ¶ 137.

⁵⁶³ *Id.*

⁵⁶⁴ MDL AG Compl. at 90–91, ¶ 539.

⁵⁶⁵ *Id.*

⁵⁶⁶ Mass. AG Compl. at 38, ¶ 138.

data scientist explained “the only insight I see . . . is that teens are really into using [Instagram] at 11pm when they probably should be sleeping[.]” and “it is true that negative impacts on sleep is one possible outcome of problematic social media use (or even non-problematic use).”⁵⁶⁷

413. In February 2019, Meta’s VP of Research, David Ginsberg circulated a summary of external and internal research on Instagram and “Teen Well-Being” to executives, including then-COO Sheryl Sandberg and Head of Instagram Adam Mosseri, that acknowledged “[w]hen social media use displaces sleep in adolescents (via nighttime social media use), it is negatively correlated to indicators of mental health.”⁵⁶⁸

414. Moreover, Meta knows that is addictive features, such as infinite scroll, and autoplay in Stories and Reels, harm young users because they encourage passive consumption. As one Meta employee stated in October 2021, “because [Stories are] so passive—you can just sit there and watch without interacting with the poster or other people much, and we know that passive consumption is generally worse for wellbeing.”⁵⁶⁹

415. Based on its own research, Meta found that “passive consumption—passively watching videos, [and] scrolling [is] not associated w[ith] well-being [and is] more negative psychologically” compared with “active engagement.”⁵⁷⁰

416. Meta is also aware of the effect its platforms have on teens experiencing negative social comparison. For example, Meta researchers concluded that a “majority of teen girls experience negative social comparison and a significant share of them think [Instagram] makes it worse.”⁵⁷¹ Similarly, Meta knows that 13.5% of teen girls on Instagram say the platform makes thoughts of suicide and self-injury worse.⁵⁷² Further, in a January 2020 study Meta conducted,

⁵⁶⁷ MDL AG Compl. at 91, ¶ 542.

⁵⁶⁸ Mass. AG Compl. at 38, ¶ 139.

⁵⁶⁹ Mass. AG Compl. at 38, ¶ 140.

⁵⁷⁰ MDL AG Compl. at 69, ¶ 421.

⁵⁷¹ MDL AG Compl. at 37, ¶ 203.

⁵⁷² *Id.* at ¶ 204.

it noted that social comparison is “higher among younger than older people. Younger people are more susceptible to peer influence and social comparison.”⁵⁷³

417. Three months later, Meta conducted another study revealing 1 in 4 people “think that Instagram makes social comparison worse” and that “[s]eeing high Like counts is associated with feeling worse (more negative, less positive comparison).”⁵⁷⁴

418. Instagram researchers have also observed that “[s]ocial comparison exacerbates problems teens are dealing with” in that “[a]lthough others’ behaviors online can hurt, the self-scrutiny and anxiety associated with personal consumption patterns is more damaging to mental health.”⁵⁷⁵

419. In addition to knowing that social comparison exacerbates teens’ mental health problems, Meta also knows through an internal report that “social comparison was also associated with greater time spent” on Meta’s platforms.⁵⁷⁶ Indeed, Meta’s researchers stated they were “confident of a causal link between [seeing] Like counts and social comparison.”⁵⁷⁷ And an internal email from 2020 explains that “[Meta] know[s] from previous internal and external research that social comparison is linked to multiple negative well-being outcomes (e.g., increased loneliness, worse body image, and negative mood or affect)[.]”⁵⁷⁸

420. A 2021 internal presentation also notes that teens suffer from “constant negative comparisons” on Instagram because Meta recommended triggering content to them and continued showing them Like counts.⁵⁷⁹ Other internal documents reflect that “the mechanics

⁵⁷³ MDL AG Compl. at 42, ¶ 233.

⁵⁷⁴ *Id.* at ¶ 234.

⁵⁷⁵ MDL AG Compl. at 38, ¶ 207.

⁵⁷⁶ MDL AG Compl. at 41, ¶ 229.

⁵⁷⁷ *Id.* at ¶ 231.

⁵⁷⁸ MDL AG Compl. at 42, ¶ 232.

⁵⁷⁹ *Id.* at ¶ 236.

of Instagram amplify the impact of social comparison.”⁵⁸⁰

421. Despite knowing better, Meta’s high-ranking executives then began pushing intentionally misleading talking points to the public. Instead of informing the public about Meta’s internal research demonstrating Instagram’s and Facebook’s negative impacts on the health and well-being of the nation’s youth, Meta repeatedly omitted key facts and misrepresented its platforms in service of an overall message touting the safety of its platforms for children.

422. Because of Meta’s concealment, NYC Plaintiffs, NYC Plaintiffs’ students, the public, and Congress were left in the dark and reasonably relied on Meta’s reassurances. Had Meta disclosed the truth regarding its platforms, NYC Plaintiffs may not have suffered the harms they did, and the harms they continue to suffer resulting from youth use of Meta’s platforms. Instead, Meta pursued a knowing pattern of concealment to NYC Plaintiffs’ detriment.

423. In the year leading up to Meta’s acquisition of Instagram, Meta publicly acknowledged its duty to children and worked to create false expectations about its platforms’ safety. For example:

- a. Zuckerberg (3/25/2011): “So, we’re really focused on, on safety, especially children’s safety. So we’re having folks under the age of 18, um we, we just take a lot of extra precautions for it, to make sure that it’s just a safe environment for them um, to use this service that you know, the default for, for people sharing things isn’t that they’re sharing with everyone but that they’re sharing with a smaller community But I think, I think that’s a lot of it. We really try to build a safe environment. Um, and um, that’s gonna be the key long term.”⁵⁸¹
- b. Zuckerberg (3/25/2011): “Right, and they, they feel like Facebook is this really secure place and that it’s a hundred percent safe, and um, we’re always thinking

⁵⁸⁰ MDL AG Compl. at 45, ¶ 259.

⁵⁸¹ *Mark Zuckerberg at BYU with Senator Orrin Hatch*, YouTube (Mar. 25, 2011), <http://www.youtube.com/watch?v=zRsbWommvNo>.

about little and big things like that that we can do to keep it safe for, for the people who use our service.”⁵⁸²

- c. Zuckerberg (5/25/2011): “I mean, we do not allow people under the age of 13 to sign up and I think if we ever were, we would need to try to figure out a lot of ways to make sure that they were safe, right, because that’s just extremely important and that’s just not the top of the list in terms of things for us to figure out right now.”⁵⁸³

424. Following Meta’s acquisition of Instagram, high-ranking executives continued to make public pronouncements about the safety of Meta’s platforms, including, but not limited to, the following statements:

- a. Zuckerberg (12/1/2015): “We will do our part to make this [better world] happen, not only because we love you, but also because we have a moral responsibility to all children in the next generation.”⁵⁸⁴
- b. Zuckerberg (4/10/2018): “Congressman, we have a number of measures in place to protect minors specifically. We make it so that adults can’t contact minors who they - they aren’t already friends with. We make it so that certain content that may be inappropriate for minors, we don’t show.”⁵⁸⁵
- c. Zuckerberg (4/10/2018), when asked by members of the U.S. Senate Committee on Commerce, Science, and Transportation whether his companies “[h]ire consulting firms to help them figure out how to get more dopamine feedback

⁵⁸² *Id.*

⁵⁸³ Maurice Levy, *Conversation with Mark Zuckerberg at E-G8 Forum*, YouTube (May 25, 2011), <http://www.youtube.com/watch?v=Gy0bq9FAJR>.

⁵⁸⁴ Mark Zuckerberg, Facebook (Dec. 1, 2015), <https://www.facebook.com/zuck/posts/10153375081581634>.

⁵⁸⁵ *Transcript of Zuckerberg’s appearance before House committee*, Wash. Post (Apr. 11, 2018), https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/?utm_term=.e7b476fb8ac7&noredirect=on.

loops so that people don't want to leave the platform[,]” responded: “No . . . that’s not how we talk about this or how we set up our product teams. We want our products to be valuable to people, and if they’re valuable, then people choose to use them.”⁵⁸⁶

- d. Zuckerberg (7/12/2018): “There are really two core principles at play here. There’s giving people a voice, so that people can express their opinions. Then, there’s keeping the community safe, which I think is really important.”⁵⁸⁷
- e. Zuckerberg (7/25/2018): “[W]e will continue to invest heavily in security and privacy because we have a responsibility to keep people safe. But as I’ve said on past calls, we’re investing so much in security that it will significantly impact our profitability.”⁵⁸⁸
- f. Zuckerberg (8/21/2018): “One of the most important responsibilities we have as a company is to keep people safe and stop anyone from abusing our service.”⁵⁸⁹
- g. Zuckerberg (9/7/2018): “What I’ve learned so far is that when you build services that are used by billions of people across countries and cultures, you will see all of the good humanity is capable of, and people will try to abuse those services in every way possible. It is our responsibility to amplify the good and mitigate the

⁵⁸⁶ *Facebook, Social Media Privacy, and the Use and Abuse of Data: Hearing Before the S. Comm. on the Judiciary & S. Comm. on Com., Sci., & Transp.*, 115th Cong. (Apr. 10, 2018), <https://www.commerce.senate.gov/2018/4/facebook-social-media-privacy-and-the-use-and-abuse-of-data>.

⁵⁸⁷ Kara Swisher, *Zuckerberg: The Recode Interview*, Vox (Oct. 8, 2018), <https://www.vox.com/2018/7/18/17575156/mark-zuckerberg-interview-facebook-recode-kara-swisher>.

⁵⁸⁸ *Q2 2018 Earnings: Transcript* at 2, Meta Inv. Rels. (July 25, 2018), https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q2/Q218-earnings-call-transcript.pdf.

⁵⁸⁹ Mark Zuckerberg, Facebook (Aug. 21, 2018), https://www.facebook.com/zuck/posts/10105188590724391?__tn__=K-R.

bad.”⁵⁹⁰

- h. Zuckerberg (11/15/2018): “[W]e have a responsibility to keep people safe on our services.”⁵⁹¹
- i. Zuckerberg (1/1/2019): “We ended 2018 with more than 30,000 people working on safety and security -- up from 10,000 people a couple of years ago.”⁵⁹²
- j. Zuckerberg (1/30/2019): “[O]n all the content and safety and security issues, there’s more to do here but I’m proud of the work that we have done to get in front of a lot more of these issues.”⁵⁹³
- k. Zuckerberg (3/30/2019): “[W]e have a responsibility to keep people safe on our services.”⁵⁹⁴
- l. Zuckerberg (4/24/2019): “You should expect we’ll do everything we can to keep you safe on our services, within the bounds of an encrypted service.”⁵⁹⁵
- m. Sheryl Sandberg, COO, Meta (1/29/2020): “[We] have to keep people safe and

⁵⁹⁰ Mark Zuckerberg, Facebook (Sept. 7, 2018), https://www.facebook.com/zuck/posts/10105224999156601?__xts__%5B0%5D=68.ARB273c8TJkMqNAclfl-i0UB6fVWHZ_hO4k0KASCy8XfVdyC9XEVqoPLsPUPDh94zSHboQiB1t3mSlP9yEUyjaEF50UxoUqVca4ZcM4nnkQ3MWz3dBGRQYm7lJMj_Cbl25p7a9-HX-aXjkjNdS21XzaAThg9PfkzJ_dTLszwUZ3H6b3Q4biIc&__tn.

⁵⁹¹ Mark Zuckerberg, *A Blueprint for Content Governance and Enforcement* at 1, Facebook, <https://www.facebook.com/notes/751449002072082/> (last edited May 5, 2021).

⁵⁹² *Q4 2018 Earnings: Earnings Call Transcript* at 2, Meta Inv. Rels. (Jan. 30, 2019), https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q4/Q4-2018-earnings-call-transcript.pdf.

⁵⁹³ *Id.* at 26.

⁵⁹⁴ Mark Zuckerberg, *Mark Zuckerberg: The Internet needs new rules. Let’s start in these four areas*, Wash. Post (Mar. 30, 2019), https://www.washingtonpost.com/opinions/mark-zuckerberg-the-internet-needs-new-rules-lets-start-in-these-four-areas/2019/03/29/9e6f0504-521a-11e9-a3f7-78b7525a8d5f_story.html?noredirect=on.

⁵⁹⁵ Mark Zuckerberg, Facebook (Apr. 24, 2019), <https://www.facebook.com/zuck/posts/10107243286682221>.

give them control over their experience on our apps. And we are.”⁵⁹⁶

- n. Sheryl Sandberg (10/29/2020): “While we continue to invest in helping businesses, we are equally focused on keeping our platform safe.”⁵⁹⁷
- o. Meta (12/23/2020), when asked by the Senate Committee on the Judiciary whether it could “determine whether increased use of its platform among teenage girls has any correlation with increased signs of depression [or anxiety][.]” responded: “No.”⁵⁹⁸ And, when asked what research Meta had conducted internally on the mental health impacts of social media use, Meta responded: “[t]he effects of social media are still being studied.”⁵⁹⁹
- p. Zuckerberg (3/25/21), when asked by members of the U.S. House of Representatives Committee on Energy and Commerce, “Do you believe that your platform harms children?”: “I don’t believe so. This is something that we study and we care a lot about; designing products that [improves] peoples’ well-being is very important to us. And what our products do is help people stay connected to people they care about, which I think is one of the most fundamental and important human things that we do, whether that is for teens or for people who are older than that.”⁶⁰⁰

⁵⁹⁶ *Q4 2019 Earnings: Earnings Call Transcript* at 5, Meta Inv. Rels. (Jan. 29, 2020), https://s21.q4cdn.com/399680738/files/doc_financials/2019/q4/Q4'19-FB-Earnings-Call-Transcript.pdf.

⁵⁹⁷ *Q3 2020 Earnings: Earnings Call Transcript* at 6, Meta Inv. Rels. (Oct. 29, 2020), https://s21.q4cdn.com/399680738/files/doc_financials/2020/q3/FB-Q3-2020-Earnings-Call-Transcript.pdf.

⁵⁹⁸ *Breaking the News: Censorship, Suppression, and the 2020 Election: Facebook, Inc. Responses to Questions for the Record from the Comm. on the Judiciary’s November 17, 2020 Hearing*, 116th Cong. 124 (2020), <https://www.judiciary.senate.gov/imo/media/doc/Zuckerberg%20Responses%20to%20QFRs.pdf>.

⁵⁹⁹ *Id.* at 50–51.

⁶⁰⁰ *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation*: (footnote continued)

- q. David Wehner, CFO, Meta (4/28/2021): “I mean, the only thing I’d add . . . is that, I think more than anyone else in the industry, we invest on the safety and security side to sort of keep bad content off the site before it gets ranked and put into what people see. So we’ve got 35,000 -- over 35,000 people on the safety and security side. We’ve got the most robust set of content policies out there. We do a quarterly call, public call around our content review process and procedures. So I think that on the front, before it even gets into the algorithm, I think we really do more than anyone else in the industry on the safety and security front to prevent things like misinformation and a bad content going into the system in the first place.”⁶⁰¹
- r. Adam Mosseri (5/2021), in a statement to reporters, dismissing concerns around Instagram’s negative impact on teens as “quite small.”⁶⁰²

425. On each of the above occasions, and many others, Meta falsely touted the safety of its platforms; it could have but failed to disclose information it knew concerning the significant risks associated with its platforms, even though it knew that the public lacked access to this information. For instance, in a December 2019 memo, Meta’s Chief Technology Officer remarked that the media has “limited information to work with” about the company and that this limitation is by Meta’s “own design.”⁶⁰³

Hearing Before the H. Subcomm. on Commc’ns & Tech., J. with Subcomm. on Consumer Prot. & Com., Comm. on Energy & Com., 117th Cong. 175:4166–4175 (2021),
<https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf>.

⁶⁰¹ *Q1 2021 Earnings: Earnings Call Transcript* at 14, Meta Inv. Rels. (Apr. 28, 2021),
https://s21.q4cdn.com/399680738/files/doc_financials/2021/Q1/FB-Q1-2021-Earnings-Call-Transcript.pdf.

⁶⁰² Taylor Hatmaker, *Facebook Knows Instagram Harms Teens. Now its Plan to Open the App to Kids Looks Worse than Ever*, TechCrunch (Sept. 16, 2021),
<https://techcrunch.com/2021/09/16/facebook-instagram-for-kids-mosseri-wsj-teen-girls/>.

⁶⁰³ Haugen_00007350 at Haugen_00007350 (December 30, 2019 memo by Andrew Bosworth: *Thoughts for 2020*).

426. In 2018, Sandberg’s talking points prepared for conversations with reporters included the statement that Meta “do[es] not optimize [its] systems to increase amount of time spent in News Feed” and “explicitly do[es]n’t give [its] teams goals around time spent.”⁶⁰⁴

427. During a November 2020 Congressional hearing, Mark Zuckerberg was asked whether he believed Meta’s platforms can be addictive. In response, Zuckerberg stated, “we certainly do not design the product in that way.”⁶⁰⁵

428. Then in his March 2021 testimony before Congress, Zuckerberg was asked whether he agreed that Meta makes money off creating an addiction to its platforms. Again, Zuckerberg responded, “No. I don’t agree with that.”⁶⁰⁶

429. Further, Zuckerberg’s talking points included the following statement: “The impact that our products have on the well-being of everyone is a top priority. It’s not how much time you spend online, it’s how you spend it.”⁶⁰⁷ Zuckerberg denied that Meta designed its platforms to be addictive to maximize time spent.⁶⁰⁸

430. Similarly, Zuckerberg told Congress on March 25, 2021, that “it is a common misconception that our teams—our goals, or even have goals, of trying to increase the amount of time that people spent” and that “I don’t give our News Feed team or our Instagram team

⁶⁰⁴ MDL AG Compl. at 25, ¶ 135.

⁶⁰⁵ *Breaking the News: Censorship, Suppression, and the 2020 Election: Hearing Before the S. Comm. on the Judiciary*, 116th Cong. (2020), <https://www.judiciary.senate.gov/committee-activity/hearings/breaking-the-news-censorship-suppression-and-the-2020-election> (testimony of Mark Zuckerberg); see also *Facebook CEO Mark Zuckerberg on whether products are addictive: ‘We Certainly Do Not Design the Product in that Way’*, Recount (Nov. 17, 2020), <https://therecount.com/watch/facebook-ceo-mark-zuckerberg-on/2645864077>.

⁶⁰⁶ *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation: Hearing Before the H. Subcomm. on Commc’ns & Tech., J. with Subcomm. on Consumer Prot. & Com., Comm. on Energy & Com.*, 117th Cong. 107:2491–2497 (2021), <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf> (testimony of Mark Zuckerberg).

⁶⁰⁷ MDL AG Compl. at 25–26, ¶ 136.

⁶⁰⁸ *Id.*

goals around increasing the amount of time that people spend.”⁶⁰⁹

431. In September 2021, Meta’s Global Head of Safety Antigone Davis told Congress, “I disagree with calling our product addictive [T]hat’s not how we build products.”⁶¹⁰

432. In December 2021, Head of Instagram Adam Mosseri told Congress, “I don’t believe that research suggests that our products are addictive.”⁶¹¹

433. Meta’s pattern of intentional concealment came to a head in August 2021, just weeks before Frances Haugen dropped her bombshell revelations on the public. On August 4, 2021, Senators Marsha Blackburn and Richard Blumenthal wrote to Mark Zuckerberg. The Senators’ letter observed that “[a]n expanding volume of scientific research shows that social media platforms can have a profoundly harmful impact on young audiences” and noted “grave concerns about [Meta’s] apparent effort to ensnare children into social media platforms at earlier and earlier ages.”⁶¹² The letter concluded by asking Zuckerberg six “pretty straightforward questions about how the company works and safeguards children and teens on Instagram.”⁶¹³

434. In its August 17, 2021 written response to Senators Blackburn and Blumenthal,

⁶⁰⁹ MDL AG Compl. at 26, ¶ 137.

⁶¹⁰ See *Subcomm.: Protecting Kids Online: Facebook, Instagram, and Mental Health Harms: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>.

⁶¹¹ Taylor Hatmaker, *Instagram’s Adam Mosseri defends the app’s teen safety track record to Congress*, TechCrunch (Dec. 8, 2021), <https://techcrunch.com/2021/12/08/instagrams-adam-mosseri-senate-hearing-teen-safety/>.

⁶¹² Letter from Richard Blumenthal, U.S. Senator, and Marsha Blackburn, U.S. Senator, to Mark Zuckerberg, CEO, Facebook, Inc. at 1 (Aug. 4, 2021), <https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf>.

⁶¹³ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>; see also Letter from Richard Blumenthal, U.S. Senator, and Marsha Blackburn, U.S. Senator, to Mark Zuckerberg, CEO, Facebook, Inc. at 2–3 (Aug. 4, 2021), <https://www.blumenthal.senate.gov/imo/media/doc/8.4.21%20-%20Facebook%20-%20Mental%20Health%20and%20Kids%20Letter.pdf>.

Meta omitted any reference to the internal research it had conducted demonstrating the negative impact Instagram can have on kids' mental health.⁶¹⁴

435. The Senators' letter asked whether Meta had ever developed products or features "that it had reason to believe could have a negative effect on children's and teens' mental health or well-being[.]"⁶¹⁵ Meta responded by claiming it had "built many special protections for teens."⁶¹⁶ But it failed to mention, for example, that it employed "growth hackers" who internally advised that "we can be very aggressive with our notifications to create a habit[.]"⁶¹⁷

436. The Senators' letter also asked if Meta's research had "ever found that its platforms and products can have a negative effect on children's and teens' mental health or well-being[.]"⁶¹⁸ Meta responded that the matter was "still being studied,"⁶¹⁹ that it was challenging to conduct such research,⁶²⁰ and that the company was "not aware of a consensus among studies or experts about how much screen time is 'too much.'"⁶²¹ While Meta reiterated its vague and already public position that "passive" use of social media can correlate with "negative

⁶¹⁴ Letter from Facebook, Inc. to Richard Blumenthal, U.S. Senator, and Marsha Blackburn, U.S. Senator (Aug. 17, 2021), <https://www.blumenthal.senate.gov/imo/media/doc/817.21facebookresponseletter.pdf>.

⁶¹⁵ *Id.* at 4.

⁶¹⁶ *Id.*

⁶¹⁷ Haugen_00016893 at Haugen_00016914 (quoting August 3, 2017 memo: *Have we made people addicted to Facebook?*).

⁶¹⁸ Letter from Facebook, Inc. to Richard Blumenthal, U.S. Senator, and Marsha Blackburn, U.S. Senator at 2 (Aug. 17, 2021), <https://www.blumenthal.senate.gov/imo/media/doc/817.21facebookresponseletter.pdf>.

⁶¹⁹ *Id.*

⁶²⁰ *Id.* at 3.

⁶²¹ *Id.*

outcomes,”⁶²² it failed to disclose any more specific findings.⁶²³

437. Meta failed to disclose, in response to the Senators’ direct question, its detailed research regarding addiction to its platforms, which the company terms problematic usage;⁶²⁴ its assessment that “[t]he best external research indicates that Facebook’s impact on people’s well-being is negative”;⁶²⁵ its identification of “Problematic Use,” loneliness, and social comparison as the three drivers of this negative impact;⁶²⁶ its finding that up to 25% of people on Facebook experience so-called problematic use;⁶²⁷ its data showing that “high time spent users do tend to be disproportionately younger users”;⁶²⁸ its conclusion that so-called problematic use causes profound harms, including loss of productivity, sleep disruption, relationship impacts, and safety risks;⁶²⁹ its identification of multiple Meta product features that

⁶²² *Id.*; see also *Q1 2018 Earnings: Transcript* at 2, Meta Inv. Rels. (Apr. 25, 2018), https://s21.q4cdn.com/399680738/files/doc_financials/2018/Q1/Q1-18-Earnings-call-transcript.pdf.

⁶²³ Letter from Facebook, Inc. to Richard Blumenthal, U.S. Senator, and Marsha Blackburn, U.S. Senator at 6 (Aug. 17, 2021), <https://www.blumenthal.senate.gov/imo/media/doc/817.21facebookresponseletter.pdf>.

⁶²⁴ Haugen_00016373 at Haugen_00016379 (March 9, 2020 internal presentation and discussion about problematic use with a slide stating that problematic use “is sometimes referred to as ‘social media addiction’ externally”); *Id.* at Haugen_00016373 (March 9, 2020 internal presentation and discussion regarding problematic use in which a Meta employee shared a post stating, “[i]n Q4 2019, our Well-being Product Team conducted global qualitative research to better understand ‘problematic’ use (sometimes called ‘social media addiction’ externally”); Haugen_00005458 at Haugen_00005473 (November 5, 2019 Meta employee report: *Hard Life Moments – Mental health deep dive*); Haugen_00007055 at Haugen_00007055 (May 6, 2019 Meta employee memo: *Problematic use / time-spent papers at CHI*).

⁶²⁵ Haugen_00016373 at Haugen_00016381 (March 9, 2020 internal presentation and discussion about problematic use).

⁶²⁶ *Id.*

⁶²⁷ Haugen_00016373 at Haugen_00016383.

⁶²⁸ Haugen_00017177 at Haugen_00017181 (quoting October 30, 2018 Meta employee report: *How does Instagram usage change depending on overall time spent?*); Haugen_00005458 at Haugen_00005750–Haugen_00005751 (2020 presentation containing slides about brain maturation).

⁶²⁹ Haugen_00016373 at Haugen_00016414 (March 9, 2020 presentation: *All problematic users were experiencing multiple life impacts*).

act as triggers for so-called problematic use;⁶³⁰ its knowledge that teens who feel addicted to a Meta app “know that what they’re seeing is bad for their mental health but feel unable to stop themselves”;⁶³¹ its studies regarding body image and social comparison;⁶³² its knowledge that Instagram makes body image issues worse “for one in three teen girls”;⁶³³ its analysis showing that topics eliciting appearance comparison comprise one third of what teen girls see on Instagram;⁶³⁴ its research concluding that negative social comparison on Instagram gets worse for users over time;⁶³⁵ its awareness that teens report Instagram as a source of increased anxiety and depression;⁶³⁶ its researchers’ conclusion that teens “[h]ave an addict’s narrative about their use” of Instagram;⁶³⁷ and its survey finding that “[o]ver one third of teens felt they have only a little control of no control at all over how Instagram makes them feel”⁶³⁸—in addition to the other findings described in this Complaint.

438. Meta’s years-long concealment of its research was revealed just weeks later, when Frances Haugen released these studies, along with a trove of other internal Meta documents, to

⁶³⁰ *Id.* at Haugen_00016410 (“We heard about 10+ triggers contributing to PU habits.”).

⁶³¹ Haugen_00017069 at Haugen_00017171 (October 10, 2019 report by Meta employees and discussion about teens’ mental health).

⁶³² Haugen_00005458 at Haugen_00005484 (presentation: *Mental Health Findings*); Haugen_00000797 at Haugen_00000797 (November 16, 2018 report: *[Instagram] Social Comparison Research Findings*).

⁶³³ Haugen_00005458 at Haugen_00005500 (November 5, 2019 presentation containing a slide: *But, We Make Body Image Issues Worse for 1 in 3 Teen Girls*).

⁶³⁴ Haugen_00002527 at Haugen_00002527 (March 9, 2021 report: *How the topics people see are linked to appearance comparison on [Instagram]*).

⁶³⁵ Haugen_00000797 at Haugen_00000875 (November 16, 2018 report containing a page displaying data about negative social comparison over time).

⁶³⁶ Haugen_00017069 at Haugen_00017121 (October 10, 2019 presentation containing a slide: *Teens blame Instagram for increases in the rates of anxiety and depression among teens*).

⁶³⁷ *Subcomm.: Protecting Kids Online: Facebook, Instagram, and Mental Health Harms: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec., 117th Cong.* (2021), <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>.

⁶³⁸ *Id.*

The Wall Street Journal. Even these disclosures did not reveal the full scope and extent of Meta's misrepresentations, discussed elsewhere in this Complaint.

439. On September 21, 2021, Senator Blumenthal confronted a Meta representative about the conspicuous omissions in Meta's response to his letter:

Last month, on August 4, Senator Blackburn and I wrote to Mark Zuckerberg and asked him specifically about this issue. We asked, and I'm quoting, "Has Facebook's research ever found that its platforms and products can have a negative effect on children's and teens' mental health or well-being such as increased suicidal thoughts, heightened anxiety, unhealthy usage patterns, negative self-image, or other indications of lower well-being?"

It wasn't a trick question. It preceded the reports in the Journal. We had no idea about the whistleblower documents that were ultimately revealed.

Facebook dodged the question. "We are not aware of a consensus among studies or experts about how much screen time is too much."

We are not aware.

Well, we all know now that representation was simply untrue.⁶³⁹

440. Senator Blumenthal went on to ask the witness, Steve Satterfield, Facebook's Vice President of Privacy & Public Policy, "why did Facebook misrepresent its research on mental health and teens when it responded to me and Senator Blackburn?" After disputing the characterization, Satterfield responded, "The safety and well-being of the teens on our platform is a top priority for the company. We're going to continue to make it a priority. This was important research." Senator Blumenthal then went on: "Why did you conceal it?" Satterfield responded, "we didn't make it public because we don't, with a lot of the research we do because we think that is an important way of encouraging free and frank discussion within the company

⁶³⁹ Press Release, Richard Blumenthal, U.S. Senator, *Blumenthal Demands Facebook Appear at Next Week's Consumer Protection Subcomm. Hearing to Explain Coverup of its Platforms' Negative Impact on Teens and Children* (Sept. 21, 2021), <https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-demands-facebook-appear-at-next-weeks-consumer-protection-subcommittee-hearing-to-explain-coverup-of-its-platforms-negative-impact-on-teens-and-children>.

about hard issues.”⁶⁴⁰

441. Meta unilaterally decided to prioritize “free and frank” internal discussion over honest and transparent responses to direct questions from sitting United States Senators. When it “dodged, ducked, sidetracked, [and] in effect misled” Senators Blumenthal and Blackburn, Meta also deceived the public.⁶⁴¹

442. Moreover, Satterfield’s “free and frank discussion” excuse has been contradicted both internally and publicly by Meta employees. On January 8, 2020, a Meta software engineer participated in an internal “ask me anything” session on the last day of his four-year tenure at the company. When asked how the Meta Defendants should respond to outside pressures and critiques, the software engineer stated, “[r]ight now, many employees feel that if they whistleblow, dissent, give feedback to unethical decisions, etc, then they are at risk for being fired. We can fix that by giving people the safety to speak up when they see something wrong going on.”⁶⁴²

443. Frances Haugen echoed this sentiment in her testimony before the Senate, citing evidence that Meta “is so scared of even basic transparency that it goes out of its way to block researchers who are asking awkward questions.”⁶⁴³ Ms. Haugen further testified that Meta’s culture emphasizes insularity and promotes the idea that “if information is shared with the

⁶⁴⁰ *Id.*

⁶⁴¹ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec., 117th Cong. (2021)*, <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>; *id.* (Senator Brian Schatz to Frances Haugen that he had “a long list of misstatements, misdirections and outright lies from the company”).

⁶⁴² Haugen_00007481 at Haugen_00007492 (January 8, 2020 report: *Political Ads Announcement Preview [Confidential]*).

⁶⁴³ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec., 117th Cong. (2021)*, <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

public, it will just be misunderstood.”⁶⁴⁴

444. The above representations of former employees are consistent with reports from Facebook content moderators that there is a “culture of fear and excessive secrecy” within Meta that “prevent[s] [them] from speaking out[.]”⁶⁴⁵

445. Notably, Meta’s pattern of concealment did not end after Frances Haugen came forward. On September 30, 2021, Antigone Davis, Facebook’s Head of Safety, testified before the Senate. Ms. Davis represented that, when Instagram “do[es] ads to young people, there are only three things that an advertiser can target around: age, gender, location. We also prohibit certain ads to young people, including weight-loss ads.”⁶⁴⁶ She further testified, “We don’t allow the sexualization of minors on our platform.”⁶⁴⁷ A study by the Technology Transparency Project proved this was false.⁶⁴⁸

446. In addition to the litany of misrepresentations and omissions identified above, Meta has repeatedly failed to tell the truth about the age of users on Instagram. In statements to Congress and elsewhere, Zuckerberg has represented that Meta does not allow users under the age of 13 to use the product. For example, in testimony before the U.S. House of Representatives Committee on Energy and Commerce, Zuckerberg stated that “[t]here is clearly a large number of people under the age of 13 who would want to use a service like Instagram. We currently do

⁶⁴⁴ *Id.*

⁶⁴⁵ Zoe Schiffer, *Facebook content moderators call for company to put an end to overly restrictive NDAs*, Verge (July 22, 2021), <https://www.theverge.com/2021/7/22/22587757/facebook-content-moderators-ireland-end-restrictive-ndas>.

⁶⁴⁶ *Subcomm.: Protecting Kids Online: Facebook, Instagram, and Mental Health Harms: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/9/protecting-kids-online-facebook-instagram-and-mental-health-harms>.

⁶⁴⁷ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

⁶⁴⁸ *See id.*

not allow them to do that.”⁶⁴⁹

447. However, as shown above, Meta has long known that its products are widely used by children under the age of 13. In fact, Meta knows through retrospective cohort analyses that “up to 10 to 15% of even 10-year-olds in a given cohort may be on Facebook or Instagram.”⁶⁵⁰ Meta is also aware that teenagers coach tweens, defined by them as 10- to 12-year-olds, on how to use its platforms.⁶⁵¹

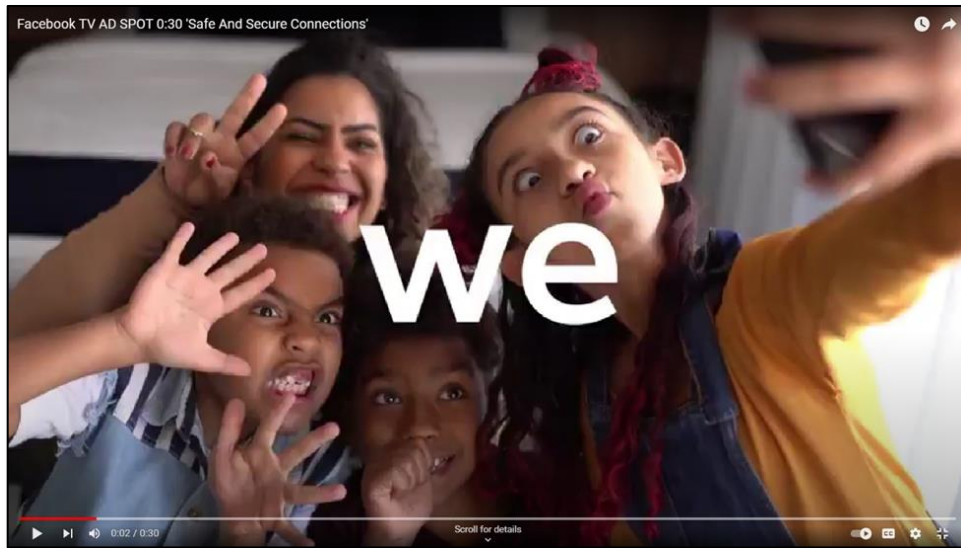
448. Indeed, far from acknowledging the serious problems with its platforms and warning children and parents of the same, Meta has launched advertising campaigns designed to encourage more children to use its platforms—by touting the purported safety of those platforms. For example, in a recent television ad, Meta claimed that it “build[s] technology that gives you more control and helps keep you safe[,]” including through its “industry leading AI” and other “tools that can protect—so you can connect.” This advertisement featured children, as in the screenshot below.

⁶⁴⁹ *Disinformation Nation: Social Media’s Role in Promoting Extremism and Misinformation: Hearing Before the H. Subcomm. on Commc’n & Tech., J. with Subcomm. on Consumer Prot. & Com., Comm. on Energy & Com., 117th Cong. 59:1316–1320 (2021)*, <https://www.congress.gov/117/meeting/house/111407/documents/HHRG-117-IF16-Transcript-20210325.pdf>; *see also id.* at 175:4168–4178 (Zuckerberg: “[O]ur policies on the main apps that we offer generally prohibit people under the age of 13 from using the services.”); *see also Transcript of Zuckerberg’s appearance before House committee*, Wash. Post (Apr. 11, 2018), https://www.washingtonpost.com/news/the-switch/wp/2018/04/11/transcript-of-zuckerbergs-appearance-before-house-committee/?utm_term=.e7b476fb8ac7&noredirect=on (When asked if it is correct that children can get a Facebook account starting at age 13, Zuckerberg confirmed that it was correct); *see also* NewSchools Venture Fund, *NewSchools Summit 2011: John Doerr and Mark Zuckerberg on innovation and education*, YouTube (May 24, 2011), <https://www.youtube.com/watch?v=n03zAOadyMA> (Zuckerberg: “[A]nd so basically, we don’t allow people under the age of 13 on Facebook . . . today we don’t allow people under the age of 13 to sign up.”).

⁶⁵⁰ *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec., 117th Cong. (2021)*, <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

⁶⁵¹ Haugen_00016728 at Haugen_00016737–Haugen_00016740.

Other advertising campaigns have similarly touted Meta’s AI as being a feature that contributes to



its platforms’ safety—without disclosing the serious problems identified in this Complaint.

449. In another example of advertising that promotes use by children, a Meta 2021 online advertisement actively highlighted the posts available for fifth grade children on its Facebook product, highlighting the experience of an art teacher who used Facebook to communicate with students during the pandemic—an experience the video noted was “a lot to unpack for little, tiny people.”

450. And Meta only continues to hide the harms its platforms cause. On November 7, 2023, a second Meta whistleblower, Arturo Bejar, testified before a Senate subcommittee about the ways in which Meta has failed to act to protect its teenage users.⁶⁵² Bejar, a former Facebook engineering director and Instagram consultant, testified that “Meta leadership was aware of prevalent harms to its youngest users but declined to take adequate action” in response.⁶⁵³

451. Bejar testified that he informed Chief Product Officer Chris Cox of research into platform harms to teens and that Cox acknowledged he was already aware of the statistics. Bejar

⁶⁵² Lauren Feiner, *Meta failed to act to protect teens, second whistleblower testifies*, CNBC (Nov. 7, 2023), <https://www.cnbc.com/2023/11/07/meta-failed-to-act-to-protect-teens-second-whistleblower-testifies.html>.

⁶⁵³ *Id.*

found this response “heartbreaking because it meant that they knew and they were not acting on it[.]”⁶⁵⁴

452. Similarly, Bejar turned over emails that showed he raised similar concerns to top Meta leaders. In an email to Mark Zuckerberg, then-Meta COO Sheryl Sandberg, and Instagram CEO Adam Mosseri dated October 5, 2021, Bejar noted that “51% of Instragram users say ‘yes’ to having had a bad or harmful experience in the last 7 days.”⁶⁵⁵ Bejar also flagged to Zuckerberg that one survey showed almost 40% of 13- to 15-year-olds said “they experienced negative comparison” while on Instagram.⁶⁵⁶

453. Less than two weeks later, on October 14, 2021, Bejar raised similar concerns to Adam Mosseri.⁶⁵⁷ Bejar testified that he never received a response from or met with Zuckerberg or Sandberg.⁶⁵⁸ He further testified that he thought Meta would “take [his] concerns and recommendations seriously. Yet years have gone by and millions of teens are having their mental health compromised and are still being traumatized.”⁶⁵⁹

454. Bejar drew three conclusions in his Senate testimony. “One, Meta knows the harm that kids experience on their platform. And executives know that their measures fail to address it. Two, there are actionable steps that Meta could take to address the problem. And three, they

⁶⁵⁴ *Id.*

⁶⁵⁵ *Internal Instagram and Facebook Documents* at 109, Richard Blumenthal U.S. Senator, <https://www.blumenthal.senate.gov/imo/media/doc/1172023bejardocuments.pdf> (Bejar whistleblower documents).

⁶⁵⁶ *Id.*

⁶⁵⁷ *Id.* at 112–113.

⁶⁵⁸ Lauren Feiner, *Meta failed to act to protect teens, second whistleblower testifies*, CNBC (Nov. 7, 2023), <https://www.cnbc.com/2023/11/07/meta-failed-to-act-to-protect-teens-second-whistleblower-testifies.html>.

⁶⁵⁹ Justin Hendrix, *Transcript: Senate Hearing on Social Media and Teen Mental Health with Former Facebook Engineer Arturo Bejar*, Tech Pol’y Press (Nov. 8, 2023), <https://www.techpolicy.press/transcript-senate-hearing-on-social-media-and-teen-mental-health-with-former-facebook-engineer-arturo-bejar/>.

are deciding time and time again to not tackle these issues.”⁶⁶⁰

5. Meta failed to adequately warn NYC Plaintiffs or the public about the dangers and harms caused by Instagram and Facebook, or provide instructions regarding safe use.

455. Meta has failed to adequately warn the public, including NYC Plaintiffs and members of NYC Plaintiffs’ community, about the physical and mental health risks posed by Instagram and Facebook. These risks include a plethora of mental health disorders, like compulsive use, addiction, eating disorders, anxiety, depression, insomnia, exacerbated executive dysfunction, suicidal ideation, self-harm, and death.

456. Meta targets adolescent users via advertising and marketing materials distributed throughout digital and traditional media that fail to provide sufficient warnings to potential adolescent consumers or their parents, teachers, or caregivers, of the physical and mental risks associated with using Facebook and Instagram.

457. Meta also fails to adequately warn the public, adolescent users, or their parents during the product registration process. At account setup, neither Instagram nor Facebook contain warning labels, banners, or conspicuous messaging to adequately inform adolescent users or their parents of the known product risks and potential physical and mental harms associated with usage. Instead, Meta allows adolescent users, including those under the age of 13, to easily create an account (or multiple accounts) and fully access these platforms.

458. Meta’s failure to warn continues even as adolescents exhibit problematic signs of addiction to and compulsive use of Facebook or Instagram. For example, Meta does not warn users when their screen time reaches harmful levels or when adolescents are accessing the product habitually.

⁶⁶⁰ *Former Meta Executive Testifies on Social Media and Youth Mental Health* at 27:30-27:57, C-SPAN (Nov. 7, 2023), <https://www.c-span.org/video/?531650-1/meta-executive-testifies-social-media-youth-mental-health>; *Protecting Kids Online: Testimony from a Facebook Whistleblower: Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, & Data Sec.*, 117th Cong. (2021), <https://www.commerce.senate.gov/2021/10/protecting%20kids%20online:%20testimony%20from%20a%20facebook%20whistleblower>.

459. Despite proactively providing adolescent users with countless filtering and editing tools, Meta also does not appropriately warn adolescent users regarding which images have been altered or the mental health harms associated with the heavily filtered images that Meta presents and recommends.

460. Not only does Meta fail to adequately warn users regarding the risks associated with Instagram and Facebook, it also does not provide sufficient instructions on how adolescents can safely use the platforms.

461. As recently as January 2024, Meta claims to have implemented new measures to “support teens” so they can have “age-appropriate experiences” on Meta’s platforms.⁶⁶¹ These new measures include (1) “hiding more types of age-inappropriate content”; (2) “hiding more results in Instagram Search related to suicide, self-harm and eating disorders”; (3) “prompting teens to update their privacy settings on Instagram”; and (4) launching “nighttime nudges that show up when teens have spent more than 10 minutes on a particular Instagram surface.”⁶⁶²

462. Tools implemented in 2024 will not remedy prior harms suffered or damages incurred by NYC Plaintiffs. Moreover, the efficacy of Meta’s recently implemented tools is questionable. As whistleblower Arturo Bejar has previously told Congress, Meta directs resources toward tackling “a very narrow definition of harm.”⁶⁶³ Meta has previously touted its success in making its platform safer for users, but the reality was much different: “Narrow rules and unreliable automated enforcement systems left a left a lot of room” for harm on the platform, “but they made the company’s child-safety statistics look pretty good” in Meta’s internal

⁶⁶¹ *Introducing Stricter Message Settings for Teens on Instagram and Facebook*, Meta (January 25, 2024), <https://about.fb.com/news/2024/01/introducing-stricter-message-settings-for-teens-on-instagram-and-facebook/>.

⁶⁶² *Our tools, features and resources to help support teens and parents*, Meta, <https://www.meta.com/help/policies/safety/tools-support-teens-parents/> (last visited Oct. 2, 2025).

⁶⁶³ Lauren Feiner, *Meta failed to act to protect teens, second whistleblower testifies*, CNBC (Nov. 7, 2023), <https://www.cnbc.com/2023/11/07/meta-failed-to-act-to-protect-teens-second-whistleblower-testifies.html>.

measurements.⁶⁶⁴ “‘There’s a grading-your own-homework problem,’” said Zvika Krieger, a former director of responsible innovation at Meta who worked with the Well-Being Team.”⁶⁶⁵ Further, Meta’s recently implemented tools also do not include changes to Facebook or Instagram’s use of algorithms or other intermittent variable rewards that manipulate young users to spend as much time on Facebook and Instagram as possible. Providing optional tools to young users who are addicted to or dependent on the platform, and relying on their own self-control to address the problems Meta’s design features have caused, will not solve the problem.

463. Meta’s failure to properly warn and instruct adolescent users or their parents has proximately caused significant harm to NYC Plaintiffs, who have expended and continue to expend significant resources addressing the impact of Meta’s conduct on NYC Plaintiffs’ operations, including providing additional support to impacted youth.

C. FACTUAL ALLEGATIONS AS TO SNAP

1. Background and overview of Snapchat.

464. Snap owns and operates the Snapchat social media product, an application that is widely marketed by Snap and available to users throughout the United States. Snapchat is a platform for engaging in text, picture, and video communication. The app also contains a discovery page and an endless, algorithmically run feed of short videos. The primary objective of the platform is to maximize the frequency and length of each user’s viewing sessions. Fifty-nine percent of teenagers in the U.S. actively use Snapchat.⁶⁶⁶ Twenty-two percent of parents in

⁶⁶⁴ Jeff Horwitz, *His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like*, Wall Street Journal (Nov. 2, 2023), <https://www.wsj.com/tech/instagram-facebook-teens-harassment-safety-5d991be1>.

⁶⁶⁵ Jeff Horwitz, *His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him What the App Was Really Like*, Wall Street Journal (Nov. 2, 2023), <https://www.wsj.com/tech/instagram-facebook-teens-harassment-safety-5d991be1>.

⁶⁶⁶ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

the U.S. know their child between the ages of 9 and 11 uses Snapchat.⁶⁶⁷

465. Snapchat was founded in 2011, by three Stanford college students, Reggie Brown, Evan Spiegel, and Bobby Murphy. It began as a simple application designed to allow a user to send a picture to a friend that would later disappear. Having gained only 127 users a few months after its launch, Snapchat began to market to high school students. Within the following year, Snapchat grew to more than 100,000 users.

466. Snapchat became well-known for its ephemeral nature, which, in effect, removes all accountability what is sent on the platform. Specifically, Snapchat allows users to form groups and share posts or “Snaps” that disappear after being viewed by the recipients. However, the Snapchat social media product quickly evolved from there, as its leadership made design changes and rapidly developed new product features that were intended to, and successfully did, increase Snapchat’s popularity among minors.

467. In 2012, Snapchat added video capabilities to its product, pushing the number of Snaps to 50 million per day. In 2013, Snapchat added “Stories” and “Chat” features; in 2014, live video chat capabilities, text conversations, “Our Story,” Geofilters, and Snapcash; in 2015, Discovery, QR code incorporation, and facial recognition software; and in 2016, Memories and Snapchat Groups.

468. By 2015, advertisements were pervasive on Snapchat, and by 2018, 99% of Snapchat’s total revenue came from advertising. In 2022, Snap’s revenue was approximately \$4.6 billion.⁶⁶⁸ Like Meta and Defendants in general, Snapchat decided to monetize its userbase, and changed its product in ways that made it more harmful for users yet resulted in increased engagement and profits for Snapchat. By 2015, Snapchat had over 75 million active users and

⁶⁶⁷ Brooke Auxier *et al.*, *Children’s engagement with digital devices, screen time*, Pew Rsch. Ctr. (July 28, 2020) <https://www.pewresearch.org/internet/2020/07/28/childrens-engagement-with-digital-devices-screen-time/>.

⁶⁶⁸ *Snap Inc. Announces Fourth Quarter and Full Year 2022 Financial Results*, Snap Inc. (Jan. 31, 2023), <https://investor.snap.com/news/news-details/2023/Snap-Inc.-Announces-Fourth-Quarter-and-Full-Year-2022-Financial-Results/default.aspx>.

was the most popular social media application among American teenagers in terms of number of users and time spent using the product.

469. To further expand its userbase, Snapchat incorporates several features, as set forth in more detail below, that serve no purpose other than to create dependency on Snapchat’s social media product. These features, in turn, result in sleep deprivation, anxiety, depression, shame, interpersonal conflicts, and other serious mental and physical harms. Snapchat knows, or should know, that its product is harmful to adolescents, but, as with Defendants in general, it consistently opts for increased profit at the expense of the well-being of its youth users. Defendants’ platforms are used by millions of children every day, children who have become addicted to these platforms because of their design and product features, to the point that parents cannot remove all access to the platforms without minor users adamantly protesting, often engaging in self-harm, threatening hunger strikes and/or suicide, and other foreseeable consequences of withdrawal from these platforms, where such cessation would require professional intervention.

470. Snap calls itself “a camera company.”⁶⁶⁹ Its “flagship product, Snapchat, is a camera application that was created to help people communicate through short videos and images. [Snap] call[s] each of those short videos or images a Snap.”⁶⁷⁰ Snap’s design of its

⁶⁶⁹ Snap Inc., Registration Statement (Form S-1) at 1 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>; *see also Snap Inc. Announces New Augmented Reality Tools and Camera Experiences for Snapchatters, Creators, and Businesses*, Snap Inc. (May 20, 2021), <https://investor.snap.com/news/news-details/2021/Snap-Inc.-Announces-New-Augmented-Reality-Tools-and-Camera-Experiences-for-Snapchatters-Creators-and-Businesses/default.aspx> (“We believe that reinventing the camera represents our greatest opportunity to improve the way people live and communicate.”); *Join Team Snap*, Snap Inc. (Mar. 13, 2023), <https://careers.snap.com/?lang=en-US> [<https://web.archive.org/web/20230313191205/https://careers.snap.com/?lang=en-US>] (“We believe that reinventing the camera represents our greatest opportunity to improve the way people live and communicate.”).

⁶⁷⁰ Snap Inc., Registration Statement (Form S-1) at 1 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>.

Snapchat product capitalizes on children's increasing attachment to quick, instantaneous exchanges. As Snap's founder and CEO Evan Spiegel has explained, "today. . . pictures are being used for talking. So when you see your children taking a zillion photos of things that you would never take a picture of, it's cos [sic] they're using photographs to talk. And that's why people are taking and sending so many pictures on Snapchat every day."⁶⁷¹

471. Spiegel's statement is telling, as Snap has tailored every aspect of its Snapchat product to children rather than adults. Snap designed and implemented dangerous features in Snapchat that exploit children's need for social acceptance and rewards by pushing its users to maximize their use of and engagement with the app. Snap built Snapchat using manipulative techniques to compel young users to send an ever-increasing number of photographs and videos, and to reward users who maximize their engagement with elevated status. Snap also dangerously encourages adolescents to increase engagement on the app indiscriminately, pushing tools to share sensitive material with an ever-expanding group of friends and strangers.

472. Snapchat's design features cause its young users to suffer increased anxiety, depression, disordered eating, sleep deprivation, suicide, and other severe mental and physical injuries. Snap knows or should have known this. Snap intentionally designed Snapchat to prey on the neuropsychology and behavioral patterns of children to maximize their engagement and increase Snap's advertising revenue. Despite this knowledge, Snap continues to update its product and add features intentionally designed to entice, exploit, and addict kids, including Snap Streaks, trophies, social signifiers and reward systems, quickly disappearing messages, filters, lenses, and games.

473. Snap knew, or should have known, that its conduct has negatively affected youth. Snap's conduct has been the subject of inquiries by the United States Senate⁶⁷² Senators from

⁶⁷¹ Stuart Dredge, *What is Snapchat? CEO Evan Spiegel explains it all for parents*, Guardian (June 17, 2015), <https://www.theguardian.com/technology/2015/jun/17/what-is-snapchat-evan-spiegel-parents>.

⁶⁷² Bobby Allyn, *4 Takeaways from the Senate child safety hearing with YouTube, Snapchat and* (footnote continued)

across the ideological spectrum have introduced bills that would ban many of Snapchat's features that are particularly addictive to adolescents.⁶⁷³

474. Despite these calls for oversight from Congress, Snap has failed to curtail its use of features such as streaks, badges, and other awards that reward users' level of engagement with Snapchat. As described in detail below, Snapchat is a product that causes harm to children, the target audience for whom Snap designed it and to whom Snap promoted its product.

2. Snap targets children.

a. Snap designed its Snapchat platform to grow use by children to drive the company's revenue.

475. Within five months of launching, Snapchat had 40,000 users.⁶⁷⁴ By May 2012, less than eight months after launching, CEO Evan Spiegel reported that the company was "thrilled" to learn that most of Snapchat's users were high school students sending "behind-the-back photos of teachers and funny faces" to each other during class.⁶⁷⁵ According to Spiegel, Snap's server data showed peaks of activity during the school day.⁶⁷⁶

476. Snap immediately focused on increasing the platform's frequency of use.⁶⁷⁷ By late 2012, Snapchat had over a million active users sending over 20 million Snaps per day.⁶⁷⁸

TikTok, NPR (Oct. 26, 2021), <https://www.npr.org/2021/10/26/1049267501/snapchat-tiktok-youtube-congress-child-safety-hearing>.

⁶⁷³ See Abigail Clukey, *Lawmaker Aims To Curb Social Media Addiction With New Bill*, NPR (Aug. 3, 2019), <https://www.npr.org/2019/08/03/747086462/lawmaker-aims-to-curb-social-media-addiction-with-new-bill>; see also Social Media Addiction Reduction Technology Act, S. 2314, 116th Cong. (2019); Kids Internet Design and Safety Act, S. 2918, 117th Cong. (2021).

⁶⁷⁴ Ken Auletta, *Get Rich U*, New Yorker (Apr. 30, 2012), <https://www.newyorker.com/magazine/2012/04/30/get-rich-u>.

⁶⁷⁵ Evan Spiegel, *Let's Chat*, Snapchat Blog (May 9, 2012), <http://blog.snapchat.com> [<https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/>].

⁶⁷⁶ *Id.*

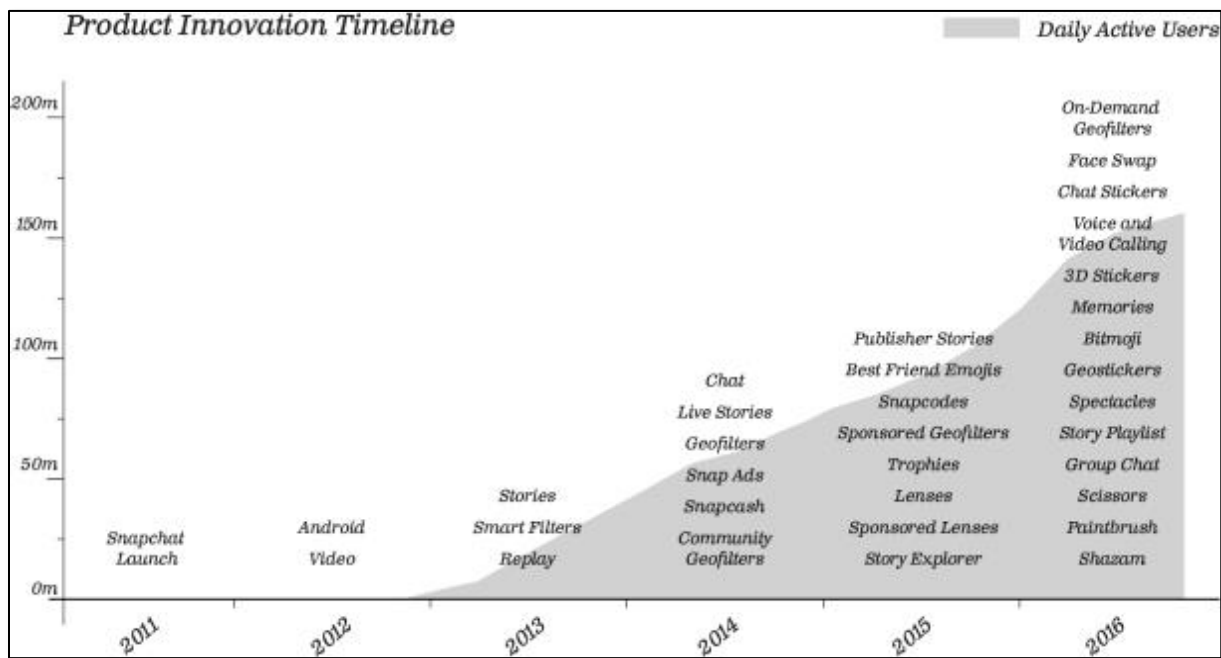
⁶⁷⁷ Billy Gallagher, *You Know What's Cool? A Billion Snapchats: App Sees Over 20 Million Photos Shared Per Day, Releases On Android*, TechCrunch (Oct. 29, 2012), <https://techcrunch.com/2012/10/29/billion-snapchats/>.

⁶⁷⁸ *Id.*

By 2013, Snapchat users were sending over 60 million Snaps per day.⁶⁷⁹ By the end of 2022, this number had risen to over 5 billion Snaps per day.⁶⁸⁰

477. As Snap continued to quickly add new features to its platform, the number of Snapchat's daily active users (users who open Snapchat at least once during a 24-hour period) rapidly increased.⁶⁸¹ In 2017, Snap reported that its users opened the platform more than 18 times a day on average. By 2019, users were opening the platform an average of 30 times per day.

Snapchat Innovation Timeline 2011–2016.⁶⁸²



⁶⁷⁹ Billy Gallagher, *Snapchat Raises \$13.5M Series A Led By Benchmark, Now Sees 60M Snaps Sent Per Day*, TechCrunch (Feb. 8, 2013), <https://techcrunch.com/2013/02/08/snapchat-raises-13-5m-series-a-led-by-benchmark-now-sees-60m-snaps-sent-per-day/>.

⁶⁸⁰ *Snap Inc. Q4 2022 Transcript* at 7, Snap Inc. Inv. Rels. (Jan. 31, 2023), <https://s25.q4cdn.com/442043304/files/transcript/snap-inc.-q4-2022-transcript.pdf>.

⁶⁸¹ Snap Inc., Registration Statement (Form S-1) at 91 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>.

⁶⁸² *Id.*

478. Today, Snapchat is one of the world's most widely used apps. By its own estimates, Snapchat has 363 million daily users, including 100 million daily users in North America.⁶⁸³ Snapchat also “reaches 90% of the 13 to 24-year-old population” in over twenty countries, and reaches nearly half of all smartphone users in the United States.⁶⁸⁴

479. Snapchat's explosive growth is driven by its key user demographic, 13- to 17-year-olds. In 2022, 59% of U.S. teens used Snapchat and 15% said they used it “almost constantly.”⁶⁸⁵ Snapchat proudly touts its influence over what it calls the “Snapchat Generation” (“Gen Z”).⁶⁸⁶

480. In 2014, Snap began running advertisements on Snapchat.⁶⁸⁷ Snapchat's entire business model revolves around its advertising revenue. According to internal company records, advertisements were pervasive on Snapchat by 2015 and, by 2018, 99% of Snap's total revenue came from advertising. Advertising has accounted for 99% of Snap's revenue each year since 2018.⁶⁸⁸ In 2022, Snap's revenue was approximately \$4.6 billion.⁶⁸⁹

481. Snap attracts advertisers by providing them access to the huge universe of Snapchat users and by collecting immense amounts of data on its users, including its pre-teen and teenage users, which it uses to target advertising to those users. Snap makes no secret of this practice, recently acknowledging that:

⁶⁸³ *Snap Inc. Investor Presentation October 2022* at 5, Snap Inc. Inv. Rels. (Oct. 20, 2022), [https://s25.q4cdn.com/442043304/files/doc_financials/2022/q3/Snap-Inc.-Q3-2022-Investor-Deck-\(10.20.2022\).pdf](https://s25.q4cdn.com/442043304/files/doc_financials/2022/q3/Snap-Inc.-Q3-2022-Investor-Deck-(10.20.2022).pdf).

⁶⁸⁴ *Id.* at 6, 35.

⁶⁸⁵ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

⁶⁸⁶ SNAP0000137 at SNAP0000139.

⁶⁸⁷ Paul Szoldra, *Here's The First Ad To Hit Snapchat*, Bus. Insider (Oct. 18, 2014), <https://www.businessinsider.com/snapchat-ad-2014-10>.

⁶⁸⁸ Snap Inc., Annual Report (Form 10-K) at 15 (Dec. 31, 2022), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf>.

⁶⁸⁹ *Id.* at 57.

[Snap] rel[ies] heavily on our ability to collect and disclose data, and metrics to our advertisers so we can attract new advertisers and retain existing advertisers. Any restriction or inability, whether by law, regulation, policy, or other reason, to collect and disclose data and metrics which our advertisers find useful would impede our ability to attract and retain advertisers.⁶⁹⁰

482. Snap’s growth in advertising revenues was driven by changes Snap made to Snapchat that incentivized compulsive and addictive use at the expense of its users’ health. Snap’s internal research indicates the Snapchat experience is “more immersive” than its competitors’ apps. This means users are more likely than on other apps to keep watching videos (and advertising).⁶⁹¹ The same research shows that Snapchat’s daily active users are constantly using its platform; compared to other apps, users are most likely to use Snapchat “[r]ight when [they] wake up,” “[b]efore work/school,” “[d]uring work/school,” “[a]fter work/school,” “[o]n vacations,” and “[w]hen [they’re] with others[.]”⁶⁹²

483. Snap understands that its user experience must be immersive and all-encompassing to maximize its advertising revenue. Indeed, Snap recently admitted to its investors that its revenue could be harmed by, among other things, “a decrease in the amount of time spent on Snapchat, a decrease in the amount of content that our users share, or decreases in usage of our Camera, Visual Messaging, Map, Stories, and Spotlight platforms[.]”⁶⁹³

b. Snap promotes Snapchat to children.

484. Snap specifically promotes Snapchat to children because they are a key demographic for Snap’s advertising business. In its first post on its website, Snapchat observed that “[t]o get a better sense of how people were using Snapchat and what we could do to make it better, we reached out to some of our users. We were thrilled to hear that most of them were

⁶⁹⁰ *Id.* at 15.

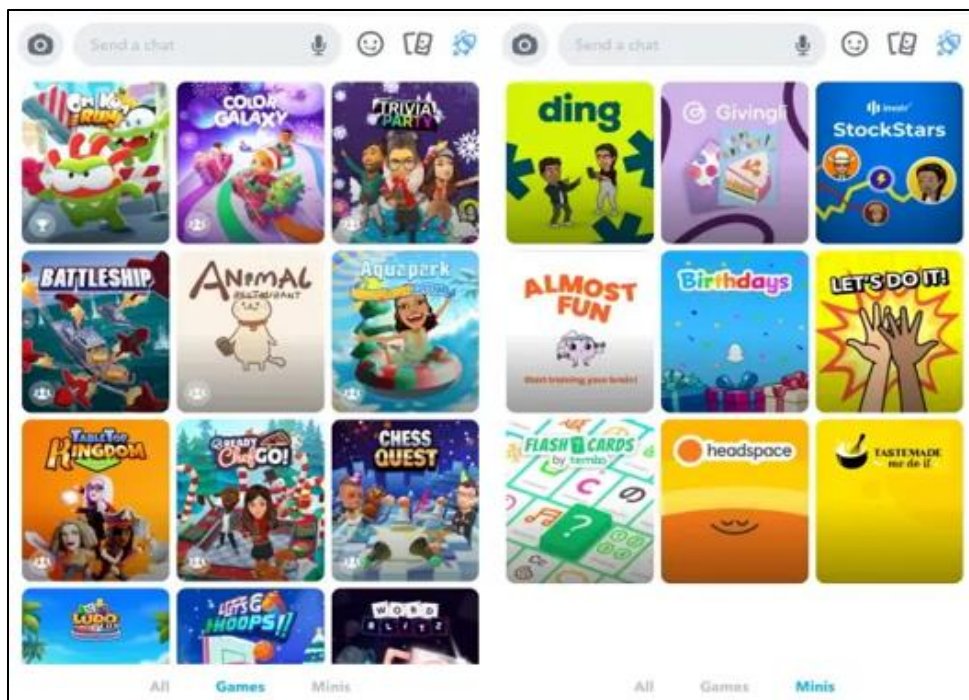
⁶⁹¹ *See* SNAP0000103 at SNAP0000122–SNAP0000124, SNAP0000132.

⁶⁹² SNAP0000103 at SNAP0000113.

⁶⁹³ Snap Inc., Annual Report (Form 10-K) at 16 (Dec. 31, 2022), <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf>.

high school students who were using Snapchat as a new way to pass notes in class—behind-the-back photos of teachers and funny faces were sent back and forth throughout the day.”⁶⁹⁴

485. As shown in this capture of a Snapchat feature page created by Snap, Snap uses bright colors, cartoonish designs, and other features that appeal to younger audiences.



486. Snap also added as a feature the ability for users to create cartoon avatars modeled after themselves.⁶⁹⁵ By using an artform generally associated with and directed at younger audiences, Snap further designed Snapchat to entice teenagers and younger children.

487. In addition to its marketing, Snap has targeted a younger audience by designing Snapchat in a manner that older individuals find hard to use.⁶⁹⁶ The effect of this design is that

⁶⁹⁴ Evan Spiegel, *Let's Chat*, Snapchat Blog (May 9, 2012), <http://blog.snapchat.com> [<https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/>].

⁶⁹⁵ Kif Leswing, *Snapchat just introduced a feature it paid more than \$100 million for*, Bus. Insider (July 19, 2016), <https://www.businessinsider.com/snapchat-just-introduced-a-feature-it-paid-more-than-100-million-for-2016-7>.

⁶⁹⁶ 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>.

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[.]”⁶⁹⁷

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

489. In an October 2019 interview, Snap’s CEO explained that “we’ve seen a lot of engagement with our 13-34 demographic, which for us is strategically a critical demographic, not only because that’s a demographic that enjoys using new products but also because I think they represent, really, the future . . . So that’s obviously been a group that’s been really fun to build for, and really it started because those are our friends.”⁶⁹⁸

490. Snap touts to advertisers its ability to use Snapchat to reach children. In a December 2022 statement to advertisers, Snap claimed that “Snapchat delivers on the emotions that Gen Z seeks and it does so consistently across the platform in areas like Discover, Stories and the Camera.”⁶⁹⁹ To prove that, Snapchat “used a neuroscience measurement called ‘immersion’ to measure reactions to different brand messaging—specifically brand purpose messaging vs. non-brand purpose messaging. Immersion captures attention and emotional resonance through variations in heart rate rhythm collected by smartwatches.”⁷⁰⁰ Per Snapchat, “[a]ny brand or marketer can get on any app and *start targeting Gen Z*. After all, Gen Z is digitally native. But to effectively connect and engage with this generation, that takes a different,

⁶⁹⁷ 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/>.

⁶⁹⁸ *Evan Spiegel, Co-Founder and CEO of Snap Inc.*, Goldman Sachs at 5:02–5:35 (Oct. 2, 2019), <https://www.youtube.com/watch?v=PQiKv-GCQ-w>.

⁶⁹⁹ *What Does Gen Z Want From Brands?*, Snap Inc. (Dec. 15, 2022), <https://forbusiness.snapchat.com/en-US/blog/what-does-gen-z-want>.

⁷⁰⁰ *Id.*

more intentional type of platform: Snapchat.”⁷⁰¹

491. Advertisers have responded, pouring into Snapchat money clearly intended for advertising aimed at children. Brands like candy manufacturer Sour Patch Kids, children’s toy store ToysRUs, and sugary beverage seller Kool-Aid have all run successful advertising campaigns through Snapchat, frequently using augmented reality tools developed in collaboration with Snapchat.

492. Despite marketing to children, Snapchat’s age verification systems are ineffective at best. For the first two years of its existence, Snap did not even purport to limit user access to those 13 or older.⁷⁰² Users were not required to input a date of birth when creating an account.⁷⁰³

493. In 2013, Snap belatedly introduced age limits (which, as explained below, it does not effectively enforce). At the same time, Snap launched a new feature called “Snapkidz” aimed at and designed to attract younger child users, while hedging against the potential user loss due to the new age limits. The Snapkidz feature allowed children under the age of 13 to take filtered photos, draw on them, save them locally on their devices, send them to others, and upload them to other apps.⁷⁰⁴ Although this version prevented children from sharing “Snaps” on the platform, it nonetheless exposed children to Snapchat’s features, which normalized and acclimatized children to using Snapchat. In addition, nothing prevented children from creating an unrestricted account with a false date of birth on Snapchat and using the platform outside the SnapKidz’s limited features.⁷⁰⁵

⁷⁰¹ *Id.* (emphasis added).

⁷⁰² Team Snapchat, *iOS Update: Bug Fixes and More!*, Snapchat Blog (June 22, 2013), <http://blog.snapchat.com/> [<https://web.archive.org/web/20130627073951/http://blog.snapchat.com:80/>].

⁷⁰³ *Id.*

⁷⁰⁴ *Id.*

⁷⁰⁵ See Larry Magid, *Snapchat Creates SnapKidz – A Sandbox for Kids Under 13*, Forbes (June 23, 2013), <https://www.forbes.com/sites/larrymagid/2013/06/23/snapchat-creates-snapkidz-a-sandbox-for-kids-under-13/?sh=7c682a555e5a>; Anthony Cuthbertson, *Snapchat admits its age verification system does not work*, Indep. (Mar. 19, 2019), (footnote continued)

494. The SnapKidz feature was discontinued in or around 2016. Snap now purports to prohibit users under the age of 13. But nothing prohibits the minor user from simply altering their birthdate during the same session where they were just denied an account for being an underage user. Snap could have implemented robust, effective age verification protocols. Instead, it has set up its business and platform so that there is no genuine effort to verify the age of its users or to enforce its age limitations. Snap could, but intentionally does not, verify the phone number, email address, or birthdate used to create accounts, and it allows users to create multiple accounts using the same email address or phone number. In contrast, Snap will only cutoff a user from its platform based on age if Snap has “actual knowledge that [the user is] under the age of 13[.]”⁷⁰⁶

495. Snap’s executives have admitted that Snapchat’s age verification “is effectively useless in stopping underage users from signing up to the Snapchat app.”⁷⁰⁷ Not surprisingly, underage use is widespread. As of 2021, 13% of children ages 8–12 use Snapchat.⁷⁰⁸

496. Once Snapchat is installed on a user’s mobile phone, the platform continues to download and install updates, design changes, and new features from Snapchat directly to its users.

497. Similarly, the absence of effective age-verification measures means that users who are older can claim to be children—which is an obvious danger to the actual children on Snap’s platform.

<https://www.independent.co.uk/tech/snapchat-age-verification-not-work-underage-ageid-a8829751.html>.

⁷⁰⁶ *Snap Terms of Service*, Snap Inc. (Aug. 15, 2023), <https://snap.com/en-US/terms>.

⁷⁰⁷ Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively useless*, Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3>.

⁷⁰⁸ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 5, Common Sense Media (2022), https://www.commonsensemedia.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

3. Snapchat is designed to addict children through psychological manipulation.

498. Once Snap entices children to use its platform, it uses a series of platform features that are designed to addict children. As laid out below, those features can be broadly grouped into two categories that exploit techniques discussed earlier in this Complaint. The first are social metrics and other similar psychological manipulation techniques. The second are features designed to encourage endless passive usage of the Snapchat platform. These features, in tandem with each other and the other harmful features described throughout this section and Complaint, induce addiction, compulsive use, and other severe mental and physical harm to young users of the Snapchat platform, including students in NYC Plaintiffs' schools and community.

a. Snap designed Snapchat to drive compulsive use through a set of social metrics and other manipulation techniques that induce compulsive use.

499. Snapchat includes a variety of social metrics—such as Snapscores, Snap Streaks, and Snap Awards—that reward users when they engage with Snapchat and punish them when they fail to engage with Snapchat. Internal research by Snap has found these psychological manipulation techniques are highly effective at instilling anxiety about not using Snapchat frequently enough—and competitor research has confirmed these features are addictive. In tandem with IVR, e.g., push notifications, and design choices that make it difficult to stop using the Snapchat platform, these induce compulsive use of the platform by children.

500. These manipulation techniques are so effective in part because Snapchat's disappearing messages themselves create a compulsion to engage with the Snapchat platform. Because Snaps typically disappear within ten seconds of being viewed, users feel compelled to reply immediately. Snap activates the psychological desire to reciprocate the social gesture of sending a Snap.⁷⁰⁹ Snapchat also tells users each time they receive a Snap by pushing a notification to the recipient's device. These notifications are designed to prompt users to open

⁷⁰⁹ Nir Eyal, *The Secret Psychology of Snapchat*, Nir & Far (Apr. 13, 2015), <https://www.nirandfar.com/psychology-of-snapchat/>.

Snapchat repetitively, increasing the overall time spent on the app.

(i) *Snapcores*

501. Snapcores were one of the earliest features of the Snapchat platform. Almost as soon as Snapchat launched, Snap gave users the ability to draw and color on Snaps and add a short text caption before sending. An Android version of the app, video sharing, and user profiles with “Snapcores” soon followed.⁷¹⁰

502. Originally called “Hiscore,” Snapscore keeps a running profile score based on a user’s Snapchat activity levels, such as the number of Snaps sent and received or Stories posted.⁷¹¹ The sole purpose of Snapscore is to increase platform use and drive revenue.⁷¹²



⁷¹⁰ Snap Inc., Registration Statement (Form S-1) at 91 (Feb. 2, 2017), <https://www.sec.gov/Archives/edgar/data/1564408/000119312517029199/d270216ds1.htm>; Katie Notopoulos, *The Snapchat Feature That Will Ruin Your Life*, BuzzFeed News (Dec. 5, 2012), <https://www.buzzfeednews.com/article/katienotopoulos/the-snapchat-feature-that-will-ruin-your-life>.

⁷¹¹ Snapchat Support, *What is a Snap Score?*, Snap Inc. (“Your Snapchat score is determined by a super-secret, special equation . . . 🧐”), <https://support.snapchat.com/en-US/a/my-score>.

⁷¹² Brad Barbz, **2020 NEW * How To Increase Snapscore By Up To 1000 Per Minute On IOS And Android – Working 2020*, YouTube (Dec. 4, 2019), https://www.youtube.com/watch?v=Mo_tajuofLA.

503. Although Snap does not disclose precisely how Snapcores work, sending and receiving a Snap increases the score by one point. Interacting with other platform features provides additional points. A user's Snapscore is visible on their profile, serves as a signifier of the user's "worth," and encourages users to further engage with Snapchat's features to increase their score. Snapcores are important to users, especially young users, because they operate as a form of social validation, similar to an Instagram "Like." Google has reported millions of searches for "How to improve Snap score." YouTube contains numerous videos with titles like: *How to Increase Snapchat Score Fast*.⁷¹³

504. Snapcores also reward users who post videos that are viewed extensively. This encourages many to use Snapchat in harmful and dangerous ways, to increase the virality of their videos and increase their Snapscore. As more users engage with and forward that video to others, its creator is awarded with an increased Snapscore. Snapchat's rewards incentivize this dangerous behavior, resulting too often in physical harm or humiliation in the obsessive pursuit of social significance.

(ii) *Trophies, Charms, and Stickers*

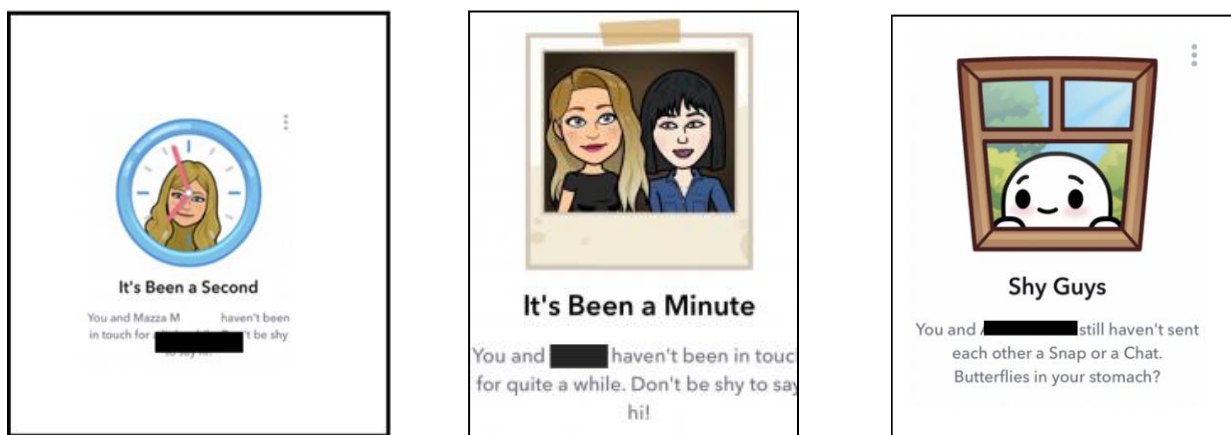
505. Snap has also designed Snapchat to include user rewards, including trophies and other social recognition signals, similar to "Likes" on other apps. These features are highly addictive and drive compulsive use.

506. "Trophies" are emojis awarded for achieving engagement milestones or performing certain activities, such as increasing one's Snapscore, sending creative Snaps, or posting a live story. A user's "Trophies" are displayed in a "trophy box" viewable by their friends. Snap designed this feature to encourage users to share their videos and posts with the public, promote greater use of Snapchat, and deepen young users' addiction to and compulsive use of the platform.

⁷¹³ FozTech, *How to Increase Snapchat Score Fast! (100% Works in 2023)*, YouTube (Oct. 1, 2019), <https://www.youtube.com/watch?v=m7s0hvQdTok> (*How to Increase Snapchat Score Fast* has 4.4 million views as of Dec. 5, 2023).

507. In 2020, Snap phased out Trophies and replaced them with “Charms.” Unlike Trophies, where users were rewarded for unlocking individual accomplishments like sending 1,000 selfies, Charms reward users for achieving certain milestones in their relationship with other users. Typically, the more users interact with one another, the more Charms they unlock in their relationship. Charms are private and viewable only by users’ mutual contacts.

508. For example, if two users are at the top of each other’s friends list, meaning they exchange frequent Snaps, they may unlock a “BFF (Best Friends Forever)” Charm. Conversely, the “It’s Been Forever” and “It’s Been a Minute” Charms may be awarded to friends who are infrequently in contact, to prompt their engagement with one another on Snapchat. Although there are a number of different Charms awarded for various reasons, all of them encourage user interaction, furthering engagement and buy-in to Snap’s reward system. This in turn exacerbates social-comparison harms and undermines self-esteem.



509. Snap incorporates other platform features that, like Charms and Trophies, serve no functional purpose, but make Snapchat more appealing and lead to excessive use by children and teens. For example, Snap has developed images called “Stickers” for users to decorate the pictures or videos they post. Snap also offers app-specific emojis and animations that users can apply to their photos or videos.

510. Time limited features also create a pressure to use the platform daily. Users can post stories that will only be available for 24 hours. Snap’s Stories feature includes a running

view count and list of viewers for each Story, both of which provide users with dopamine-triggering feedback that encourages users to make their Stories visible to everyone in order to increase the view count. The view count, view list, and ephemeral nature of Stories also reinforces the principle of reciprocity and compels users to monitor Stories, so they do not miss out. Many teens feel an obligation to view all their contact's stories each day before they disappear, or risk hurting the feelings of friends or "missing out."

511. Snap designed each of these features to function as rewards for increased engagement, exploit underage users' desire for social validation, and ultimately compel them to use Snapchat excessively. Because many of these rewards and scores are visible to others, these features tap into adolescents' deep-seated need for acceptance. By exploiting this need, Snap increases time spent engaging with its platform and thereby its profits.

(iii) *Snap Streak*

512. The "Snap Streak" is unique to Snapchat and is an addictive feature "especially to teenagers[.]"⁷¹⁴ Snapchat streaks provide a reward to users based on how many consecutive days they communicate with another user. In other words, the longer two users are able to maintain a streak by exchanging a communication (a "snap") at least once a day, the more rewarded the users are. The reward comes in the form of a cartoon emoji appearing next to the conversation within Snapchat's interface. The longer the streak is maintained, the more exciting the emoji. Eventually, the emoji will change to a flame, and the number of days the streak has lasted will

⁷¹⁴ See *Experts warn parents how Snapchat can hook in teens with streaks*, ABC News (July 27, 2017), <https://abcnews.go.com/Lifestyle/experts-warn-parents-snapchat-hook-teens-streaks/story?id=48778296>; Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and get you 'addicted'*, Bus. Insider (Feb. 17, 2018), **Error! Hyperlink reference not valid.**<https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>; see generally Virginia Smart & Tyana Grundig, *'We're designing minds': Industry insider reveals secrets of addictive app trade*, CBC (Nov. 3, 2017), <https://www.cbc.ca/news/science/marketplace-phones-1.4384876>; Julian Morgans, *The Secret Ways Social Media is Built for Addiction*, Vice (May 17, 2017), <https://www.vice.com/en/article/vv5jkb/the-secret-ways-social-media-is-built-for-addiction>.

be positioned next to the flame. If users reach a Streak of 100 days, for example, each receives a 100 emoji.

What Snapchat's Emojis Mean



Best Friends. This means you're each other's fave person to send Snaps.



You've been each other's best friend for 2 weeks+.



Gettin' serious. You've been each other's best friend for 2 months+.



Jealous much? Your best friend is also this person's best friend.



You're close. Not best-friends close, but you dig each other enough to count.



It's cool. You run in the same circles and share a close friend.



You have the upper hand. They send you more Snaps than anyone, but you send more Snaps to others.



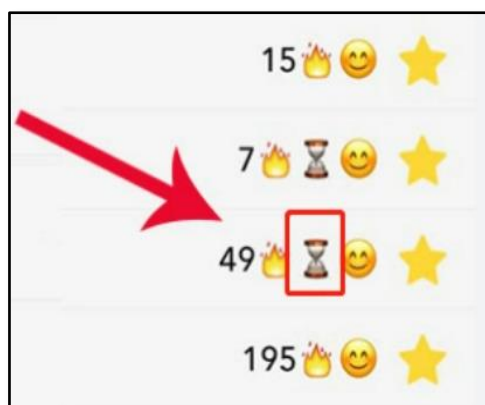
Snapstreak. This appears with a # of days you and your friend have sent each other Snaps within 24 hours. Keep it going and watch the number (and pressure to continue) rise.



Warning! You both better send each other a Snap, or you'll kill your streak.



Worse still, to manufacture deeper addiction to its platform, Snap sends notifications to users with an hourglass emoji when Streaks are about to expire—to create extra urgency, nudge users to keep their Streaks alive, and maintain a system where a user must “check constantly or risk missing out.”⁷¹⁵



513. This feature hijacks teens’ craving for social success and connectedness and causes teen users to feel pressure to use Snapchat daily or suffer social consequences. As some

⁷¹⁵ 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>.

academics and mental health treatment providers have described, streaks “provide a validation for the relationship. . . . Attention to your streaks each day is a way of saying ‘we’re OK.’ . . . The makers built into the app a system so you have to check constantly or risk missing out,” said Nancy Colier, a psychotherapist and author of *The Power of Off*. “It taps into the primal fear of exclusion, of being out of the tribe and not able to survive.”⁷¹⁶ For teens, streaks can become a metric for self-worth and popularity. By design, the user’s mental wellbeing becomes connected to performance in Snap’s platform. Snap Streak emojis are similar to Charms in that they reward users for interaction and are viewable only by mutual friends.

514. It is a matter of common knowledge in the social media industry that the Snap Streak platform feature is designed to be addictive. Meta bluntly acknowledged as much in its internal documents, stating, “[s]treaks are a very important way for teens to stay connected. They are usually with your closest friends and they are addictive.”⁷¹⁷ Nonetheless, Snap continues to provide this feature to its adolescent users.

515. This feature is particularly effective with teenage users since Streaks are “a vital part of using the app, and of their social lives as a whole.”⁷¹⁸ Some children become so obsessed with maintaining their Streaks that they give their friends access to their accounts when they may be “unable to maintain their own streaks[.]”⁷¹⁹ Aware of how important maintaining a Snap Streak is to its users, Snap has even launched a special form on its support website allowing

⁷¹⁶ Jon 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-have-you-hooked>.

⁷¹⁷ Haugen_00008303 at Haugen_00008307.

⁷¹⁸ Avery Hartmans, *These are the sneaky ways apps like Instagram, Facebook, Tinder lure you in and get you ‘addicted’*, Bus. Insider (Feb. 17, 2018), <https://www.businessinsider.com/how-app-developers-keep-us-addicted-to-our-smartphones-2018-1#snapchat-uses-snapstreaks-to-keep-you-hooked-13>.

⁷¹⁹ Caroline Knorr, *How to resist technology addiction*, CNN (Nov. 9, 2017), <https://www.cnn.com/2017/11/09/health/science-of-tech-obsession-partner/index.html>; Jon 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-have-you-hooked>.

users who lost their streak to petition to get it back.⁷²⁰

516. Snap Streaks contribute to feelings of social pressure and anxiety when users lose or break a Streak. Researchers have found that losing a Streak can cause feelings of betrayal for some users, especially girls, who reported “negative” feelings when losing a Streak with one of their friends.⁷²¹

517. In 2018, Snap conducted its own internal research on Snap Streaks, which found that over a third of users reported it was “[e]xtremely” or “[v]ery [important]” to keep a Streak going, and some users reported that the stress level to keep a Streak was “[i]ntolerable” or “[l]arge[.]” Snap’s users reported that Streaks are equally important to Likes on Instagram.⁷²²

518. As this research demonstrates, Streaks are important to users. However, these design features do not enhance the communication function of the platform, i.e., they provide no value to the user. Instead, they exploit users’ susceptibility to social pressure and to the compulsive accumulation of other rewards, including Snap Score points and Charms, to maximize addiction to the platform.

(iv) *Snap Map*

519. “Snap Map,” a feature of Snapchat that shows the location of other users on a map. Like other Snapchat features, it drives adolescent engagement. The human desire to belong to an “ingroup” is powerfully connected to self-worth, especially within teens. In a recent study, young respondents reported that they check Snap Map to see where their friends were to avoid exclusion, followed by an increased amount of anxiety.

Snap Map allows users to view content constantly with minimal effort and to check the application to see what they potentially are missing out on. . . .

⁷²⁰ Snapchat Support, *Submit a request*, Snap Inc., <https://support.snapchat.com/en-US/i-need-help?start=5695496404336640>.

⁷²¹ Dayana Hristoya *et al.*, “Why did we lose our snapchat streak?” *Social media gamification and metacommunication*, 5 *Computs. Hum. Behav. Reps.*, Mar. 2022, at 5, <https://www.sciencedirect.com/science/article/pii/S2451958822000069/pdf?md5=f78e5588d33b758c7f05ddcf606b3827&pid=1-s2.0-S2451958822000069-main.pdf>.

⁷²² SNAP00000008.

[A]dolescent users reported feeling “sad,” “inadequate,” and “isolated” after checking Snap Map, even if they were attempting to avoid these feelings in the first place.

[P]articipants who were unsure of their friends’ whereabouts or felt excluded (the uncertain situation), were compelled to check Snap Map and reported experiencing higher levels of anxiety and low self-esteem after doing so. This evaluation of self-worth translates to the participant checking Snap Map to confirm or deny their beliefs, and then experiencing negative emotional responses after making a comparison to their friends’ location. Snap Map . . . [is] associated with increased feelings of jealousy and anger in users. Participants expressed how immediate access to locational information directly impacted their mood, especially when they saw something that confirmed their doubts. Something interesting to note is that even when participants were aware of the negative feelings that could arise after checking Snap Map, their desire to confirm or deny self-doubt exceeded concerns over these potential consequences.⁷²³

520. Researchers have found that Snap Map causes feelings of sadness and anxiety for some users, as they jealously view their friends’ locations.⁷²⁴ Snap Map also functions as a social metric. A report by 5Rights, a United Kingdom-based children’s online safety advocacy group highlighted the experience of John, a 14-year-old boy, who explained that “[h]aving more connections on Snapchat makes his Snap Map look more crowded, which he can then show off to people in real life and therefore appear more ‘popular.’”⁷²⁵

(v) *Push Notifications*

521. In addition to Snapchat’s in-app reward features, Snap also sends push notifications and emails to encourage addictive engagement and increase use. Notifications are triggered based on information Snap collects from, and about, its users. Snap “pushes” these communications to users excessively and at disruptive times of day. Snap has even designed the

⁷²³ Jenna Sachs, *Psychological Repercussions of Location-Based Social Networks in Today’s Youth*, 9 *Elon J. Undergraduate Rsch. Commc’ns* 64, 72–73 (2018), <https://eloncdn.blob.core.windows.net/eu3/sites/153/2018/12/06-Sachs.pdf>.

⁷²⁴ See Tasha R. Dunn & Michael R. Langlais, “Oh, Snap!”: *A Mixed-Methods Approach to Analyzing the Dark Side of Snapchat*, 9(2) *J. Soc. Media Soc’y* 69–104 (2020), <https://thejsms.org/index.php/JSMS/article/view/633/371>.

⁷²⁵ *Pathways: How digital design puts children at risk* at 53, 5Rights Found. (July 2021), <https://5rightsfoundation.com/uploads/Pathways-how-digital-design-puts-children-at-risk.pdf>.

format of these notifications to pull users back onto its app by preying on their fear of missing out—never mind the consequences to their health and well-being.

(vi) *Impediments to Discontinuing Use*

522. Snap has intentionally designed its platforms so child users face significant navigational obstacles and hurdles when trying to delete or deactivate their Snapchat accounts, despite the ease with which a user can create one. For example, when a user elects to delete their account, they cannot do so on demand. The data and the account are preserved for 30 days. In addition, after initiating the deletion process, the user is presented with a black screen depicting a crying emoji and a message that reads, “Your account will be deactivated, which means friends won’t be able to contact you on Snapchat. You’ll also lose any Chats you’ve saved and Snaps and Chats you haven’t opened.”⁷²⁶

523. This cumbersome process prioritizes user retention and continued use over the well-being of Snapchat’s users.

b. Snap’s features are designed to promote compulsive and excessive use.

(i) *“Stories” and the “Discover” Interface*

524. In October 2013, Snap added “Stories,” a feature that generates a compilation of its users’ designated photos and videos that expire in 24 hours and can be viewed an unlimited number of times by friends or anyone on Snapchat if the user sets the visibility setting to Everyone.⁷²⁷ Within eight months of launching the Stories feature, users were viewing more Stories per day than Snaps.⁷²⁸

⁷²⁶ See Snapchat Support, *How do I delete my Snapchat account?*, Snap Inc. (May 31, 2023), <https://support.snapchat.com/en-US/a/delete-my-account1> [<https://web.archive.org/web/20230531042452/https://help.snapchat.com/hc/en-us/articles/7012328360596>].

⁷²⁷ Darrell Etherington, *Snapchat Gets Its Own Timeline With Snapchat Stories, 24-Hour Photo & Video Tales*, TechCrunch (Oct. 3, 2013), <https://techcrunch.com/2013/10/03/snapchat-gets-its-own-timeline-with-snapchat-stories-24-hour-photo-video-tales/>.

⁷²⁸ Ellis Hamburger, *Surprise: Snapchat’s most popular feature isn’t snaps anymore*, Verge (June 20, 2014), <https://www.theverge.com/2014/6/20/5827666/snapchat-stories-bigger-than-> (footnote continued)

525. Snap’s Stories feature includes a running view count and list of viewers for each Story, both of which provide users with dopamine-triggering feedback that encourages users to make their Stories visible to everyone in order to increase the view count. The view count, view list, and ephemeral nature of Stories also reinforces the principle of reciprocity and compels users to monitor Stories, so they do not miss out.

526. In 2016, Snap updated the Stories feature to include recommendations based on an algorithm that considers “proximity, time, interestingness, or other such metrics.”⁷²⁹ That same year, Snap introduced ads between Stories and updated Stories to include “Auto-Advance,” a feature that starts a new Story automatically after the preceding one ends.⁷³⁰ This creates an endless cycle of consumption that Snap knows, or should know, is detrimental to users’ mental health.⁷³¹ Nevertheless, Snap designed and implemented this feature because it is proven to induce a flow state that increases platform use, regardless of whether the use is healthy or enjoyable. Unsurprisingly, one study of over 2,000 UK residents found “68 per cent of respondents who used Snapchat reported that ‘the platform prevented them from sleeping.’”⁷³²

527. Since then, Snap has built upon its Stories interface with “Discover,” a feature that showcases a massive and immersive feed of advertisements to Snapchat’s captive audience.

snaps-electric-daisy-carnival.

⁷²⁹ Snapchat, Inc., *Content Collection Navigation and Autoforwarding*, U.S. Patent Application No. 20170289234 (filed Mar. 29, 2016), <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20170289234>.

⁷³⁰ James Vincent, Snapchat will start showing ads between your friends’ stories, *Verge* (June 14, 2016), <https://www.theverge.com/2016/6/14/11930386/snapchat-ads-api-stories>; Snapchat, Inc., *Content Collection Navigation and Autoforwarding*, U.S. Patent Application No. 20170289234 (filed Mar. 29, 2016), <https://image-ppubs.uspto.gov/dirsearch-public/print/downloadPdf/20170289234>.

⁷³¹ See, e.g., Nino Gugushvili *et al.*, *Facebook use intensity and depressive symptoms: a moderated mediation model of problematic Facebook use, age, neuroticism, and extraversion* at 3, 10 *BMC Psychiatry* 279 (2022), <https://bmcpyschology.biomedcentral.com/counter/pdf/10.1186/s40359-022-00990-7.pdf>.

⁷³² Fraser Deans, *Curb Your Snapchat Addiction*, Wholesome Tech. Co. (2018), <https://www.wholesome.design/advent-2018/2-curb-your-snapchat-addiction/>.

Using Discover, users may subscribe to an advertiser’s “channel” and watch its Stories; as well as see what their friends are watching.

528. Both Stories and Discover encourage user engagement with Snapchat and increase the amount of time users spend using the platform by making the platform more addictive at the expense of users’ mental health and well-being.

(ii) “Spotlight”

529. In November 2020, Snap launched “Spotlight,” a feature that pushes to users “an endless feed” that Snap curates from its 300 million daily Snapchat users.⁷³³ Spotlight functions and appears nearly identical to TikTok, with similar addictive qualities and harms. Snapchat’s Spotlight feature allows users to make videos that anyone can view, and Snap pays users whose Spotlight videos go viral, thus serving as yet another reward system that encourages user engagement. After Snap introduced Spotlight, user time spent on the platform increased by over 200%.⁷³⁴

530. In February 2022, Snap CEO Evan Spiegel told investors that users are spending more time on Spotlight than almost any other aspect of Snapchat. A year prior, Snap announced “Spotlight Challenges,” which provided users with cash prizes for creating Spotlight videos with specific lenses, sounds, or topics, further integrating the user into the Snap ecosystem. Snap claims it paid out more than \$250 million in cash prizes to Spotlight Challenge participants in 2021 alone.⁷³⁵

⁷³³ 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>.

⁷³⁴ See Zacks Equity Research, *SNAP Q4 Earnings Beat Estimates, User Growth Aids Top Line*, Yahoo! Fin. (Feb. 5, 2021), <https://finance.yahoo.com/news/snap-q4-earnings-beat-estimates-153003950.html>.

⁷³⁵ Mia Sato, *Snapchat will put ads within stories and share the money with creators*, Verge (Feb. 14, 2022), <https://www.theverge.com/2022/2/14/22927656/snapchat-snap-stars-stories-ads>.

4. Snap designed Snapchat with features that harm children directly or expose children to harm.

531. Snapchat further contains a number of features which foreseeably cause children harm above and beyond harms inherent in addiction and compulsive use.

a. Disappearing “Snaps” and “My Eyes Only” thwart parental control and encourage destructive behavior among Snap’s teen users.

532. As discussed above, Snapchat’s “Snap” feature allows users to send and receive ephemeral, or “disappearing,” audiovisual messages. Prior to sending a Snap, a user can designate the period of time—typically no more than a few seconds—that the recipient will be allowed to view the Snap. According to Snapchat, once the allotted time expires, the Snap disappears forever.

533. Disappearing Snaps do not operate as advertised. Although designed to disappear after an allotted time, recipients possess the ability to save or record them at will. This is particularly harmful to adolescents, who rely on Snap’s representations when taking and sending photos, and who only learn after the fact that recipients have the means to save photos or videos.

534. Snap could, but does not, warn users, including children and teenagers, that Snaps may not disappear in all instances.

535. In addition, and especially for pre-teen users, Snapchat is dangerous because Snap’s parental controls are ill-equipped to mitigate the risks posed by this feature. As set forth below, even with parental controls activated, parents are unable to view a Snap and therefore cannot adequately protect their children and/or deter their children from engaging in dangerous behavior in conjunction with sending Snaps.

536. “My Eyes Only” is yet another dangerous feature of Snapchat. This feature enables and encourages users to hide things from their parents in a special tab that requires a passcode. Recovery is not possible from “My Eyes Only”—allegedly even by Snap itself. This dangerous platform feature unreasonably increases the risk to Snapchat’s adolescent users, many under age 13.

537. The pictures and videos in “My Eyes Only” self-destructs if a user attempts to

access the hidden folder with the wrong code. “My Eyes Only” has no practical purpose or use other than to hide potentially dangerous activity from parents and/or legal owners of the devices used to access Snapchat. Moreover, while this information and evidence should be in Snap’s possession and control, it has designed this feature in a way that causes the permanent loss of relevant, material, and incriminating evidence.

b. Snapchat’s “Quick Add” feature endangers children.

538. Through a feature known as “Quick Add,” Snap has recommended new, sometimes random friends, similar to Facebook’s “People You Might Know” feature. Suggestions are formulated using an algorithm that considers users’ friends, interests, and location. Quick Add encourages users to expand their friend base to increase their Snapscore by interacting with an ever-expanding group of friends, which--in addition to expanding their time online--can result in exposure to dangerous strangers. Of particular concern, until 2022, Quick Add’s suggestions included profiles for users Snap knew to be between the ages of 13–17, meaning that Quick Add could, and in fact did, recommend that a minor and adult user connect.

539. Despite these dangers, Snap designed Quick Add because it increases the odds that users will add friends, send more Snaps, and spend more time using Snapchat.

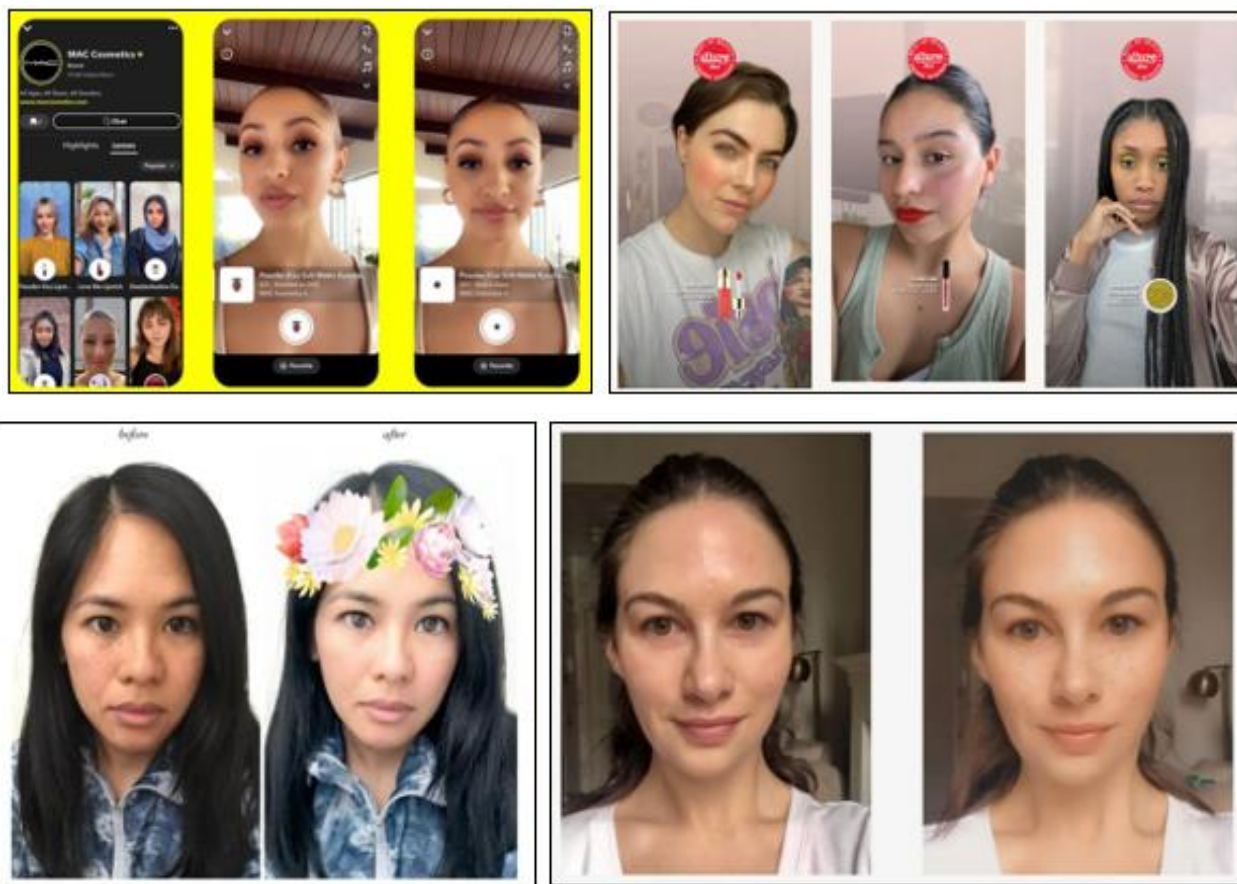
540. In 2022, Snap revised the Quick Add feature to limit the friend suggestions promoted to minor users. For those aged 13 to 17, Quick Add would only suggest friends who shared a certain number of common friends with the minor user. Snap did not disclose how many common friends must be shared by each user to satisfy this safety feature. Further, this modification to the Quick Add feature still does not prohibit the connection of minors with adults and continues to drive additional time on the platform.

c. Snapchat’s Lenses and Filters features promote negative appearance comparison.

541. Snap also incorporates numerous custom-designed lenses and filters, which allow users to edit and overlay augmented-reality special effects and sounds on their Snaps. Many of Snapchat’s lenses and filters change users’ appearance and face, creating unrealistic, idealized

versions that cause profound body image issues in teenagers, especially girls.

542. Examples of these features include the Smoothing Filter, which blurs facial imperfections and evens out skin tone; Bold Makeup, which adds makeup over the user's face, blurs imperfections, and evens out skin tone; Sunkissed and Cute Freckles, which adds freckles over the nose and cheeks, blurs imperfections, evens out skin tone, and adjusts skin color; Face and Body Mellow Glow, which smooths the face and body and adjusts skin color; and Fluffy Eyelashes, which alters the shape of the user's face by lifting their eyes and adding more pronounced cheek bones. The common theme among all of these filters is that they remove the subjects' perceived blemishes to create the perfect "selfie."



543. A 2017 study found that these features made Snapchat one of the worst social

media platforms for the mental health of children and adolescents, behind only Instagram.⁷³⁶ In recent years, plastic surgeons have reported an increase in requests for alterations that correspond to Snapchat's filters. This has led researchers to coin the term "Snapchat dysmorphia," in which the effect of Snapchat's filters triggers body dysmorphic disorder.⁷³⁷ The rationale underlying this disorder is that beauty filters on Snapchat create a "sense of unattainable perfection" that leads to self-alienation and damages a person's self-esteem.⁷³⁸ One social psychologist summarized the effect as "the pressure to present a certain filtered image on social media [which] can certainly play into [depression and anxiety] for younger people who are just developing their identities."⁷³⁹

544. Snap also created and promoted "smart filters" that allowed users to stamp date/time, temperature, battery life, altitude, and speed on their Snaps.⁷⁴⁰ These filters utilize sensor data on users' devices to provide the desired filter stamp.

545. A particularly dangerous smart filter is the speed filter, which, from 2013 to 2021 allowed users to record their real-life speed and overlay that speed onto Snaps. Snap knew, or should have known, that the speed filter served no purpose other than to motivate, incentivize, and/or encourage users to drive at dangerous speeds in violation of traffic and safety laws.

⁷³⁶ Kara Fox, *Instagram worst social media app for young people's mental health*, CNN (May 19, 2017), <https://www.cnn.com/2017/05/19/health/instagram-worst-social-network-app-young-people-mental-health/index.html>.

⁷³⁷ Jonlin Chen *et al.*, *Association Between the Use of Social Media and Photograph Editing Applications, Self-esteem, and Cosmetic Surgery Acceptance*, 21 JAMA Facial Plastic Surgery 361–367 (2019), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6604085/?report=printable>; see also 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>.

⁷³⁸ 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>.

⁷³⁹ *Id.*

⁷⁴⁰ See, e.g., Karissa Bell, *Snapchat adds an altitude filter to show how high you are*, Mashable (Aug. 19, 2016), <https://mashable.com/article/snapchat-altitude-filter-how-to>.

Indeed, soon after launching its speed filter, the feature became a viral game for users—particularly teenage users—to capture photos and videos of themselves driving at 100 miles-per-hour or more. Tragically, the quest to capture a 100 mile-per-hour Snap caused a number of fatal vehicle accidents involving teens and young adults.⁷⁴¹

546. Snap knew, or should have known, its speed filter created an unreasonable risk of harm to its users and the public. Despite this knowledge, however, as well as pleas from the public to disable the filter, Snap refused to remove speed filter from its application until 2021.⁷⁴²

547. By including features like lenses, cartoonish filters, and stamps to attract ever-increasing numbers of children to use and engage with its platform, Snap has knowingly created a platform that leads to excessive use by children and teens and causes them to suffer harm.

5. Snap implemented ineffective and misleading parental controls, further endangering children.

548. Snap designed and set up Snapchat with inadequate parental controls.

549. From Snapchat’s launch in 2011 until August 2022, Snapchat had no parental controls even though its core user base was under the age of 18 and a significant number of those users were under the age of 13.

550. In August 2022, Snap introduced the “Family Center.” The features and processes offered through the Family Center are woefully inadequate to protect teen and pre-teen users. The Family Center allows a parent or guardian to install Snapchat on their phone and then link to the child’s account. The parent or guardian can then see who the child user is communicating

⁷⁴¹ *Did Snapchat play role in deaths of 3 young women?*, ABC6 Action News (Feb. 16, 2016), <https://6abc.com/action-news-investigation-snapchat-fatal-car-crash-philadelphia/1196846/>; Manpreet Darroch, *Snapchat and driving . . . you could be sending your last snap*, Youth Rd. Safety (Apr. 25, 2016), <http://www.youthforroadsafety.org/news-blog/news-blog-item/t/snapchat-and-driving-hellip-you-could-be-sending-your-last-snap>; Brian DeBelle, *The Most Dangerous App on Your Phone*, DistractedDriverAccidents.com (Feb. 9, 2016), <https://distracteddriveraccidents.com/the-most-dangerous-app-on-your-phone/>.

⁷⁴² Bobby Allyn, *Snapchat Ends ‘Speed Filter’ That Critics Say Encouraged Reckless Driving*, NPR (June 17, 2021), <https://www.npr.org/2021/06/17/1007385955/snapchat-ends-speed-filter-that-critics-say-encouraged-reckless-driving>.

with. However, the substance of these communications remains hidden and still disappears after the allotted time. In addition, the Family Center does not allow a parent or guardian to block minors from sending private messages, control their child's use or engagement with many of Snapchat's platform features, control their child's use of Snapchat's geolocation feature, or control who their child may add to their friend list. Finally, the Family Center fails to help a parent monitor their child's account when the child has secretly created a Snapchat account without the parents' knowledge in the first place.

6. Snap failed to adequately warn NYC Plaintiffs and the public about the harms its product causes or provide instructions regarding safe use.

551. Since Snap's inception, it has failed to adequately warn the public, including NYC Plaintiffs and members of NYC Plaintiffs' community, about its platforms' physical and mental health risks. These risks include, but are not limited to, addiction, compulsive and excessive use, dissociative behavior, social isolation, and an array of mental health disorders like body dysmorphia, anxiety, depression, and insomnia.

552. Snap targets adolescent users via advertising and marketing materials distributed via digital and traditional media, including expensive advertisements placed during high-profile sporting events. Snap fails to warn the targets of these ads—often minors—about the physical and mental risks associated with using Snapchat.

553. Snap further fails to warn adolescent users during the platform registration process. At account setup, Snap's platform contains no warning labels, banners, or conspicuous messaging to adequately inform adolescent users of the known risks and potential physical and mental harms associated with usage of its platform. Instead, Snap allows adolescent users to easily create an account (or multiple accounts) and fully access the platform.

554. Snap's lack of adequate warnings continues after an adolescent has the Snapchat platform. Snap does not adequately inform adolescent users that their data will be tracked, used to help build a unique algorithmic profile, and potentially sold to Snap's advertising clients, who will in turn use the data to target and profile the user.

555. Alarming, Snap also does not warn adolescent users before facilitating adult connections and interactions that adult predators use its platform. It also fails to instruct adolescent users on ways to avoid unknown adults on Snap.

556. Snap also fails to warn adolescent users who exhibit problematic signs of addiction or are habitually and compulsively accessing the app. Instead, Snap utilizes push notifications to encourage engagement with Snapchat.

557. In addition, despite proactively providing adolescent users with countless filtering and editing tools, Snap does not warn its adolescent users regarding the mental health harms associated with those heavily filtered images.

558. As recently as January 2024, Snap introduced “expanded Family Center features to give parents more visibility and further empower them to have productive conversations about online safety.”⁷⁴³

559. Tools implemented in 2024 will not remedy prior harms suffered or damages incurred by NYC Plaintiffs. The efficacy of these tools is also questionable. Snap’s recently implemented tools do not include changes to Snapchat’s use of algorithms or other intermittent variable rewards that manipulate young users to spend as much time on Snapchat as possible. Providing optional tools to parents, and putting the burden on them to address the problems caused by Snapchat’s own design features, will not solve the problem.

560. Snap’s failure to properly warn and instruct adolescent users or their parents has proximately caused significant harm to NYC Plaintiffs, who have expended and continue to expend significant resources addressing the impact of Snap’s conduct on NYC Plaintiffs’ operations, including providing additional support to impacted youth.

D. FACTUAL ALLEGATIONS AS TO TIKTOK AND BYTEDANCE

1. Background and overview of TikTok.

561. In 2012, Beijing-based technologist Zhang Yiming paired up with American

⁷⁴³ *Expanding Our In-App Parental Tools*, Snap (Jan. 11, 2024), <https://values.snap.com/news/expanding-our-in-app-parental-tools-2024>.

venture capitalist Matt Huang to launch ByteDance, and its first platform Jinri Toutiao (“Today’s Headlines”), which utilized A.I. to gather and present world news to users on a single feed.

562. Following the success of its first platform, ByteDance created Douyin in 2016, a music-based app loosely modeled on the popular app Musical.ly. Musical.ly was a hit in the U.S., as American teens gravitated to the platform, which allowed users, including minor users, to create 15-second videos of themselves lip-syncing, dancing, etc. to popular songs and movie scenes, and then post them to a scrollable feed for other users to see.

563. In 2017, ByteDance launched TikTok, a version of Douyin for the non-Chinese market, and acquired Musical.ly—which, by then, boasted a user base of almost 60 million monthly active users—for \$1 billion. Nine months later, ByteDance merged its newly acquired app into its existing platform, and a global version of TikTok was born.

564. ByteDance’s design of TikTok predecessor Douyin is profoundly different than TikTok. Douyin serves its Chinese users educational and patriotic material and limits young people 14-and-under to just 40 minutes per day.⁷⁴⁴ TikTok, however, is designed to encourage addictive and compulsive use and, until recently, had no usage limits for minor users. TikTok’s American algorithm is instead design to addict its users and keep them on the platform for as long as possible, despite knowing the harm that can result.

565. ByteDance operates TikTok for profit, which creates advertising revenue through maximizing the amount of time users spend on the platform and their level of engagement. The greater the amount of time that young users spend on TikTok, the greater the advertising revenue TikTok earns.

566. TikTok Inc. captures vast swaths of information from its users, both on and off the TikTok platform, including Internet and other network activity information—such as location

⁷⁴⁴ Sapna Maheshwari, *Young TikTok Users Quickly Encounter Problematic Posts, Researchers Say*, N.Y. Times (Dec. 14, 2022), <https://www.nytimes.com/2022/12/14/business/tiktok-safety-teens-eating-disorders-self-harm.html>.

data and browsing and search histories. ByteDance Ltd. exclusively controls and operates the TikTok platform. In his recent testimony before the House Energy and Commerce Committee, TikTok CEO Shou Chew admitted that he reports directly to ByteDance Ltd. CEO Liang Rubo. ByteDance Ltd. admits that its personnel outside the United States can access information from American TikTok users including public videos and comments. On information and belief, ByteDance Ltd. also has access to United States TikTok users' private information.

567. Despite efforts to portray TikTok as separate from Douyin (the Chinese version of TikTok), the two companies share many overlapping personnel and technologies, as the recent report "TikTok, ByteDance and Their Ties to the Chinese Communist Party," produced by the Australian Senate Select Committee on Foreign Interference Through Social Media, makes clear. TikTok's engineering manager works on both TikTok and Douyin, and TikTok Inc.'s development processes are closely intertwined with Douyin's processes. TikTok Inc.'s employees and data systems are also deeply interwoven into Byte Dance Ltd.'s ecosystem.

568. Indeed, TikTok's algorithm was created by ByteDance Ltd. and contains some of the same underlying basic technology as Douyin.⁷⁴⁵

569. TikTok's algorithm still belongs to ByteDance Ltd., which declined to sell the technology to a U.S. company.⁷⁴⁶

570. ByteDance Ltd. also plays a role in hiring key personnel at TikTok.⁷⁴⁷

571. High-level ByteDance Ltd. Employees served in dual roles for both ByteDance Ltd. And TikTok Inc. at least as recently as 2021. These employees include: (1) Vanessa Pappas,

⁷⁴⁵ Letter from Shou Zi Chew, CEO, TikTok to Marsha Blackburn, U.S. Senator *et al.* at 4 (June 30, 2022), <https://www.documentcloud.org/documents/22126313-tiktok-letter-to-senators>.

⁷⁴⁶ Zhou Xin & Tracy Qu, *TikTok algorithm not for sale, source says; As tomorrow's US divestment deadline looms, a person familiar with the discussions at ByteDance says company's source code will not be available*, S. China Morning Post (Sept. 14, 2020), <https://www.scmp.com/economy/china-economy/article/3101362/tiktoks-algorithm-not-sale-bytedance-tells-us-source>.

⁷⁴⁷ Letter from Shou Zi Chew, CEO, TikTok to Marsha Blackburn, U.S. Senator *et al.* at 5 (June 30, 2022), <https://www.documentcloud.org/documents/22126313-tiktok-letter-to-senators>.

the Head of TikTok Inc. and interim head of the global TikTok business for ByteDance Ltd.; (2) Roland Cloutier, former Global Chief Security Officer, who provided cyber risk and data security support for both TikTok Inc. and ByteDance Ltd.; and (3) Shou Zi Chew, TikTok's CEO and CFO of ByteDance Ltd., who reports to the CEO of ByteDance.⁷⁴⁸

572. In addition to showing that ByteDance Ltd. is highly integrated with TikTok Inc., the Australian Senate Report notes that ByteDance Ltd. is heavily influenced by the Chinese Communist Party. The report notes ByteDance Ltd.'s Editor in Chief, Zhang Fuping, is a Chinese Communist Party Secretary. The Australian Senate report concludes that ByteDance Ltd. is a hybrid state-private entity at least partially controlled by the Chinese government.

573. ByteDance Ltd. designed and operates the Lark communication platform for use by all its subsidiaries, including ByteDance and TikTok. All ByteDance Ltd., ByteDance, and TikTok, personnel have a Lark account and accompanying profile. All oral, video, and written communications between ByteDance Ltd., ByteDance, and TikTok employees are either conducted face-to-face or through Lark. All written communications or documents exchanged through Lark are stored on Lark's database. Lark also provides real-time translation subtitling for oral and video communications between English-speaking and Chinese-speaking personnel. Transcripts of these translated oral and video conversations are stored on Lark's database.

574. Other public reports demonstrate that multiple former TikTok employees have reported ByteDance Ltd. exercises significant control over TikTok's decision-making and operations. Twelve former TikTok and ByteDance Ltd. Employees and executives reported that CEO Shou Zi Chew has "limited" decision-making power.⁷⁴⁹ Instead, major decisions related

⁷⁴⁸ See *TikTok Names CEO and COO*, TikTok Inc. (Apr. 30, 2021), <https://newsroom.tiktok.com/en-us/tiktok-names-ceo-and-coo>; Ryan Mac & Chang Che, *TikTok's C.E.O. Navigates the Limits of His Power*, N.Y. Times (Sept. 16, 2020), <https://www.nytimes.com/2022/09/16/technology/tiktok-ceo-shou-zi-chew.html>.

⁷⁴⁹ Ryan Mac & Chang Che, *TikTok's C.E.O. Navigates the Limits of His Power*, N.Y. Times (Sept. 16, 2020), <https://www.nytimes.com/2022/09/16/technology/tiktok-ceo-shou-zi-chew.html>.

to TikTok are made by ByteDance Ltd. Founder Zhang Yiming and other ByteDance Ltd. officials in China.⁷⁵⁰

575. Senior TikTok employees hired to head departments have left the company after learning they would not be able to significantly influence decision-making.⁷⁵¹

576. ByteDance Ltd.’s own Internal Audit team prepared a risk assessment in late 2021 and found that numerous senior employees felt “that themselves and their teams are just ‘figureheads’ or ‘powerless ombudsmen’ who are functionally subjection to the control of [China]-based teams.”⁷⁵²

577. As most recent as 2022, employees that work on product, engineering, and strategy at TikTok said they reported directly to ByteDance leadership in China, bypassing TikTok’s executive suite.⁷⁵³ Similarly, former TikTok employees have stated that “nearly 100% of TikTok’s product development is led by Chinese ByteDance employees.”⁷⁵⁴

578. Other employees have described ByteDance Ltd. as being “heavily involved” in decision-making and operations at TikTok, with “blurry” boundaries between the two companies.⁷⁵⁵ According to employees, these blurred lines included U.S.-based employees working during Chinese business hours to answer their ByteDance Ltd. counterparts’

⁷⁵⁰ *Id.*

⁷⁵¹ Emily Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots, Ex-Employees Say*, Forbes (Sept. 21, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/?sh=7923b7aa9707>.

⁷⁵² Emily Baker-White, *A China-Based ByteDance Team Investigated TikTok’s Global Security Chief, Who Oversaw U.S. Data Concerns*, Forbes (Oct. 25, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/10/25/bytedance-tiktok-investigation-global-chief-security-officer-roland-cloutier/?sh=3dda7fa26640>.

⁷⁵³ Emily Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots, Ex-Employees Say*, Forbes (Sept. 21, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/?sh=7923b7aa9707>.

⁷⁵⁴ Salvador Rodriguez, *TikTok insiders say social media company is tightly controlled by Chinese parent ByteDance*, CNBC (June 25, 2021), <https://www.cnbc.com/2021/06/25/tiktok-insiders-say-chinese-parent-bytedance-in-control.html>.

⁷⁵⁵ *Id.*

questions.⁷⁵⁶ Further, one TikTok employee stated ByteDance Ltd. employees could access U.S. user data.⁷⁵⁷

579. Statements from other TikTok employees suggest the lines between the TikTok and ByteDance Ltd. are almost nonexistent, with ByteDance Ltd. being the “central hub for pretty much everything . . . Beijing managers sign off on major decisions involving U.S. operations, including from the teams responsible for protecting Americans’ data and deciding which videos should be removed.”⁷⁵⁸ Further, TikTok employees stated ByteDance Ltd. officials “lead TikTok’s design and engineering teams and oversee the software that U.S. employees use to chat with colleagues and manage their work. They’re even the final decision-makers on human resources matters, such as whether an American employee can work remotely.”⁷⁵⁹ ByteDance continues to make decisions “both large and small” about all aspects of TikTok.⁷⁶⁰ It directs TikTok’s budget, operates TikTok’s internal document storage platform, and handles media criticism directed at TikTok, as well as enters into contracts on behalf of TikTok to provide key services for the TikTok platform.⁷⁶¹ In addition, the source code that still makes up TikTok’s recommendation algorithm was originally written by ByteDance employees in China.⁷⁶²

580. One former TikTok employee reported to *Forbes* that their paycheck listed ByteDance as the check’s drawer, not TikTok.⁷⁶³ And another employee reported their contract

⁷⁵⁶ *Id.*

⁷⁵⁷ *Id.*

⁷⁵⁸ Drew Harwell & Elizabeth Dwoskin, *As Washington Wavers on TikTok, Beijing Exerts Control*, Wash. Post (Oct. 30, 2022), <https://www.washingtonpost.com/technology/interactive/2022/bytedance-tiktok-privacy-china/>.

⁷⁵⁹ *Id.*

⁷⁶⁰ Utah AG Compl. at 53, ¶ 145.

⁷⁶¹ *Id.* at 53, ¶¶ 145–147.

⁷⁶² *Id.* at 53–54, ¶ 148.

⁷⁶³ Emily Baker-White, *TikTok is Bleeding U.S. Execs Because China is Still Calling the Shots*, (footnote continued)

listed TikTok as their employer, but their tax returns listed ByteDance.⁷⁶⁴

581. Since its launch, TikTok has grown exponentially. In late 2021, its owner and creator ByteDance publicly stated that TikTok had 1 billion active global users, up from 55 million in early 2018 and 700 million in mid-2020.⁷⁶⁵ TikTok CEO Shou Chew recently testified that the app currently has over 150 million monthly active users in the United States.⁷⁶⁶

582. A large portion of TikTok's user base is comprised of American children. In July 2020, TikTok reported that more than one-third of its 49 million daily users in the United States were 14 or younger.⁷⁶⁷ Internal documents reveal that TikTok's success among U.S. users under the age of 18 has been incredibly successful—reaching a market penetration of 95%.⁷⁶⁸ A 2022 Pew Research Center survey reported that 67% of American teenagers (age 13–17) use TikTok, and that number rose dramatically when Black (81%) and Hispanic (71%) teens were surveyed. Overall, most American teenagers (58%) reported using the platform daily, with 16% saying they use the platform “almost constantly.”⁷⁶⁹ In another recent report, more than 13% of young

Ex-Employees Say, Forbes (Sept. 21, 2022), <https://www.forbes.com/sites/emilybaker-white/2022/09/21/tiktok-bleeding-us-execs-china-control-bytedance/?sh=7923b7aa9707>.

⁷⁶⁴ *Id.*

⁷⁶⁵ Jessica Bursztynsky, *TikTok says 1 billion people use the app each month*, CNBC (Sept. 27, 2021), <https://www.cnn.com/2021/09/27/tiktok-reaches-1-billion-monthly-users.html>.

⁷⁶⁶ *TikTok: How Congress Can Safeguard American Data Privacy and Protect Children From Online Harms: Hearing Before the H. Comm. on Energy & Com.*, 118th Cong. 1 (2023) (written testimony of Shou Chew, CEO, TikTok Inc.), https://d1dth6e84htgma.cloudfront.net/Written_Testimony_of_Shou_Chew_c07504eccf_084e8683f3.pdf?updated_at=2023-03-22T03:10:22.760Z.

⁷⁶⁷ Raymond Zhong & Sheera Frenkel, *A Third of TikTok's U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020), <https://www.nytimes.com/2020/08/14/technology/tiktok-underage-users-ftc.html#:~:text=The%20TikTok%20data%20seen%20by,as%20being%20of%20unknown%20age>.

⁷⁶⁸ Utah AG Compl. at 10, ¶ 26.

⁷⁶⁹ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

users declared they “wouldn’t want to live without” TikTok.⁷⁷⁰

583. Internal documents reveal that U.S. children average nearly two hours a day on the TikTok platform, with many spending more than four hours a day on TikTok alone.⁷⁷¹ Of the nearly seventy million youth aged 13–17 who use TikTok daily, almost thirty million of them are spending close to two or more hours on the platform every day and seventeen million are spending nearly three or more hours on the TikTok platform every day.⁷⁷² To put that into perspective, almost a quarter of all children using the TikTok platform are spending the equivalent of half of their school day on the platform every day.⁷⁷³

584. TikTok’s capture of the American youth market is no accident, but instead the result of a carefully executed campaign. Early on, Alex Zhu, one of TikTok’s creators, recognized that “[t]eenagers in the U.S. [were] a golden audience” for this emerging social media platform.⁷⁷⁴ To cash in on this gold, ByteDance implemented a series of platform features designed to attract and addict young users. As Zhu explained in 2019, “[e]ven if you have tens of millions of users, you have to keep them always engaged[.]”⁷⁷⁵ This engagement has come at the cost of young users’ health and significant impact to school districts charged with educating

⁷⁷⁰ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 31, Common Sense Media (2022), https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

⁷⁷¹ Utah AG Compl. at 17, ¶ 49.

⁷⁷² *Id.*

⁷⁷³ *Id.*

⁷⁷⁴ 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#:~:text=For%20Chinese%20web%20start%20Dups,the%20rest%20of%20the%20globe>.

⁷⁷⁵ 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#:~:text=%20I%20think%20we%20have%20these,n%20we%20can%20lay%20back.%22>.

those youth in a safe and healthy environment.

2. ByteDance intentionally encourages youth to use its platform and then leverages that use to increase revenue.

585. ByteDance has designed and aggressively marketed TikTok, the harmful and addictive version of Douyin, to attract and profit from young Americans.

586. Like the other Defendants' platforms, TikTok depends on advertising revenue, which has boomed. TikTok was projected to receive \$11 billion in advertising revenue in 2022, over half of which is expected to come from the United States.⁷⁷⁶

587. The initial iteration of TikTok allowed users to lip sync pop music by celebrities who appealed primarily to teens and tweens (e.g., Selena Gomez and Ariana Grande). It labeled folders with names attractive to youth (e.g., "Disney" and "school"); and included in those folders songs such as "Can You Feel the Love Tonight" from the movie "The Lion King," "You've Got a Friend in Me" from the movie "Toy Story," and other renditions covering school-related subjects or school-themed television shows and movies.⁷⁷⁷

588. ByteDance also specifically and intentionally excluded videos that would not appeal to young Americans, instructing TikTok moderators that videos of people with "too many wrinkles" should not be permitted on users' "For You" pages because such posts were "much less attractive [and] not worth[] . . . recommend[ing][.]"⁷⁷⁸

589. Even TikTok's sign-up process demonstrates that young users are what ByteDance values most. In 2016, the birthdate for those signing up for the app defaulted to the year 2000

⁷⁷⁶ 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/>.

⁷⁷⁷ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief at 8, ¶¶ 26–27, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019), ECF No. 1.

⁷⁷⁸ Sam Biddle *et al.*, *Invisible Censorship: TikTok Told Moderators to Suppress Posts by "Ugly" People and the Poor to Attract New Users*, Intercept_ (Mar. 16, 2020), <https://theintercept.com/2020/03/16/tiktok-app-moderators-users-discrimination/>.

(i.e., 16 years old).⁷⁷⁹In December 2016, Zhu confirmed the company had actual knowledge that “a lot of users, especially top users, they are under 13.”⁷⁸⁰

590. 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.⁷⁸¹

591. 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.⁷⁸²

592. 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.”⁷⁸³ The child version of TikTok restricts users from posting videos through the app. Children can still, however, record and watch videos on TikTok.⁷⁸⁴ For that reason, experts fear the app is “designed to fuel [kids’] interest in the grown-up version.”⁷⁸⁵

593. These subtle and obvious ways TikTok markets to and obtained a young userbase

⁷⁷⁹ 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-2016-12>.

⁷⁸⁰ Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs*, TechCrunch (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>; see also TechCrunch, *From Brush to Canvas with Alex Zhu of Musical.ly* at 8:58–11:12, YouTube (Dec. 6, 2016), <https://www.youtube.com/watch?v=ey15v81pwII>.

⁷⁸¹ Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief at 6, ¶¶ 13–15, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019), ECF No. 1.

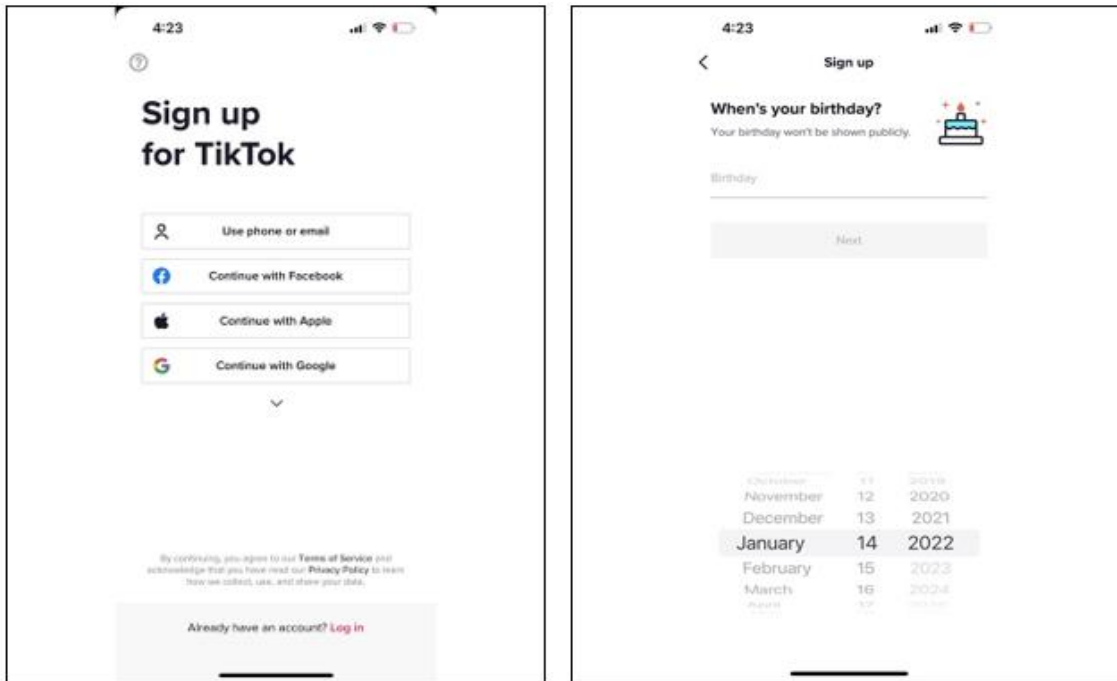
⁷⁸² Lesley Fair, *Largest FTC COPPA settlement requires Musical.ly to change its tune*, FTC (Feb. 27, 2019), <https://www.ftc.gov/business-guidance/blog/2019/02/largest-ftc-coppa-settlement-requires-musically-change-its-tune>.

⁷⁸³ 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>.

⁷⁸⁴ *Id.*

⁷⁸⁵ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

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."⁷⁸⁶ By contrast, Zhu describes "[t]eenagers in the U.S. [as] a golden audience."⁷⁸⁷



3. ByteDance intentionally designed platform features to addict children and adolescents.

594. TikTok's growth among young Americans has been further enabled by its ineffective age verification and parental control procedures, which allow children under 13 unfettered access to the platform, without regard to parental consent, despite the fact that TikTok's terms of service require consent of parents or guardians for minors.

⁷⁸⁶ 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>.

⁷⁸⁷ *Id.*

a. TikTok’s age-verification measures are dangerously deficient.

595. When a user first opens TikTok, they are prompted to “Login in to TikTok” or “Sign up” for an account using a phone number or email address. TikTok then asks, “When’s your birthday?”

596. ByteDance does not verify the age that TikTok users report. Nor does it use any method to verify that users who acknowledge they are minors have the consent of their parents or legal guardians to use the platform. In fact, at least as of 2020, TikTok still had not developed a company position on age verification.⁷⁸⁸

597. ByteDance allows users to utilize TikTok without creating an account, to circumvent age restrictions. Indeed, TikTok allows users, no matter what age, to “browse as [a] guest,” and watch TikTok’s “For You” page, while TikTok’s algorithm collects data about that user and their viewing behavior.⁷⁸⁹

598. ByteDance knows that many U.S. TikTok users under the age of 13 fail to report their birth dates accurately.⁷⁹⁰ In July 2020, TikTok reported that more than a third of its 49 million daily users in the United States were 14 years old or younger. While some of those users were 13 or 14, at least one former employee reported that TikTok had actual knowledge of children even younger based on videos posted on the TikTok platform—yet failed to promptly take down those videos or close those accounts.⁷⁹¹

599. ByteDance’s Trust and Safety team recognizes that one of the biggest challenges

⁷⁸⁸ TIKTOK3047MDL-001-00060941 at *85 (“Minor Safety Policy & PnP,” PowerPoint, January 2021).

⁷⁸⁹ *Browse as guest*, TikTok Inc., <https://support.tiktok.com/en/log-in-troubleshoot/log-in/browse-as-guest> (last visited Feb. 12, 2024).

⁷⁹⁰ Jon Russell, *Musical.ly defends its handling of young users, as it races past 40M MAUs*, TechCrunch (Dec. 6, 2016), <https://techcrunch.com/2016/12/06/musically-techcrunch-disrupt-london/>.

⁷⁹¹ Raymond Zhong & Sheera Frenkel, *A Third of TikTok’s U.S. Users May Be 14 or Under, Raising Safety Questions*, N.Y. Times (Sept. 17, 2020), <https://www.nytimes.com/2020/08/14/technology/TikTok-underage-users-ftc.html><https://www.nytimes.com/2020/08/14/technology/TikTok-underage-users-ftc.html>.

it faces is “determining who is a minor (defined as users 13–17 years old).”⁷⁹²

600. In 2019, the FTC acted on this admission and alleged that ByteDance failed to comply with COPPA.⁷⁹³

601. TikTok settled the FTC claims, agreeing to a then-record civil COPPA penalty and several forms of injunctive relief intended to protect children who use the platform.⁷⁹⁴

602. To comply with the terms of that settlement, ByteDance created “TikTok for Younger Users,” a “limited app experience” for users under the age of 13.⁷⁹⁵ “TikTok for Younger Users” does not permit users to “share their videos, comment on others’ videos, message with users, or maintain a profile or followers.”⁷⁹⁶ However, users can still “experience what TikTok is at its core” by recording and watching videos on TikTok. For that reason, experts state the app is “designed to fuel [kids’] interest in the grown-up version.”⁷⁹⁷

603. Moreover, users under 13 can easily delete their age-restricted accounts and sign up for an over-13 account on the same mobile device—without any restriction or verification—by simply inputting a fake birthdate. Representative Ann Kuster raised this issue with TikTok CEO Shou Chew in his March 23, 2023 congressional testimony.⁷⁹⁸ Ms. Kuster indicated that her staff was able to impersonate a minor and create a different account with a more advanced

⁷⁹² TIKTOK3047MDL-001-00060811 at *16.

⁷⁹³ See Complaint for Civil Penalties, Permanent Injunction, and Other Equitable Relief at 9–10, ¶¶ 30–32, *United States v. Musical.ly*, 2:19-cv-01439-ODW-RAO (C.D. Cal. Feb. 27, 2019), ECF No. 1.

⁷⁹⁴ Natasha Singer, *TikTok Broke Privacy Promises, Children’s Groups Say*, N.Y. Times (May 14, 2020), <https://www.nytimes.com/2020/05/14/technology/tiktok-kids-privacy.html>.

⁷⁹⁵ *TikTok for Younger Users*, TikTok Inc. (Dec. 13, 2019), <https://newsroom.tiktok.com/en-us/tiktok-for-younger-users>.

⁷⁹⁶ *Id.*

⁷⁹⁷ Leonard Sax, *Is TikTok Dangerous for Teens?*, Inst. Fam. Stud. (Mar. 29, 2022), <https://ifstudies.org/blog/is-tiktok-dangerous-for-teens->.

⁷⁹⁸ *TikTok: How Congress Can Safeguard American Data Privacy and Protect Children From Online Harms: Hearing Before the H. Comm. on Energy & Com.*, 118th Cong. (2023), <https://energycommerce.house.gov/events/full-committee-hearing-tik-tok-how-congress-can-safeguard-american-data-privacy-and-protect-children-from-online-harms>.

age by merely deleting one and creating another.⁷⁹⁹ The staff members did not even need to switch emails. Chew promised to “look at [this].”⁸⁰⁰

604. The absence of effective age verification measures also means that adult users claim to be children—with obvious dangers to the children on ByteDance’s platform.

b. TikTok’s parental controls are dangerously deficient.

605. In April 2020, following the FTC settlement, ByteDance created a “Family Pairing” feature on TikTok. The supposed purpose of that feature was to allow parents to link their accounts to their children’s accounts and enforce certain controls (such as screen time limits and restriction of “content that may not be appropriate for all audiences”).⁸⁰¹

606. “Family Pairing” is supposed to allow parents to prevent their children from direct messaging other TikTok users. But ByteDance has designed TikTok’s “Family Pairing” feature so that it is not mandatory for minor users. To use it, a parent or guardian must create their own TikTok account to pair it with their child’s account. Further, the “Family Pairing” feature is available only on the TikTok mobile app. It provides no protection when a child accesses TikTok through a web browser. Because this feature requires parents to know the name of their child’s account to pair it, youth can easily evade the protections of the “Family Pairing” feature by creating anonymous accounts, again without parental approval or knowledge.

607. ByteDance further stymies parents’ ability to supervise minor childrens’ use of TikTok by permitting minor users to block their parents’ profiles, post ephemeral videos called “Stories” that disappear after 24 hours, and post those Stories to “Friends Only.”

608. ByteDance could, but does not, adopt safety features that notify parents when minors are engaging excessively with the platform and are using it during sleeping hours. The company is aware that many youth are using the platform late at night and admits that such use

⁷⁹⁹ *Id.*

⁸⁰⁰ *Id.*

⁸⁰¹ Jeff Collins, *TikTok introduces Family Pairing*, TikTok Inc. (Apr. 15, 2020), <https://newsroom.tiktok.com/en-us/tiktok-introduces-family-pairing>.

is a “strong indicator” that those users are not getting the recommended eight hours of sleep necessary for their health and well-being.⁸⁰² Internal TikTok documents reveal that more than 20% of children are active on its platform between 12:00 a.m. and 5:00 a.m., when they should be sleeping.⁸⁰³ Specifically, 19% of TikTok’s 13 to 15-year-old users globally and 25% of users aged 16–17 are active on TikTok between 12:00 a.m. and 5:00 a.m.⁸⁰⁴ Nevertheless, until August 2021, ByteDance would send push notifications to young users at all hours of the day or night to persuade them to log back on to TikTok. Since then, push notifications have been cut off at 9 pm for users self-identified as 13–15 years old, and after 10 pm for users self-identified as 16 or 17 years of age.

609. Until January 13, 2021, ByteDance interfered with parental supervision and endangered children by defaulting all accounts, including those registered to children as young as 13, to “public.” That allowed strangers to contact minor users regardless of age or location. ByteDance also intentionally and actively promoted these types of connections by suggesting accounts to follow through the “Find Friends” or “People You May Know” features.

610. For users self-identified as age 16 and over, ByteDance still set the default privacy setting for all registered accounts to “public,” meaning that anyone could view a user’s profile, on or off TikTok, request the user as a friend, or engage with the user’s videos.

c. ByteDance intentionally designed TikTok’s features and algorithms to maximize engagement using an endless feed, time-limited experiences, intermittent variable rewards, reciprocity, and ephemeral content.

611. Like each of the other Defendants, ByteDance has designed and coded TikTok with features that foster addictive and compulsive use by youth, leading to a cascade of mental and physical injuries.

612. One of TikTok’s defining features is its “For You” page (or “FYP”). According to

⁸⁰² Utah AG Compl. at 16, ¶ 42.

⁸⁰³ *Id.* at 3, ¶ 5.

⁸⁰⁴ *Id.* at 16, ¶ 42.

ByteDance, it is “central to the TikTok experience and where most of our users spend their time.”⁸⁰⁵

613. TikTok’s FYP uses ByteDance’s powerful machine-learning algorithms to to maximize user engagement and thereby serve ByteDance’s interests—as opposed to simply responding to searches by users. As one industry commentator explained, TikTok uses “a machine-learning system that analyzes each video and tracks user behavior so that it can serve up a continually refined, never-ending stream of TikToks optimized to hold [users’] attention.”⁸⁰⁶ As another commentator put it, “you don’t tell TikTok what you want to see. It tells you.”⁸⁰⁷

614. Zhu has remarked that “[e]ven if you have tens of millions of users, you have to keep them always engaged[.]”⁸⁰⁸ Thus, according to Zhu, TikTok’s algorithms are “focused primarily on increasing the engagement of existing users.”⁸⁰⁹

615. TikTok’s internal documents make clear that habit formation is a core “mission” of the company:

Pulling in and retaining new-users is difficult because it is causing these users to make behavioral changes to their current habits. The Habit Loop (neurological loop that governs habits) is broken down into 3 stages: the Cue[,] the Routine, the Reward. Prior to downloading TikTok, new-users already established “Routines” for cues (ex[ample] boredom, free-time, bed-time routine) that we may want as cue[s] to bring people onto TikTok. However, changing someone’s routine is not as simple as asking them to. It’s about the reward; the positive reinforcement and

⁸⁰⁵ *How TikTok recommends videos #ForYou*, TikTok Inc. (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

⁸⁰⁶ 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>.

⁸⁰⁷ Drew Harwell, *How TikTok Ate the Internet*, Wash. Post. (Oct. 14, 2022), <https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/>.

⁸⁰⁸ 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>.

⁸⁰⁹ 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>.

benefit that the person feels from doing that routine. TikTok[']s mission to increase retention is to discover what “rewards” our users are seeking during the cues we want to associate ourselves with.⁸¹⁰

616. An internal document: *TikTok Algo 101*, 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.’”⁸¹¹

617. “This system means that watch time is key[,]” explained Guillaume Chaslot, the founder of Algo Transparency.⁸¹² Chaslot noted that “rather than giving [people] what they really want,” TikTok’s “algorithm tries to get people addicted[.]”⁸¹³

618. To fulfill this goal, the TikTok algorithm responds to a user’s time spent watching and engaging with a video by feeding them similar videos.⁸¹⁴ As TikTok describes it, the algorithms populate each user’s FYP 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, certain device settings, such as their language preferences and where they are located, and finally, the likelihood of the user’s interest.⁸¹⁵

619. ByteDance has designed TikTok’s algorithm so that certain factors, such as time

⁸¹⁰ Utah AG Compl. at 11–12, ¶ 31.

⁸¹¹ 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>.

⁸¹² *Id.*

⁸¹³ *Id.*

⁸¹⁴ Kaitlyn Tiffany, *I’m Scared of the Person TikTok Thinks I Am*, Atl. (June 21, 2021), <https://www.theatlantic.com/technology/archive/2021/06/your-tiktok-feed-embarrassing/619257/>.

⁸¹⁵ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (July 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>; see also *How TikTok recommends videos #ForYou*, TikTok Inc. (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

spent watching a video, are more important to the algorithm than others. For example, TikTok explained that “whether a user finishes watching a longer video from beginning to end, would receive greater weight than . . . whether the video’s viewer and creator are both in the same country.”⁸¹⁶

620. TikTok’s design features are therefore designed to give young users immediate gratification and boost rewards to encourage excessive, “routine use” of the platform.⁸¹⁷ TikTok acknowledges it “utilizes many coercive design tactics that detract from user agency such as infinite scroll, constant notifications, and the ‘slot machine’ effect.”⁸¹⁸

621. TikTok knows that its presence in people’s lives monopolizes their time. For example, an internal TikTok Powerpoint: *TikTok Strategy: 2021 Positioning*, shows its awareness of the addictive nature of its platform, noting that TikTok is “in most people’s lives like this: ‘go on tiktok for 5 mins and 3 hours have passed’. . . [o]r even this: ‘my night routine: - watch 3 hours worth of tiktok videos[;] - try to follow the dance steps[;] - realise u suck at dancing n cry about it[;] - continue watching tiktok videos[;] - sleep.’”⁸¹⁹ At its core, TikTok’s success can largely be attributed to design features “which limits user agency.”⁸²⁰

622. TikTok’s revenue is heavily dependent on the amount of time users spend on the platform and their level of engagement. The more time users spend on TikTok, the more advertising revenue TikTok reaps. Upon knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, TikTok has designed its algorithms to addict users through advanced analytics that create a variable reward system, thereby causing users to spend

⁸¹⁶ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (July 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>; see also *How TikTok recommends videos #ForYou*, TikTok Inc. (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

⁸¹⁷ Utah AG Compl. at 12, ¶ 32.

⁸¹⁸ *Id.* at 14, ¶ 37.

⁸¹⁹ *Id.* at 12–13, ¶ 32.

⁸²⁰ *Id.* at 16, ¶ 44.

increased amounts of time on the platform. Upon opening the TikTok application, users are automatically shown an endless stream of videos selected by an algorithm(s). TikTok has “stepped over the midpoint between the familiar self-directed feed and an experience based first on algorithmic observation and inference,” or artificial intelligence:

The most obvious clue is right there when you open the app: the first thing you see isn’t a feed of your friends, but a page called “For You.” It’s an algorithmic feed based on videos you’ve interacted with, or even just watched. It never runs out of material. It is not, unless you train it to be, full of people you know, or things you’ve explicitly told it you want to see. It’s full of things that you seem to have demonstrated you want to watch, *no matter what you actually say you want to watch* . . . Imagine a version of Facebook that was able to fill your feed before you’d friended a single person. That’s TikTok. . . . [The platform is] incredibly addictive.⁸²¹

623. TikTok’s algorithms are designed to begin working the minute a user opens the platform. The FYP shows the user a single, full-screen stream of videos, then records how the user reacts. “A second of viewing or hesitation indicates interest; a swipe suggests a desire for something else.”⁸²² With each data point collected, TikTok’s algorithm winnows a mass of videos to a single feed, continually refined to keep users engaging often and at length.

624. This algorithmic encouragement of continuous scrolling and interaction makes it hard for users to disengage from the app. A recent ByteDance-funded study, which imaged the brains of TikTok and other social media platform users, found that users engaged with TikTok about 10 times a minute, twice as often as with peer apps.⁸²³

625. ByteDance leverages users’ inability to disengage as a benefit to attract

⁸²¹ 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>.

⁸²² *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (July 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>.

⁸²³ *TikTok Ads Break Through Better Than TV And Drive Greater Audience Engagement*, TikTok Bus. (June 2021), <https://www.tiktok.com/business/library/TikTokDrivesGreaterAudienceEngagement.pdf>.

advertisers, rather than taking steps to address the addictive nature of its platform. A recent TikTok marketing document observed that “the TikTok audience is fully leaned in.”⁸²⁴ Marketing research commissioned by TikTok found that, compared to other social media platforms, TikTok users evidenced a higher frequency of rate per minute. TikTok boasted, “[o]ur algorithm and shorter video formats create continuous cycles of engagement, making TikTok the leading platform for Information Density.”⁸²⁵

626. TikTok’s powerful machine-learning algorithms dictate each user’s FYP. An estimated 90-95% of the videos viewed on TikTok comes from its algorithms (as opposed to user selection), the highest among Defendants’ platforms.⁸²⁶

627. The algorithm encourages use of the platform, regardless of whether that use is enjoyable or healthy. TikTok’s algorithm is not designed to direct users to videos they want to see, but rather to videos they cannot look away from. From TikTok’s perspective, it does not matter whether users are engaging with a video because they are horrified, angry, or upset—the engagement itself is the end goal.

628. TikTok’s algorithm is a powerful force for addiction. Indeed, TikTok’s quest to monopolize user attention often forces users down “rabbit holes.” Users end up in these rabbit holes, and become trapped in them, because TikTok has optimized its algorithm’s design for retention and time spent on the app.⁸²⁷ TikTok wants to keep users coming back as often as possible for as long as possible, no matter the cost to the user’s health.

629. TikTok knows its algorithm causes real harm. After *The Wall Street Journal*

⁸²⁴ *Id.*

⁸²⁵ *Id.*

⁸²⁶ *Investigation: How TikTok’s Algorithm Figures Out Your Deepest Desires*, Wall St. J. (July 21, 2021), <https://www.wsj.com/video/series/inside-tiktoks-highly-secretive-algorithm/investigation-how-tiktok-algorithm-figures-out-your-deepest-desires/6C0C2040-FF25-4827-8528-2BD6612E3796>.

⁸²⁷ 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>.

documented the pernicious operation of the TikTok algorithm, TikTok admitted internally (but not publicly) that its shortcomings “bring[] into question TikTok’s commitment to user safety, particularly as to younger users[.]”⁸²⁸

630. Once users are in a rabbit hole, it is extremely difficult to climb out.⁸²⁹ In general, escaping a rabbit hole requires a user to repeatedly and actively strategize ways to counter the algorithm, pitting individual users’ David against TikTok’s machine-learning Goliath.

631. ByteDance’s choices about how to design and structure its app—including choosing not to implement effective age-gating and parental controls, in addition to choosing to design algorithms to maximize engagement—go far beyond benignly organizing the third party posts. Instead, they create an environment and experience suited to ByteDance’s goal of maximizing ad revenues—an environment and experience that is unreasonably dangerous to the children and teens ByteDance targets.

632. Alyssa Moukheiber, a treatment center dietitian, explained that TikTok’s algorithm can push children into unhealthy behaviors or trigger a relapse of disordered eating.⁸³⁰ Indeed, several teenage girls interviewed by *The Wall Street Journal* reported developing eating disorders or relapsing after being influenced by TikTok’s algorithm.⁸³¹

633. Their experiences are not unique. Katie Bell, a co-founder of the Healthy Teen Project, explained that “the majority of her 17 teenage residential patients told her TikTok played a role in their eating disorders.”⁸³²

634. Others, like Stephanie Zerwas, an Associate Professor of Psychiatry at the University of North Carolina at Chapel Hill, could not even recount how many of her young

⁸²⁸ Utah AG Compl. at 30–31, ¶ 79.

⁸²⁹ Kaitlyn Tiffany, *I’m Scared of the Person TikTok Thinks I Am*, Atl. (June 21, 2021), <https://www.theatlantic.com/technology/archive/2021/06/your-tiktok-feed-embarrassing/619257/>.

⁸³⁰ *Id.*

⁸³¹ *Id.*

⁸³² *Id.*

patients told her that “I’ve started falling down this rabbit hole, or I got really into this or that influencer on TikTok, and then it started to feel like eating-disorder behavior was normal, that everybody was doing that[.]”⁸³³

635. TikTok’s rabbit holes are particularly problematic for young people, whose undeveloped frontal lobes lack the executive function and necessary impulse control to stop watching. The more young users engage by viewing or hesitating on a particular video, the more TikTok’s algorithms learn about the user. The company knows that what it calls “filter bubbles” are harmful but notes it falls within a “grey area” of its policies consisting of material that is not harmful in isolation but “can negatively influence users when the content is consumed in a condensed way.”⁸³⁴ ByteDance uses this feature to exploit the vulnerabilities of children and teenagers and addict them to its platform.

636. Indeed, ByteDance admits that its recommendation algorithm creates a “risk of presenting an increasingly homogeneous stream of videos[.]” which feeds and creates addiction.⁸³⁵

637. This course of conduct resulted in the United Kingdom’s Information Commissioner’s Office bringing a fine of £12.7 million (\$15.8 million) for breaches of data protection law, including the misuse of children’s personal data.⁸³⁶ The fine rested on TikTok’s failure to obtain authorization from the appropriate responsible adults before processing and using children’s data, failure to adequately inform users about how the platform uses and shares data, and failure “to ensure that U.K. users’ information was processed lawfully and

⁸³³ *Id.*

⁸³⁴ Utah AG Compl. at 42, ¶ 115.

⁸³⁵ *How TikTok recommends videos #ForYou*, TikTok Inc. (June 18, 2020), <https://newsroom.tiktok.com/en-us/how-tiktok-recommends-videos-for-you>.

⁸³⁶ Tom Fish, *TikTok Handed £12.7M UK Fine For Misusing Children’s Data*, Law360 (Apr. 4, 2023), <https://www.law360.com/articles/1593391/tiktok-handed-12-7m-uk-fine-for-misusing-children-s-data>.

transparently.”⁸³⁷

638. ByteDance uses a series of interrelated design features that exploit known mental processes to induce TikTok’s users to use the platform more frequently, for more extended periods, and with more intensity (i.e., providing more comments and “Likes”). ByteDance knows or should have known that children, whose brains are still developing, are particularly susceptible to these addictive features.

639. ByteDance designed the app so users cannot disable the auto-play function on the FYP.⁸³⁸ As noted above, when a user opens the TikTok app or visits the TikTok website, the platform immediately begins playing a video on the user’s FYP. The user may request more videos with a simple upward swipe, and the platform will deliver a seemingly endless video stream. If a user does not proceed from a video, it continues to play on an endless loop. The ability to scroll continuously induces a “flow-state” and distorts users’ sense of time.

640. The TikTok app interface is designed with only a limited number of buttons and sections of the app for users to navigate, such that the design does not impede “flow.”

641. The FYP also leverages principles of IVR to encourage compulsive usage, in the same fashion as Instagram Reels. A user swipes to receive the next video, and each swipe offers the prospect (but not the certainty) of dopamine-releasing stimuli.

642. The cumulative effect of these features is addictive, compulsive engagement. As researchers at the Brown University School of Public Health explained:

[T]he infinite scroll and variable reward pattern of TikTok likely increase the addictive quality of the app as they may induce a flow-like state for users that is characterized by a high degree of focus and productivity at the task at hand. . . . Once immersed in the flow-like state, users may experience a distorted sense of time in which they do not realize how much time has passed. Furthermore, the app interface itself is straightforward and user-friendly, with only a limited number of buttons and sections of the app for users to navigate, which further

⁸³⁷ *Id.*

⁸³⁸ *2 Best Ways You Can Turn off TikTok Autoplay*, Globe Calls (July 8, 2022), <https://globecalls.com/2-ways-you-can-turn-off-tiktok-autoplay/>.

enables entrance into “flow.” . . . When they play, they consume the entire device screen, which creates an immersive experience for users.

. . .

Although the similarity may not be immediately evident, analysis of social media apps reveals that they are designed to function like slot machines — the “swipe down” feature required to refresh one’s feed mirrors pulling a slot machine lever, and the variable pattern of reward in the form of entertaining videos on TikTok simulates the intermittent reward pattern of winning or losing on a slot machine; this pattern keeps individuals engaged under the impression that the next play might be “the one.” . . . Provided that social media apps are functionally akin to slot machines, it is likely that the use of these apps is just as addictive as slot machines and fosters social media addiction, much like how slot machines contribute to gambling addiction.⁸³⁹

643. Dr. Julie Albright, a Professor at the University of Southern California, similarly explained that TikTok is so popular because users will “just be in this pleasurable dopamine state, carried away. It’s almost hypnotic, you’ll keep watching and watching.” Users “keep scrolling,” according to Dr. Albright, “because sometimes you see something you like, and sometimes you don’t. And that differentiation—very similar to a slot machine in Vegas—is key.”⁸⁴⁰ TikTok also provides its own set of beauty enhancing filters, which cause insecurities and psychological injury in teens leading to body dysmorphia, eating disorder, self-harm, and in more severe cases, suicide.

644. Aza Raskin, the engineer who designed infinite scroll, described the feature as being “as if [social media companies are] taking behavioral cocaine and just sprinkling it all over your interface, and that’s the thing that keeps you coming back and back and back.” Because the infinite scroll does not “give your brain time to catch up with your impulses . . .

⁸³⁹ Sophia Petrillo, *What Makes TikTok so Addictive?: An Analysis of the Mechanisms Underlying the World’s Latest Social Media Craze*, Brown Undergraduate J. Pub. Health (Dec. 13, 2021), <https://sites.brown.edu/publichealthjournal/2021/12/13/tiktok/>.

⁸⁴⁰ John Koetsier, *Digital Crack Cocaine: The Science Behind TikTok’s Success*, Forbes (Jan. 18, 2020), <https://www.forbes.com/sites/johnkoetsier/2020/01/18/digital-crack-cocaine-the-science-behind-tiktoks-success/?sh=4c24917778be>.

you just keep scrolling.”⁸⁴¹

645. To reinforce this addictive experience, ByteDance intentionally omits the concept of time from their platform, stripping information such as when a user uploaded a video from its endless stream of videos. In the FYP, there is no way to discern how long ago the video was posted, or when the user who posted the video joined TikTok.

646. On at least some phones, TikTok is designed to cover the clock displayed at the top of user’s iPhones, preventing them from keeping track of the time spent on TikTok.⁸⁴²

647. ByteDance has designed the app so that users can see, however, how many times a video was “Liked,” commented on, or shared. So, the only thing users can quantify within the app is the approval or disapproval of others.

648. In June 2022, after receiving public criticism regarding its platform’s effects on people’s mental health, ByteDance introduced various tools to purportedly encourage users to take a break from infinite scrolling, such as a “Take a Break” reminder and time-limit caps. ByteDance chose not to activate these tools by default and instead buried them behind “a hidden series of menus” so users would not use them.⁸⁴³ Even for minors, once they have exceeded 100 minutes of usage a day, TikTok only “reminds” them that these “Take a Break” tools exist upon opening the app, but does not activate them by default.

649. In March of 2023, TikTok announced additional measures to quell public criticism about the addictiveness of its platform. Among these changes is the fact that minors under age 18 will by default have their use limited to one hour. There is less to this time limit than meets the eye. Children whose accounts are paired with parental accounts will need a code from the parent to extend the time limit. Children with unpaired accounts, however, can easily extend the time limit or even disable it themselves.

⁸⁴¹ *Id.*

⁸⁴² Louise Matsakis, *On TikTok, There is No Time*, Wired (Oct. 3, 2019), <https://www.wired.com/story/tiktok-time/>.

⁸⁴³ See Utah AG Compl. at 16, ¶ 43.

650. In addition to infinite scroll, ByteDance has designed TikTok so it has other design features that exploit social psychological impulses to induce children to use TikTok daily and for extended periods of time, adding to the platform's addictive nature.

651. Several TikTok features actively encourage users to generate ephemeral photos and videos. This promotes compulsive use, because users risk missing posts by their friends and others if they do not check TikTok at least daily.

652. A TikTok user can, for example, post expiring "Stories," short videos that disappear after 24 hours. These videos do not otherwise appear in a user's feed. TikTok's live stream feature is similar.

653. A relatively new feature, "TikTok Now," pushes daily notifications to users to share "authentic, real-time images or 10-second videos at the same time as your friends."⁸⁴⁴ ByteDance designed this feature so that once a user gets the notification, the user has three minutes to post an image or video. That user cannot view friends' "TikTok Now" posts without sharing one of their own, and posts submitted outside of the three-minute window are marked as "late." TikTok preserves a user's history in a calendar view, adding to the pressure to visit the app daily and when notified by TikTok to do so. ByteDance designed these features to increase responsiveness to notifications and keep young users locked into the platform, as they do not want to miss out on this perceived social activity.

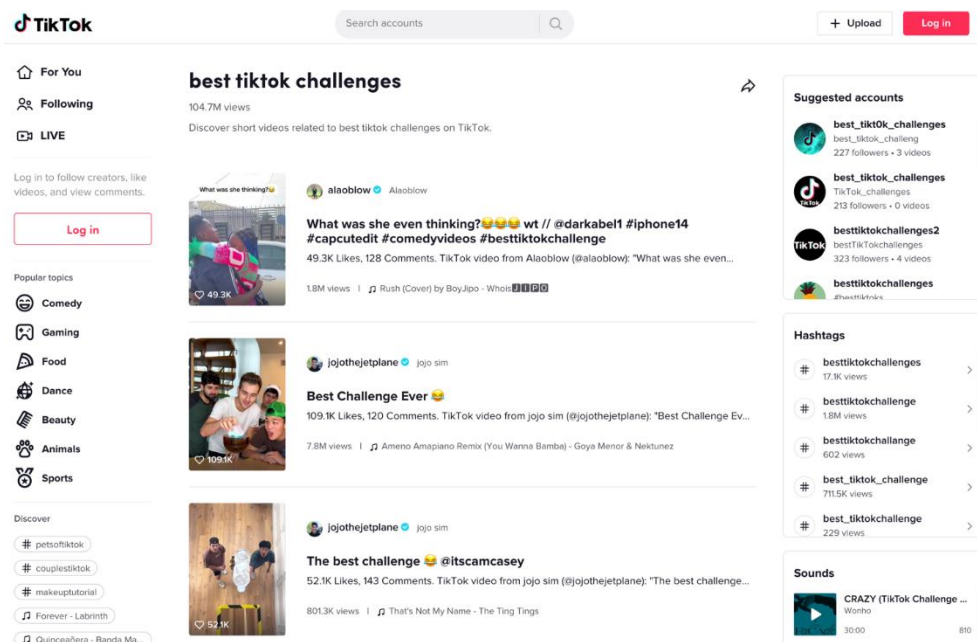
654. Like "Snap Streaks," "TikTok Now" does not enhance the communication function of the platform, but simply exploits young users' susceptibility to persuasive design, teenage social anxiety, and FOMO. ByteDance's insidious design of "TikTok Now" also employs point scoring and competition with others to drive frequent and continuous engagement by children, who otherwise risk checking in late and alienating other peers participating in the exchange.

655. Like the other Defendants' platforms, ByteDance designed TikTok to leverage the

⁸⁴⁴ *TikTok Now*, TikTok Inc., <https://www.tiktok.com/creators/creator-portal/product-feature-updates/tiktok-now>.

principle of IVR by encouraging users to “like,” share, or reshare videos that others have created or posted. Receiving a “Like” or “Reshare” indicates that others approve of a user’s posts, and satisfies the user’s natural, developmentally predictable desire for acceptance. As discussed above, “Likes” activate the reward region of the brain and release dopamine to create a positive feedback loop.⁸⁴⁵ Users return to TikTok again and again, hoping for yet another pleasurable experience.

656. ByteDance also designed TikTok to use reciprocity to manipulate users into using the platform. One example is the “Duet” feature, which allows users to post a video side-by-side with a video from another TikTok user. Users utilize “Duet” to react to the videos of TikTok creators. ByteDance intends the response to engender a reciprocal response from the creator of the original video, inducing them to return to the app.



657. Another “core feature” of TikTok are “challenges.” Challenges are campaigns that compel users to create and post in TikTok certain types of videos, such as performing a dance

⁸⁴⁵ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction* at 1, 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>.

routine or a dangerous prank. Challenge videos have been described as a “cornerstone” of TikTok and are among the most popular features of the platform.⁸⁴⁶

658. Challenges are incorporated into TikTok’s architecture and user interface. ByteDance actively promotes what it determines to be the “best,” i.e., most likely to keep users engaged, challenges to its users and fosters the associated competition and social rewards to achieve near-continuous engagement with the platform.

659. ByteDance also encourages businesses to create challenges as a form of marketing, explaining that challenges are “geared towards building awareness and engagement,” and “research shows that they can deliver strong results” and increased return on ad spending “at every stage of the funnel.”⁸⁴⁷

660. While ByteDance extolls the revenue potential from challenges, young users face new and serious harms, as the challenges’ stakes grow more extreme and dangerous, a foreseeable consequence of TikTok’s engagement-maximization design. Numerous child users have injured or even killed themselves or others participating in viral pranks to obtain rewards and increase the number of “Likes,” views, and followers.

661. A study of adolescents and young adults who participated in dangerous challenges found that “engaging in online challenges to gain likes and views was reported as highly important” to the participants. Study participants claimed to have received from sixty to two million views of their challenge videos. Perhaps not surprisingly given the study involved adolescents, these children did not seriously contemplate the possible outcomes from their stunts: “Our participants overlooked or were unaware of the short-term and long-term risks associated with the challenges.” Moreover, “participants also frequently encouraged others to perform the same or similar challenges in their posts, thus potentially contributing to social

⁸⁴⁶ Brent Barnhart, *TikTok Challenges: what they are and why they’re great for brands*, Spout Social (May 4, 2022), <https://sproutsocial.com/insights/tiktok-challenges/>.

⁸⁴⁷ *Branded Hashtag Challenge: Harness the power of participation*, TikTok Bus. (Oct. 18, 2021), <https://www.tiktok.com/business/en-US/blog/branded-hashtag-challenge-harness-the-power-of-participation>.

media through propagating the challenge.”⁸⁴⁸ In fact, ByteDance intentionally promotes these challenges due to their popularity.⁸⁴⁹

662. This is not news to ByteDance. Its own internal platform research has found that the number one most identified reason for teen participation in challenges is “[g]etting views/likes/comments,” followed by “[i]mpressing others online.” ByteDance therefore knows, or in the exercise of reasonable care should know, that young users’ quest for social acceptance will cause them to participate in dangerous online challenges to get “likes” or impress their peers. It is also foreseeable that the challenge architecture on TikTok will be used by young users to promote dangerous, deadly, and destructive challenges that ByteDance may not initially know about or actively promote.

663. Death, injury, and destruction are the result of design choices made by ByteDance in the TikTok platform, including but not limited to (1) failure to verify age and identity of users, which allowed children as young as 8 or 9 to see these dangerous challenges; (2) defaulting the youngest users into public accounts, where some post dangerous stunts to increase their views or “Likes”; (3) designing the TikTok algorithm to push this material to young children without regard to safety; and (4) failing to include warnings to children or their parents that many of the challenges users see on TikTok are dangerous and potentially fatal.

664. TikTok’s algorithms also promote challenges that specifically target school districts.⁸⁵⁰ As a result of challenges, school districts have sustained property damage, ranging from stolen urinals to smashed floor tiles. In response, schools have been forced to lock down

⁸⁴⁸ Rebecca Roth *et al.*, *A Study on Adolescents’ and Young Adults’ TikTok Challenge Participation in TikTok in South India*, 1 Hum. Factors Health Care, Dec. 2021, at 5, <https://www.sciencedirect.com/science/article/pii/S2772501422000021/pdfft?md5=3f58814874a5ec80690a5bcd920e436e&pid=1-s2.0-S2772501422000021-main.pdf>.

⁸⁴⁹ See TIKTOK3047MDL-001-00000813 (“The algorithm is designed to surface viral content, regardless of its source.”).

⁸⁵⁰ Megan Marples, *The ‘devious licks’ TikTok challenge has students stealing toilets and vandalizing bathrooms*, CNN (Sept. 18, 2021), <https://www.cnn.com/2021/09/18/health/devious-licks-tiktok-challenge-wellness/index.html>.

bathrooms for large portions of the day.⁸⁵¹ Other schools have resorted to diverting staff to monitor bathrooms during the school day.⁸⁵² Repairing damages resulting from challenges puts strain on schools that already have budget constraints. Even for schools that do not suffer property damage, responding to threats of the challenge and communicating with students and families diverts significant time away from classroom instruction and other administrative activities.

665. Indeed, threats on Defendants' platforms by students seeking the psychological rewards Defendants' platforms offer require school safety agents, police, or other staff to stop what they're doing and investigate immediately, which is a resource intensive and disruptive endeavor. Investigating threats puts a strain on schools' resources.

d. ByteDance's features inflict impossible image standards and encourage negative appearance comparison.

666. ByteDance designed TikTok with image-altering filters that harm users. These filters allow children to artificially change their appearance, for example, by lightening their skin and eyes, giving them glowing tan skin, changing facial structure, or giving them larger lips or fluttering eyelashes.

667. Young people often then compare the filtered images to their real-life appearance, developing a negative self-image based on unrealistic, artificial images.⁸⁵³ Many young girls use image-altering filters every day, harming their mental health. Those filters subconsciously make girls feel imperfect and ugly, "reduc[ing] their self-compassion and tolerance for their own

⁸⁵¹ *Id.*

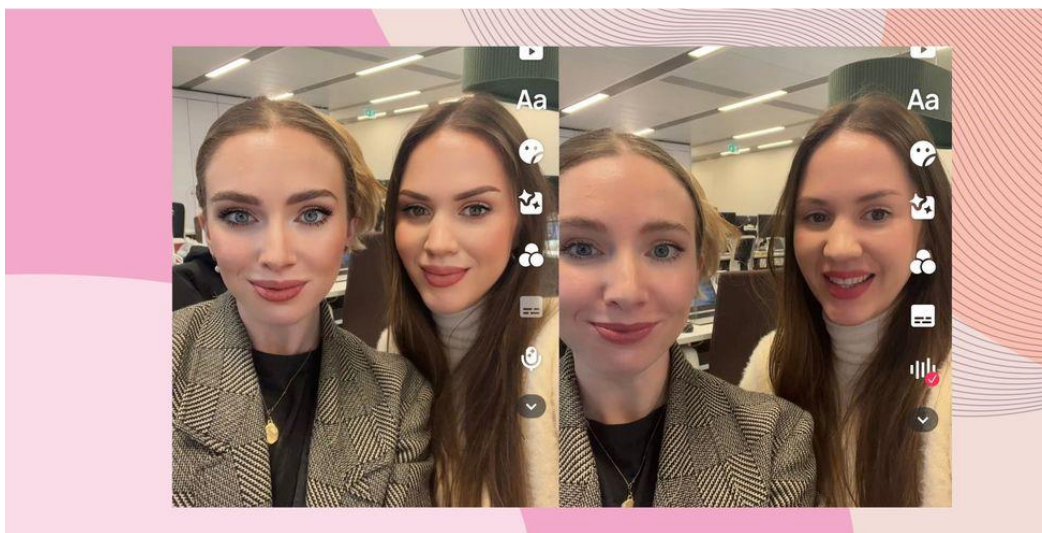
⁸⁵² *Viral 'devious licks' TikTok challenge encourages kids to steal from school*, PBS (Oct. 25, 2021), <https://www.pbs.org/newshour/show/viral-deviuous-licks-tiktok-challenge-encourages-kids-to-steal-from-school>.

⁸⁵³ Anna Haines, *From 'Instagram Face' To 'Snapchat Dysmorphia': How Beauty Filters Are Changing The Way We See Ourselves*, Forbes (Apr. 27, 2021), <https://www.forbes.com/sites/annahaines/2021/04/27/from-instagram-face-to-snapchat-dysmorphia-how-beauty-filters-are-changing-the-way-we-see-ourselves/?sh=3c32eb144eff>.

physical flaws.”⁸⁵⁴

668. So compelling is the desire to resemble more closely the filtered ideal that there are online tutorials explaining how to recreate certain filters using makeup. Children’s idealization of their filtered image is externally reinforced when the filtered images receive more “Likes,” comments, and other interaction. Young people also compare these interaction “scores” to those of friends and celebrities who use filters, reinforcing the idea that beauty depends on matching a digital ideal.

669. The newest TikTok filter is “Bold Glamour.” The filter uses artificial intelligence to subtly reshape the user’s face, enlarging the eyes, lifting the cheek bones while thinning the cheeks, smoothing the skin and plumping the lips. The effect is a highly “idealized” yet realistic version of the user. Moreover, the filter is difficult to detect since the effect moves with user movements in real time.



670. “Bold Glamour has the power to dramatically distort reality and reinforce narrow and unattainable beauty standards.”⁸⁵⁵

⁸⁵⁴ Ana Javornik *et al.*, *Research: How AR Filters Impact People’s Self-Image*, Harv. Bus. Rev. (Dec. 22, 2021), <https://hbr.org/2021/12/research-how-ar-filters-impact-peoples-self-image>.

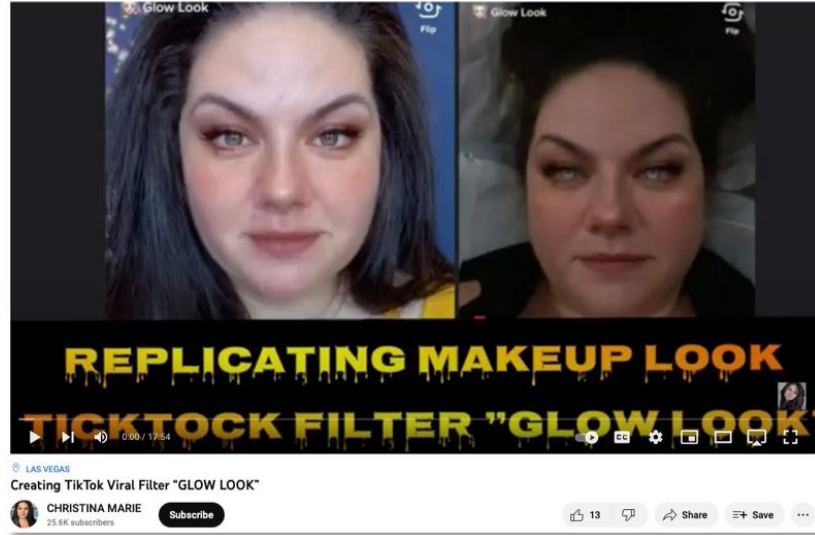
⁸⁵⁵ *Beauty brand Dove is speaking out against the toxic TikTok ‘Bold Glamour’ filter*, Women’s Health (Mar. 9, 2023), <https://www.womenshealthmag.com/uk/beauty/body/a43259141/tiktok-bold-glamour-filter/>.

671. Many mental health professionals have written that TikTok filters such as “Bold Glamour” and others exacerbate teen mental health problems as children, particularly girls, strive for a standard of beauty that is functionally impossible to achieve, with every TikTok filter creating a test that they are doomed to fail.⁸⁵⁶

672. TikTok’s algorithms often work in concert with those of other social media platforms, like Meta’s. A teen may learn about a harmful topic through Meta’s recommendation technologies on Instagram, which is feasibly subsequently identified by TikTok’s algorithm(s), and TikTok will then amplify and promote the same harm through a series of how-to videos. Like Meta, TikTok has tried to boost engagement and keep young users hooked to its social media platform by any means necessary. Indeed, TikTok similarly sends push notifications and emails to encourage addictive behavior, to increase use of their platform, and to in their own words, “recall”⁸⁵⁷ users back to the platform. TikTok’s communications are triggered through information its algorithms collect about users, communications that are then “pushed” to users frequently throughout the day.

⁸⁵⁶ Anna Kaplan, *‘Bold glamour’ TikTok filter can create unrealistic beauty standards and harm mental health, experts say*, Today (Mar. 2, 2023), <https://www.today.com/health/bold-glamour-tiktok-filter-mental-health-rcna73044>.

⁸⁵⁷ Utah AG Compl. at 15, ¶ 40.



673. Other platform features that work in combination to cause addiction and other harms include: (1) a platform-imposed limit to the length of videos. Initially, the maximum video time was 60 seconds. The limit was later increased to 3 minutes and is currently 10 minutes. This limit is imposed to keep users in a flow-like focused state. A user is more likely to become bored and end their session during a long video than during several varying videos. Video length limits in Defendants' platforms have conditioned users to have a shorter attention span across years of use; (2) TikTok app notifications sent to the devices of children well after normal bedtime hours, disrupting sleep patterns and causing psychological injury. It was only recently that TikTok reportedly stopped the platform from sending notifications to users between the age of 13 and 15 after 9 p.m.; (3) TikTok's interface, which positions buttons on the bottom right of the screen, to avoid the milliseconds of delay of discomfort that could disrupt the flow-like state of majority right-handed users tapping the like or comment buttons if placed elsewhere on the screen; (4) the way in which TikTok, unlike other platforms, continues to play a video's audio, and the top quarter of the video, while users view comments on the video. This design decision avoids disrupting a user's heightened focused "flow-state"; (5) TikTok's interface, which places buttons and profiles overlaid on top of the videos, rather than in a

separate area. This design prevents there from being any barrier between videos (such as a horizontal bar across the screen on the bottom of one video and on top of the next) and prevents users from having any pause time between videos to evaluate whether they should continue using the app in that moment before more algorithmically selected videos are played on their screen; (6) Videos that automatically start playing as a user scrolls. Videos automatically restart once they conclude. In some circumstances, such as when a user sends a link of a video on TikTok to another user that views it in a web browsing app, the next video after that video will automatically play without the user scrolling; and (7) that, upon opening the app, users' view of the first video loaded is obstructed with a message saying, "swipe for more" and a graphic of a hand and figure swiping up. The user must scroll down to see an unobstructed video. This design feature trains users to reflexively scroll to the next video once one video ends. Thus, addiction is initiated by the app before the user even sees the first piece of content.

4. ByteDance Materially Contributes to Content on TikTok.

674. A TikTok poster does not create content in a vacuum. ByteDance contributes to TikTok content in a number of ways such that it is materially responsible in whole or in part for creation or development of material posted on the platform.

675. ByteDance creates images and GIFs for users to use in their TikTok videos to keep viewers returning to the platform. It makes video effects that content creators can incorporate. Some of the newest visual contributions from TikTok are "stickers." With this feature, a content creator can pin stickers to moving objects so that it follows the subject as they move throughout the scene. ByteDance acknowledges that "the sticker looks as though it's *part* of the video."⁸⁵⁸ The stickers even change size relative to the video's movement.⁸⁵⁹

676. In addition to providing some of the visual components of a video, ByteDance often also provides the sound. ByteDance has "an extensive library" of sounds for creators to

⁸⁵⁸ *Staying up to date with features*, TikTok Inc., <https://www.tiktok.com/creators/creator-portal/en-us/tiktok-creation-essentials/staying-up-to-date-with-features/>.

⁸⁵⁹ *Id.*

add to their videos. Moreover, ByteDance has licensed a huge music catalog that creators can incorporate into their videos. In November 2020, TikTok announced a new agreement with Sony Music Entertainment to make songs available across the TikTok app;⁸⁶⁰ in December 2020, TikTok announced another such agreement with Warner Music Group (“WMG”);⁸⁶¹ and in February 2021, TikTok announced a “global” licensing agreement with Universal Music Group (“UMG”).⁸⁶²

677. When a video becomes sufficiently popular, TikTok reaches out to and actively engages with the poster who, once that threshold is met, is referred to as a “creator.” ByteDance provides special tools, instructional videos and, critically, recommendations as to content and structure for the video. For example, a “creator” might be told to break a longer video up into a series of shorter videos to get additional views. ByteDance might suggest certain music or captions be added. The “creator” would be encouraged to add certain hashtags that might increase the video’s visibility on the platform. On information and belief, all TikTok content and associated metadata is modified to include tracking systems, and every time the content is viewed, tracking codes and other data are downloaded to the device and information is actively relayed to TikTok’s server.

678. TikTok likewise promises some “creators” that it will amplify their content and

⁸⁶⁰ *TikTok announces agreement with Sony Music Entertainment*, TikTok Inc. (Nov. 2, 2020), <https://newsroom.tiktok.com/en-us/tiktok-announces-agreement-with-sony-music-entertainment>.

⁸⁶¹ Murray Stassen, *Warner Music Group Inks Licensing Deal with TikTok*, Music Bus. Worldwide (Jan. 4, 2021), <https://www.musicbusinessworldwide.com/warner-music-group-inks-licensing-deal-with-tiktok/>; *see also Warner, TikTok Agree to new Licensing Deal*, Hits Daily Double (Dec. 19, 2020), <https://hitsdailydouble.com/news&id=324524&title=WARNER-TIKTOK-AGREE-TO-NEW-LICENSING-DEAL> (“[F]ormer WMG executives Ole Obermann and Tracy Gardner recently joined TikTok to oversee global music development. . . . [Gardner] now holds the title of Head of Label Licensing & Partnerships at TikTok. . . . [Obermann]’s now TikTok’s Global Head of Music.”).

⁸⁶² Murray Stassen, *TikTok and Universal Music Group Sign Global Licensing Deal*, Music Bus. Worldwide (Feb. 8, 2021), <https://www.musicbusinessworldwide.com/tiktok-and-universal-music-group-sign-global-licensing-deal/>.

promote them based solely on creator status. ByteDance internal documents show that, in addition to letting the algorithm determine what goes viral, the company also hand picks specific videos to artificially increase their distribution—a practice known internally as “heating.” Overall, 1% to 2% of videos viewed on TikTok have been “heated.” According to media reports, ByteDance uses “heating” to court influential “creators” or profitable brands to engage with users on TikTok.⁸⁶³

679. ByteDance has multiple methods of compensating “creators” who, in conjunction with ByteDance, make content for the platform. These methods include receiving tips and gifts from viewers, special gifts available during TikTok LIVE presentations, and contributions from TikTok’s “creator fund.” TikTok obtains PayPal information from “creators” and sends them money daily, with communications and full-screen notifications urging them to post more and to post on multiple surfaces of the TikTok platform.

680. ByteDance’s contribution to the content on TikTok is further recognized in the rights it asserts to content on the TikTok platform. In its Terms of Service (“Last updated: February 2019”), TikTok requires that all users license to TikTok an unconditional, irrevocable, royalty-free, fully transferable, perpetual worldwide license to use, modify, adapt, reproduce, publish, transmit all material submitted by Users onto TikTok. TikTok further requires that all users waive any rights to inspect or approve their material being used for marketing or promotional materials. Further, they require that users waive any and all rights of privacy and publicity. TikTok requires that all users grant TikTok total control over the material that’s published – including the right to cut, crop, and edit. Through these licensing provisions, TikTok effectively becomes the owner of all content on the platform.

a. ByteDance’s features include impediments to discontinuing use.

681. Even if a user escapes the addictiveness of TikTok’s design and decides to delete

⁸⁶³ Emily Baker White, *TikTok’s Secret ‘Heating’ Button Can Make Anyone Go Viral*, Forbes (Jan. 20, 2023), <https://www.forbes.com/sites/emilybaker-white/2023/01/20/tiktoks-secret-heating-button-can-make-anyone-go-viral/>.

their account, ByteDance makes doing so a lengthy and complex undertaking. The deletion process is designed to encourage users to retain their accounts, even if their stated reason for deletion is that the platform is endangering their safety or health.

682. When a user selects the “Deactivate or delete account” in the “Account” section of the TikTok app, the user is presented an option to “[d]elete or deactivate?” Deactivating an account will preserve the user’s data, but hide it from the platform; deleting, on the other hand, will permanently delete all data associated with the account.

683. However, ByteDance designed TikTok so that deletion is not immediate. The data and account are preserved for 30 days, during which time the user can reactivate their account.

684. If a user selects the “Delete account permanently” option, the user is asked “Why are you leaving TikTok?” The user must select from the following list: (1) I’m leaving temporarily; (2) I’m on TikTok too much; (3) Safety or privacy concerns; (4) Too many irrelevant ads; (5) Trouble getting started; (6) I have multiple accounts; or (7) Another reason.

685. If a user selects “I’m on TikTok too much,” ByteDance makes a last-ditch effort to retain the user by reminding the user that a limit can be set on the user’s watch time on the platform. If a user selects “Safety or privacy concerns,” the user is provided a list of resources to “secure” the account. If the user selects “[a]nother reason,” a written explanation must be provided. The only option that does not provide or require further information is “I have multiple accounts.” ByteDance isn’t worried about users deleting merely one account if they already have multiple others.

686. Once a user selects a reason for deletion, the next screen prompts the user to download their TikTok data.

687. Before the user continues the deletion, the platform requires the user to check a box at the bottom of the screen that says, “[b]y continuing, you reviewed your data request and wish to continue deleting your account.” This contrasts with the process of a user “agreeing” to the Terms of Service and Privacy Policy during the registration process, which does not require a separate confirmation.

688. Once the user confirms a desire to continue with the deletion process, the platform takes the user to yet another screen, which yet again asks whether the user wants to “delete this account?” The text also explains that the account will be deactivated for 30 days, during which the user may reactivate the account, and after 30 days, the account and data associated with it will be permanently deleted. It goes on to warn that if a user deletes the account, the user will no longer be able to do many things in the app.

689. Once a user again confirms that they want to delete their account, TikTok requires validation with a 6-digit code sent to the telephone number or email address associated with the account. Only after the user receives and enters the code may they finally “delete” their account (after waiting 30 days).

690. ByteDance’s account deletion process is inadequate for children attempting to escape its addictive and harmful platform. Requiring a child to go through multiple steps, and offering alternatives, as well as a list of things they are giving up, is designed to convince them to change their mind. Moreover, requiring the user to maintain a deactivated account for 30 days, rather than deleting it on demand, increases the chance that an addicted user will relapse and return to the app.

691. ByteDance’s intentionally cumbersome deletion process prioritizes the retention of young users, and ad revenue that they generate, over their well-being.

5. ByteDance failed to adequately warn NYC Plaintiffs and the public about the harms its platform causes or to provide instructions regarding safe use.

692. Since TikTok’s inception, ByteDance has failed to adequately warn the public, including NYC Plaintiffs and members of NYC Plaintiffs’ community, about the physical and mental health risks its product poses. These risks include, but are not limited to, product abuse and addiction, dissociative behavior, damage to body image, social isolation, and a plethora of mental health disorders like body dysmorphia, eating disorders, anxiety, depression, insomnia, ADD/ADHD exacerbation, suicidal ideation, self-harm, suicide, and death.

693. ByteDance targets young users via advertising and marketing materials distributed

throughout traditional as well as digital media, including other social media platforms. ByteDance fails to provide adequate warnings in advertising and marketing campaigns to the public or potential adolescent consumers of the physical and mental harms associated with using TikTok.

694. ByteDance heavily advertises its platform on YouTube and Snapchat, where it knows it can effectively reach younger users. In 2019, for example, 80% of TikTok’s advertising spending was on Snapchat.⁸⁶⁴

695. One TikTok ad compiles viral videos featuring people of all ages and sets the video to the pandemic musical hit: *Bored in the House*, by a popular TikTok creator.⁸⁶⁵ The 15-second video notes, “if it’s in culture, #ItStartsonTikTok.”⁸⁶⁶ Zhu highlighted the importance of the U.S. teen market to TikTok, admitting that, in China, “teenage culture doesn’t exist” because “teens are super busy in school studying for tests, so they don’t have the time and luxury to play social media apps.”⁸⁶⁷ On the other hand, teen culture in the United States is “a golden audience.”⁸⁶⁸

696. Other advertisements ByteDance places on YouTube promote TikTok as a family-friendly platform. For example, one commercial features parents impersonating their children, explaining that “[p]arents roasting their kids is the best kind of family bonding.”⁸⁶⁹ Another

⁸⁶⁴ *TikTok – Snapchat’s Biggest Advertiser – What’s the strategy*, Media Radar (Feb. 24, 2020), <https://mediaradar.com/blog/tiktok-snapchat-advertising-strategy/>.

⁸⁶⁵ TikTok, *It Starts on TikTok: Bored in the House*, YouTube (Sept. 9, 2020), <https://www.youtube.com/watch?v=DWZCgkmcIjE>.

⁸⁶⁶ *Id.*

⁸⁶⁷ 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#:~:text=For%20Chinese%20web%20start%20Dups,the%20rest%20of%20the%20globe>.

⁸⁶⁸ *Id.*

⁸⁶⁹ *Family Impressions, Compilation*, YouTube (Dec. 11, 2020), <https://www.youtube.com/watch?v=6EYzm25gW-s>.

TikTok ad asks creators what TikTok means to them. Responses include “family,” “sharing special moments with my daughter,” and a featured appearance by well-known TikTok creator Addison Rae, who says TikTok represents “family and fun.”⁸⁷⁰

697. ByteDance released another TikTok ad, part of the *It Starts on TikTok* ad campaign, and scheduled it to release on the linear TV, digital media, digital out-of-home, radio and TikTok’s own social channels.⁸⁷¹ The tagline for the campaign was “[I]oving all of you and the things you do. Celebrating you” and featured a series of viral clips of various cheerful scenes depicting people gathered with friends and family of all ages.⁸⁷²

698. ByteDance is also one of the biggest advertisers on Snapchat. In 2019, ByteDance accounted for 4.4% of Snapchat’s advertising revenue.⁸⁷³ ByteDance knows that advertising on Snapchat is an effective way to reach a young audience. Snap claims that its Snapchat platform reaches 90% of people aged 13–24 years old, and 75% of people aged 13–34 years old in the United States.

699. Despite its funny, cheerful ads featuring smiling families and funny images, TikTok, as designed, presents serious risks to young users on the platform, through its distinctive and manipulative platform features, including a lack of adequate age and identity verification tools, as well as inadequate parental controls.

700. ByteDance fails to adequately warn young users of these risks beginning with the first stages of the platform registration process. At account setup, TikTok contains no warning labels, banners, or conspicuous messaging to adequately inform adolescent users of platform

⁸⁷⁰ *TikTok Creators Share Their Thoughts About TikTok*, YouTube (Aug. 10, 2020), <https://www.youtube.com/watch?v=KAveGBv7HVM>.

⁸⁷¹ Todd Spangler, *TikTok Launches Biggest-Ever Ad Campaign as Its Fate Remains Cloudy*, Variety (Aug. 18, 2020), <https://variety.com/2020/digital/news/tiktok-advertising-brand-campaign-sale-bytedance-1234738607/>.

⁸⁷² *Id.*

⁸⁷³ Robert Williams, *TikTok is the biggest advertiser on Snapchat, study says*, MarketingDive (Mar. 16, 2020), <https://www.marketingdive.com/news/tiktok-is-the-biggest-advertiser-on-snapchat-study-says/574164/>.

risks, potential dangers, and physical and mental harm associated with usage of the platform. Instead, ByteDance allows underage users to easily create an account (or multiple accounts) and fully access the platform.

701. ByteDance’s lack of appropriate warnings continues once a child has TikTok. ByteDance does not suitably inform child users that their data will be tracked, used to help build a unique algorithmic profile, and potentially sold to TikTok’s advertising clients.

702. Alarming, ByteDance also does not adequately warn young users before facilitating adult connections and interactions that adult predators use its platform.

703. ByteDance’s failure to adequately warn young users about the risks of the platform continues even if they display signs of addiction or habitual and compulsive use. Besides the disabled by default “Take a Break” reminder, ByteDance does not warn users when their screen time reaches harmful levels or when young users are accessing the platform on a habitual basis.

704. Not only does ByteDance fail to adequately warn users about the risks associated with TikTok, but it also does not provide sufficient instructions on how children can safely use the platform. A reasonable and responsible company would instruct children on best practices and safety protocols when using a platform known to contain danger and health risks.

705. New tools implemented on TikTok in 2023—such as the addition of content filtering to Family Pairing, and the imposition of a default 60 minute screen time limit for minors—will not remedy prior harms suffered or damages incurred by NYC Plaintiffs.⁸⁷⁴ Moreover, the efficacy of such tools is questionable. TikTok’s core business still relies on the use of algorithms and other intermittent variable rewards that manipulate young users to spend as much time on the platform as possible. Providing optional tools to young users who are addicted to or dependent on the platform, and relying on their own self-control to address the problems TikTok’s design features have caused, or putting the burden on parents to try to

⁸⁷⁴ *Updating Family Pairing and establishing TikTok’s Youth Council*, TikTok Inc. (June 27, 2023), <https://newsroom.tiktok.com/en-us/updating-family-pairing-and-establishing-tiktoks-youth-council>.

combat the platform’s design features, will not solve the problem.

706. ByteDance failed to adequately warn parents about all the foregoing dangers and harms. ByteDance’s failure to properly warn and instruct adolescent users or their parents has proximately caused significant harm to NYC Plaintiffs, who have expended and continue to expend significant resources addressing the impact of Snap’s conduct on NYC Plaintiffs’ operations, including providing additional support to impacted youth.

6. ByteDance Knows That TikTok Harms Many Young Users.

707. ByteDance has a Trust and Safety division charged with identifying issues in the TikTok platform that are injurious to young users, monitoring malign and exploitative videos sent to young users, and recording, analyzing, and tabulating the mental and physical injuries young users sustain through their use of the TikTok platform.

708. TikTok Trust and Safety division personnel have engaged in thousands of communications through Lark discussing safety and health concerns arising from young users’ addictive use of the TikTok platform; algorithmic designs that direct TikTok users to malign videos promoting depression, suicidality, eating disorders and negative body image; dangerous and deadly TikTok challenges; and the exchange of CSAM on TikTok. These concerns have been shared throughout the highest levels of TikTok Inc. and with engineers at ByteDance Ltd. who designed the TikTok platform.⁸⁷⁵

709. TikTok is fully aware of the risks its platform poses to adolescents and acknowledges that children are “more easily persuaded” and “likely don’t understand the risks of unhealthy usage.”⁸⁷⁶ Specifically, TikTok has acknowledged that “13-18 yo [TikTok] users

⁸⁷⁵ For example, TikTok publicly announced to the Office of the United Nations High Commissioner for Human rights that it was using NCMEC’s image hashing technology to detect CSAM material, but then admitted internally that it had never used those tools, writing “could you please share the current status of the issue? From previous chat in the group, we promised we were using NCMEC hashed [sic] to detect CP [CSAM] content, but we actually didn’t.” Utah AG Compl. at 36, ¶ 97.

⁸⁷⁶ Utah AG Compl. at 18–19, ¶ 52.

are severely struggling with mental health, including thoughts of suicide and self-harm.”⁸⁷⁷ In an internal digital well-being safety report, TikTok has also admitted that the design of its platform can trigger addictive behaviors that harm mental health:

An internal study indicates that 50% of inactive TikTok users cited time management as an issue, 24% reported too many notifications, and 23% reported too much time spent on TikTok. . . . [C]ompulsive usage correlates with a slew of negative mental effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety. Various similar studies . . . also conclude that compulsive usage interferes with essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones.⁸⁷⁸

E. FACTUAL ALLEGATIONS AS TO GOOGLE

710. Eric Schmidt, the former CEO of Google and more recently, parent company Alphabet, Inc., recently acknowledged the powerful, and purposeful, addictive effect of social media. Social media platforms are about “maximizing revenue,” Mr. Schmidt said, and the best way to maximize revenue is to “maximize engagement.”⁸⁷⁹ As Mr. Schmidt continued, in pursuit of their goal of maximizing engagement to increase revenues, social media platforms “play[] into the addiction capabilities of every human[.]”⁸⁸⁰

711. Google’s YouTube platform is no exception. It includes specific, carefully calibrated features that are known to exploit the mental processes of its users to keep them engaged for as long, as frequently, and as intensely as possible. Google knows that children and teenagers who flock in droves to its YouTube platform are particularly susceptible to these features. The impact of YouTube’s addictive power on American youth has been devastating.

1. Background and overview of YouTube.

712. YouTube is a social media platform that allows users to post and consume

⁸⁷⁷ Utah AG Compl. at 18–19, ¶ 52.

⁸⁷⁸ Utah AG Compl. at 18–19, ¶ 52.

⁸⁷⁹ Issie Lapowsky, *Eric Schmidt: Social media companies ‘maximize outrage’ for revenue*, Protocol (Jan. 6, 2022), <https://www.protocol.com/bulletins/eric-schmidt-youtube-criticism>.

⁸⁸⁰ *Id.*

countless hours of videos about virtually any topic imaginable. YouTube is available without any age verification feature or adequate parental controls, and comes pre-installed in many Smart-TVs, mobile devices, various digital media players like Roku, and video game consoles like PlayStation, Wii, Xbox and Nintendo.

713. YouTube allows users to search for specific videos. It also employs a powerful algorithm that exploits detailed user information to target each individual user with hours upon hours of videos recommended by YouTube.

714. A group of design experts and computer scientists created YouTube and launched the platform for public use in December 2005.

715. Technology behemoth Google quickly recognized YouTube's huge profit potential. In 2006, just a year after YouTube's launch, Google acquired YouTube for more than \$1.65 billion in Google stock. At the time, Google's acquisition of YouTube was one of the largest-ever tech acquisitions.

716. YouTube primarily generates revenue by selling advertising. The more people who use YouTube and spend time on the site, the more ads YouTube can sell.⁸⁸¹ The ads are then embedded or placed within the endless stream of videos recommended to the user by YouTube's algorithm.

717. By 2012, YouTube users were watching close to four billion hours of video every month. Yet, the average YouTube user spent just fifteen minutes daily engaged with the platform.⁸⁸² Users "were coming to YouTube when they knew what they were coming to look for[.]"⁸⁸³ They employed the platform to identify and watch certain videos, and then they were

⁸⁸¹ Mark Bergen, *YouTube Executives Ignored 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>.

⁸⁸² John Seabrook, *Streaming Dreams*, New Yorker (Jan. 8, 2012), <https://www.newyorker.com/magazine/2012/01/16/streaming-dreams>.

⁸⁸³ Casey Newton, *How YouTube Perfected the Feed*, Verge (Aug. 30, 2017), <https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed>.

done.

718. To drive greater revenue, “YouTube . . . set a company-wide objective to reach one billion hours of viewing a day[.]”⁸⁸⁴

719. As Susan Wojcicki, YouTube’s CEO explained, the goal of a “billion hours of daily watch time gave our tech people a North Star.”⁸⁸⁵

720. Google decided that “the best way to keep eyes on the site” was to introduce a feature that would “[recommend] videos, [that were playing] or after one was finished[.]”⁸⁸⁶

721. That new platform feature uses a recommendation algorithm to identify and push additional videos to users, which YouTube plays automatically through a feature called “autoplay.” Autoplay begins the next video as soon as the previous video ends, creating a constant stream to keep users watching.

722. Google’s design changes worked. Today, YouTube “has over 2 billion monthly logged-in users.”⁸⁸⁷ And that 2 billion figure does not capture all platform usage because YouTube, by design, allows users to consume videos without logging in or registering an account.

2. Google intentionally encourages youth to use YouTube and then leverages that use to increase revenue.

723. Google knows that children and teenagers use YouTube in greater proportions than older demographics. YouTube now ranks as the world’s most popular social media platform for minors. According to one recent report, more than 95% of children ages 13–17 have used

⁸⁸⁴ Mark Bergen, *YouTube Executives Ignored 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>.

⁸⁸⁵ *Id.*

⁸⁸⁶ *Id.*

⁸⁸⁷ *Must-Know Youtube Channel Statistics [Latest Report]*, Gitnux (Oct. 31, 2023), <https://blog.gitnux.com/youtube-channel-statistics/>.

YouTube.⁸⁸⁸ Nearly 20% of U.S. teens use YouTube “almost constantly.”⁸⁸⁹ Among U.S. teenagers who regularly use social media, 32% “wouldn’t want to live without” YouTube.⁸⁹⁰

724. Rather than ensuring minors are not inappropriately or excessively using YouTube, Google has sought to dominate their attention.

725. YouTube’s age controls are ineffective (or non-existent, since registration is not required). In addition, Google has developed and marketed a version of YouTube, YouTube Kids, explicitly targeted at children under 13. Google developed this platform to encourage early—and therefore lasting—adoption of YouTube by children.

726. Google knows that a robust and committed base of young users is key to maximizing advertising revenue. Indeed, it has aggressively touted its hold on child users to advertisers.

727. In 2014, for example, Google pitched its YouTube platform to Hasbro, a popular toy manufacturer, and specifically boasted of the platform’s immense popularity among children, noting that it was “unanimously voted as the favorite website of kids 2-12” and that “93% of tweens” use the platform.⁸⁹¹

728. In 2015, Google gave a similar presentation to toy manufacturer Mattel, the maker of Barbie and other popular kids’ toys, highlighting children’s widespread use of YouTube to persuade Mattel to display digital ads on the site.⁸⁹²

⁸⁸⁸ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

⁸⁸⁹ *Id.*

⁸⁹⁰ Victoria Rideout *et al.*, *The Common Sense Census: Media Use by Tweens and Teens, 2021* at 31, Common Sense Media (2022), https://www.common Sense Media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf.

⁸⁹¹ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief at 8, *FTC v. Google LLC*, No. 1:19-cv-02642-BAH (D.D.C. Sept. 6, 2019), ECF No. 3, https://www.ftc.gov/system/files/documents/cases/172_3083_youtube_revised_complaint.pdf.

⁸⁹² *Id.* at 8.

729. The FTC has aptly summarized Google’s pitch to advertisers concerning the value of its youth user base.⁸⁹³ For example, Google boasted that “YouTube is today’s leader in reaching children aged 6-11[;] . . . the new ‘Saturday Morning Cartoons’[;] . . . and the #1 website regularly visited by kids[.]”⁸⁹⁴

730. Many of YouTube’s most-viewed videos are kid-focused, and the most subscribed and highest paid YouTubers are children. With over 13 billion views, *Baby Shark Dance*, a video aimed at toddlers, is the most viewed video in the history of YouTube—and it and five other child-focused videos make up the top ten YouTube videos of all time.⁸⁹⁵ Child creators also dominate top-earner lists year after year. Ryan Kaji of Ryan’s World (f/k/a Ryan ToysReview), a channel featuring now 12-year-old Ryan Kaji unboxing children’s toys, has been among YouTube’s Top 10 most-subscribed channels in the United States since 2016.⁸⁹⁶ Ryan started Ryan’s World in 2015 when he was only 3. By 2017, his videos had over 8 billion views, and by 2018, he was the highest-earning YouTuber in the world.⁸⁹⁷

⁸⁹³ *Google and YouTube Will Pay Record \$170 Million for Alleged Violations of Children’s Privacy Law*, FTC (Sept. 4, 2019), <https://www.ftc.gov/news-events/news/press-releases/2019/09/google-youtube-will-pay-record-170-million-alleged-violations-childrens-privacy-law> (“‘YouTube touted its popularity with children to prospective corporate clients,’ said FTC Chairman Joe Simons.”).

⁸⁹⁴ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief at 8, *FTC v. Google LLC*, No. 1:19-cv-02642-BAH (D.D.C. Sept. 6, 2019), ECF No. 3, https://www.ftc.gov/system/files/documents/cases/172_3083_youtube_revised_complaint.pdf.

⁸⁹⁵ *Most Viewed Videos of All Time (Over 700M views)*, YouTube, https://www.youtube.com/playlist?list=PLirAqAtl_h2r5g8xGajEwdXd3x1sZh8hC.

⁸⁹⁶ Madeline Berg, *The Highest-Paid YouTube Stars of 2019: The Kids Are Killing It*, Forbes (Dec. 18, 2019), <https://www.forbes.com/sites/maddieberg/2019/12/18/the-highest-paid-youtube-stars-of-2019-the-kids-are-killing-it/?sh=4c3df9a438cd>; Madeline Berg, *The Highest-Paid YouTube Stars 2017: Gamer DanTDM Takes The Crown With \$16.5 Million*, Forbes (Dec. 7, 2017), <https://www.forbes.com/sites/maddieberg/2017/12/07/the-highest-paid-youtube-stars-2017-gamer-dantdm-takes-the-crown-with-16-5-million/?sh=72de79413979>.

⁸⁹⁷ Madeline Berg, *The Highest-Paid YouTube Stars 2017: Gamer DanTDM Takes The Crown With \$16.5 Million*, Forbes (Dec. 7, 2017), <https://www.forbes.com/sites/maddieberg/2017/12/07/the-highest-paid-youtube-stars-2017-gamer-dantdm-takes-the-crown-with-16-5-million/?sh=72de79413979>; Natalie Robehmed & (footnote continued)

731. As with other Defendants, once Google lures children in, it then mines them (and all other users) for a breathtaking amount of data. Google’s current privacy policy, which includes the YouTube platform’s data collection, reveals how sweeping this data collection is.

It states that Google tracks:

[I]nformation about the apps, browsers, and devices you use to access Google services . . . includ[ing] unique identifiers, browser type and settings, device type and settings, operating system, mobile network information including carrier name and phone number, and application version number. We also collect information about the interaction of your apps, browsers, and devices with our services, including IP address, crash reports, system activity, and the date, time, and referrer URL of your request.

[Y]our activity in our services . . . includ[ing]: Terms you search for[;] Videos you watch[;] Views and interactions with content and ads[;] Voice and audio information[;] Purchase activity[;] People with whom you communicate or share content[;] Activity on third-party sites and apps that use our services[;] [and] Chrome browsing history you’ve synced with your Google Account.

“Your location [information including]: GPS and other sensor data from your device[;] IP address[;] Activity on Google services, such as your searches and places you label like home or work[;] [and] Information about things near your device, such as Wi-Fi access points, cell towers, and Bluetooth-enabled devices[.]”⁸⁹⁸

732. Google’s privacy policy also indicates that, like other Defendants, it may also collect data about its users from data brokers, which it euphemistically refers to as “trusted partners” or “marketing partners.”⁸⁹⁹

733. As with other Defendants, YouTube’s collection and analysis of user data allows it to assemble virtual dossiers on its users, covering hundreds if not thousands of user-specific data segments. This, in turn, allows advertisers to micro-target marketing and advertising dollars

Madeline Berg, *Highest-Paid YouTube Stars 2018: Markiplier, Jake Paul, PewDiePie And More*, *Forbes* (Dec. 3, 2018), <https://www.forbes.com/sites/natalierobehmed/2018/12/03/highest-paid-youtube-stars-2018-markiplier-jake-paul-pewdiepie-and-more/?sh=7d909c3f909a>.

⁸⁹⁸ *Information Google collects: Google Privacy Policy*, Google, <https://policies.google.com/privacy?hl=en#infocollect>.

⁸⁹⁹ *Id.*

to very specific categories of users, who can be segregated into pools or lists using YouTube's data segments. Advertisers purchase ad real estate space on users' feeds, which allow them to place the right ads in front of these micro-targeted segments of users—including children, both in the main YouTube frame and in the YouTube Kids platform. Only a fraction of these data segments come from material knowingly designated by users for publication or explicitly provided by users in their account profiles. Instead, many of these data segments are collected by YouTube through surveillance of each user's activity while using the platform and even when logged off the platform.⁹⁰⁰

734. As with Meta, Google's data policy does not inform users that the more time individuals spend using YouTube, the more ads Google can deliver and the more money it can make, or that the more time users spend on YouTube, the more YouTube learns about them, and the more it can sell to advertisers the ability to micro-target highly personalized ads.

735. Google's secret virtual dossiers on its users, including child users, fuel its algorithms. The company relies on this data—including data plainly reflecting use by children—to train its algorithms. A Google engineer explained in a 2014 presentation:

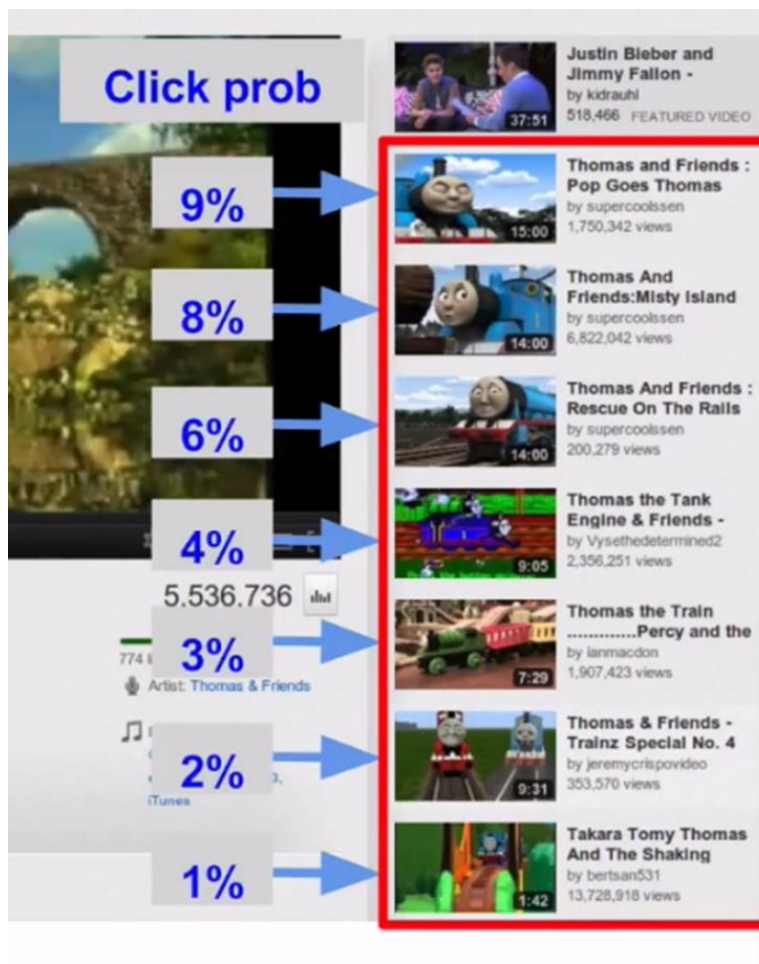
What do I mean by a training example? It's a single-user experience. On YouTube, perhaps it's that one [Thomas the Tank Engine] webpage my son saw six months ago, along with all the recommendations that we showed him. We also record the outcome to know whether the recommendations we made are good or whether they're bad. That's a single training exercise. On a large property, you can easily get into hundreds of billions of these.⁹⁰¹

The engineer illustrated this with a slide, excerpted below, presenting how algorithmic analysis both structured the format of recommendations of Thomas the Tank Engine YouTube videos and provided information to inform algorithmic training through user engagement:⁹⁰²

⁹⁰⁰ *About Targeting for Video Campaigns*, Google, <https://support.google.com/youtube/answer/2454017?hl=en>.

⁹⁰¹ Alex Woodie, *Inside Sibyl, Google's Massively Parallel Machine Learning Platform*, Datanami (July 17, 2014), <https://www.datanami.com/2014/07/17/inside-sibyl-googles-massively-parallel-machine-learning-platform/>.

⁹⁰² *Id.*



736. Through these and other efforts, YouTube has delivered massive amounts of advertising revenue to Google. In 2021 alone, YouTube generated about \$29 billion in revenue selling ads on its site.⁹⁰³

3. Google intentionally designed platform features to addict children and adolescents.

737. Google devised and continues to employ interrelated platform features to increase usage and maximize engagement by teenagers and children. Simply put, YouTube's platform features are engineered to induce excessive use and to addict adolescents and children to the

⁹⁰³ Andrew Hutchinson, *YouTube Generated \$28.8 Billion in Ad Revenue in 2021, Fueling the Creator Economy*, Soc. Media Today (Feb. 2, 2022), <https://www.socialmediatoday.com/news/youtube-generated-288-billion-in-ad-revenue-in-2021-fueling-the-creator/618208/>; Jennifer Elias, *YouTube is a media juggernaut that could soon equal Netflix in revenue*, CNBC (Apr. 27, 2021), <https://www.cnbc.com/2021/04/27/youtube-could-soon-equal-netflix-in-revenue.html>.

platform.

a. Google's age-verification measures and parental controls are ineffective.

738. Google's strategy to entrench minor users begins with access. The company purports to impose a minimum age requirement and claims to verify the age of its users. But those features are ineffective, as they do little to prevent children and teenagers from using the platform.

739. Anyone with access to the Internet, regardless of age, can use YouTube and access every video available through the platform without registering an account or verifying their age. YouTube does not even ask for age information before allowing users to consume YouTube videos.

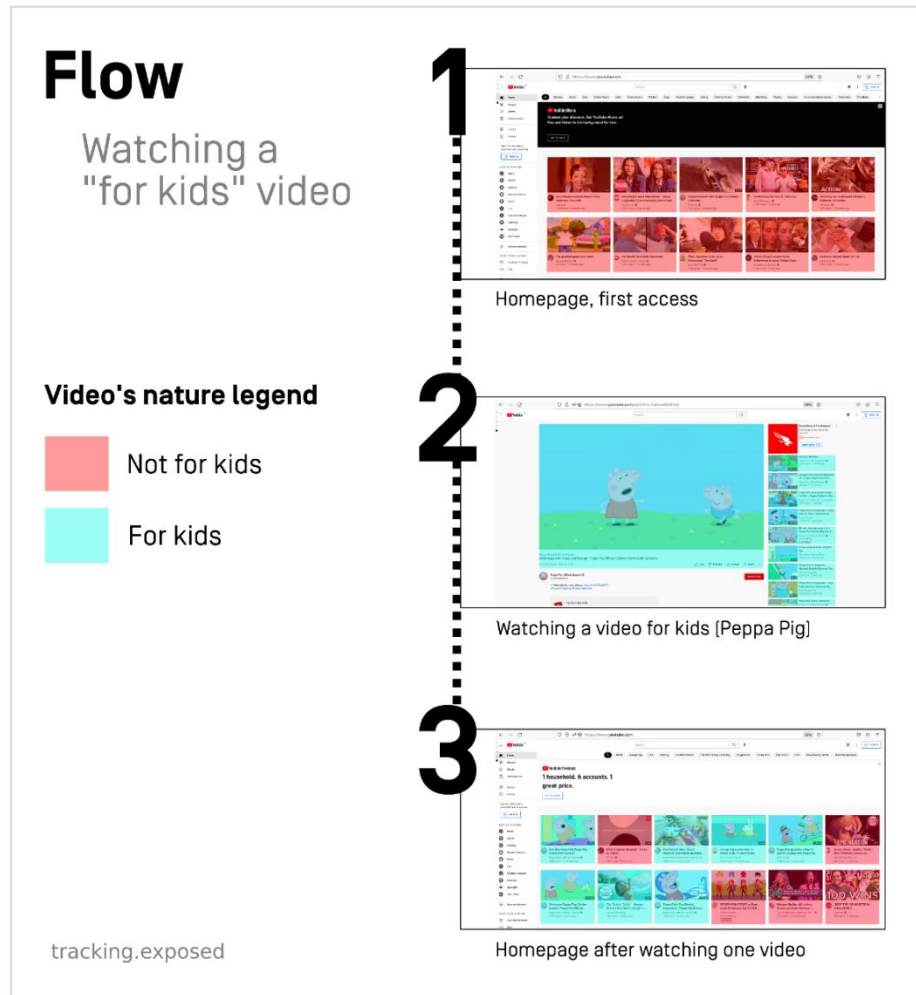
740. A user needs an account to post videos or like (or comment) on videos. But to get one, a user needs only enter a valid email address and a birthday. Google does nothing to verify the birthday entered by users in the U.S.—and the platform freely permits users to change their birthdays in their account settings after creating an account.

741. YouTube's ineffective age verification feature means that Google fails to protect children from other platform features discussed below that Google knows to be harmful to kids.

742. For example, for users 13–17 years old, Google claims to disable YouTube's autoplay feature. However, that measure is virtually meaningless because children can use YouTube without logging into any account or by logging in but misreporting their age.

743. Even if children use YouTube Kids, that platform contains many of the same problems YouTube does, including a harmful, manipulative algorithm, as discussed below.

744. Google cannot credibly claim that it is unaware of the fact and extent of youth usage of YouTube. Google's system can "identify children as being much younger than 13[.]"⁹⁰⁴ According to *Tracking Exposed*, YouTube can rapidly identify a user as a child.⁹⁰⁵



745. Google engineers have publicly admitted YouTube's algorithm tracks user age. As Google engineers outlined in a 2016 paper on YouTube's recommendation system:

Demographic features are important for providing priors so that the recommendations behave reasonably for new users. The user's geographic region and device are embedded and concatenated. Simple binary and continuous features

⁹⁰⁴ *Tracking Exposed Special Report: Non-logged-in children using YouTube* at 6, 19, Tracking Exposed (July 1, 2022), <https://tracking.exposed/pdf/youtube-non-logged-kids-03July2022.pdf>.

⁹⁰⁵ *Id.* at 15, 18.

such as the user’s gender, logged-in state and age are input directly into the network as real values normalized to [0, 1].⁹⁰⁶

746. The *Tracking Exposed Special Report* indicates that there is “strong evidence” that Google’s systems continue to refine and develop a more precise estimate for under 18 users, but the platform does not “redirect them to YouTube Kids.”⁹⁰⁷

b. YouTube is designed to inundate users with features that use intermittent variable rewards and reciprocity.

747. Google uses a series of interrelated design features that exploit known mental processes to induce YouTube’s users to use the platform more frequently, for more extended periods, and with more intensity (i.e., providing more comments and likes). Google knows children and adolescents, whose brains are still developing, are particularly susceptible to these addictive features.

748. Google designed its YouTube platform so that when children and teenagers use it, they are inundated with interface design features specifically designed to dominate their attention and encourage excessive use. Every aspect of how YouTube presents the format of a given page with a video is structured to ensure unimpeded viewing of the videos, alongside Download, Like, and Share buttons, plus recommendations for more videos to watch. The organization of these features is carefully calibrated to adjust to the space constraints of a user’s device, such that minimal effort is needed to watch a video unimpeded. YouTube even has an ambient mode that uses dynamic color sampling so that the YouTube platform adapts to the video being watched and the user is not distracted by the video’s borders.⁹⁰⁸

⁹⁰⁶ Paul Covington *et al.*, *Deep Neural Networks for YouTube Recommendations*, 2016 Proc. of the 10th ACM Conf. on Recommender Sys. 191–196, 193, <https://dl.acm.org/doi/pdf/10.1145/2959100.2959190>.

⁹⁰⁷ *Tracking Exposed Special Report: Non-logged-in children using YouTube* at 6,19, Tracking Exposed (July 1, 2022), <https://tracking.exposed/pdf/youtube-non-logged-kids-03July2022.pdf>.

⁹⁰⁸ Abner Li, *YouTube rolling out black dark theme, ‘Ambient Mode,’ and other video player updates*, 9To5Google (Oct. 24, 2022), <https://9to5google.com/2022/10/24/youtube-ambient-mode/>.

⁷⁴⁹. Like the other Defendants, Google has designed YouTube with features that exploit neuropsychology to maximize the time users (including children) spend using the platform.

750. IVR features, such as notifications and Likes, compel YouTube creators and consumers, particularly children, to use the platform habitually and excessively. For example, in order to create and upload videos to YouTube, a user under 13 may submit a fictitious birthdate to gain access to posting privileges. Once the young user has a logged-in account, they can receive notifications and Likes. For example, the logged in user can subscribe to various YouTube channels, which in turn will send them notifications from various channels they follow. Similarly, young creators who upload videos to YouTube can track the Likes received by the video. These features psychologically reward creators who upload videos to YouTube. As explained above, receiving a “Like” shows others’ approval and activates the brain’s reward region.⁹⁰⁹ Thus, users’ ability to Like videos encourages creators to use the platform compulsively, seeking additional pleasurable experiences.

751. Google engineers also deploy strategies to induce “flow” state among users of YouTube, which, as described above, is dangerous to children because it induces excessive use and poses a risk of addiction, compulsive use, and sleep deprivation.

752. YouTube uses two design features that induce flow state. The first is its panel of recommended videos. YouTube recommends videos both on the home page and on each video page in the “Up Next” panel.⁹¹⁰ This panel pushes an endless stream of videos that YouTube’s algorithm selects and “suggests” to keep users watching by teasing a pipeline of upcoming videos.

⁹⁰⁹ 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) *Ass’n Psych. Sci.* 1027–1035, (2016), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5387999/pdf/10.1177_0956797616645673.pdf.

⁹¹⁰ *Recommended Videos*, YouTube, <https://www.youtube.com/howyoutubeworks/product-features/recommendations/>.

753. The second feature is Autoplay, which complements the Up Next panel and seamlessly takes users through the list of upcoming videos without users having to affirmatively click on or search for other videos. This constant video stream—comprised of videos recommended by YouTube’s algorithm—is the primary way Google increases the time users spend using its platform. This endless video succession induces users to enter a flow state of consumption, which is particularly dangerous for children.

754. In an April 2021 letter to YouTube CEO Susan Wojcicki, the House Committee on Oversight and Reform criticized the Autoplay feature:

This places the onus on the child to stop their viewing activity, rather than providing a natural break or end point. Without that natural stopping point, children are likely to continue watching for long periods of time.⁹¹¹

755. This is particularly acute for Google’s recently launched YouTube Shorts. YouTube Shorts enables users to create short videos up to 60 seconds in length, in a full-screen format popularized by TikTok and copied by Instagram Reels. As in Reels and TikTok, Shorts are presented in an algorithmically generated feed; users can watch new videos by swiping up on their smartphones. Instead of presenting videos chronologically, they are organized in a manner to drive the most watch time, as dictated by the algorithm. Indeed, Google hired TikTok’s North American head, Kevin Ferguson, and other TikTok engineers to develop YouTube Shorts.⁹¹²

⁹¹¹ Letter from Raja Krishnamoorthi, H. Rep., Chairman, Subcomm. on Econ. & Consumer Pol’y, to Susan Wojcicki, CEO, YouTube at 4–5 (Apr. 6, 2021), <https://oversightdemocrats.house.gov/sites/democrats.oversight.house.gov/files/2021-04-06.RK%20to%20Wojcicki-YouTube%20re%20YouTube%20Kids%20Content.pdf>.

⁹¹² Richard Nieva, *In the Age of TikTok, YouTube Shorts Is a Platform in Limbo*, Forbes (Dec. 20, 2022), <https://www.forbes.com/sites/richardnieva/2022/12/20/youtube-shorts-monetization-multiformat/>.



756. An important target audience for YouTube Shorts is children. For example, YouTube Shorts features videos, such as child “influencers,” that appeals to children. YouTube Shorts contains dangerous features similar to other Defendants’ short form platforms, including the ability to scroll continuously through YouTube Shorts, inducing a “flow-state” that distorts users’ sense of time and facilitates extended use, and dangerous exploitation of “social comparison” techniques by promoting misleadingly idealized portrayals from influencers and others who are rewarded for posting popular material.

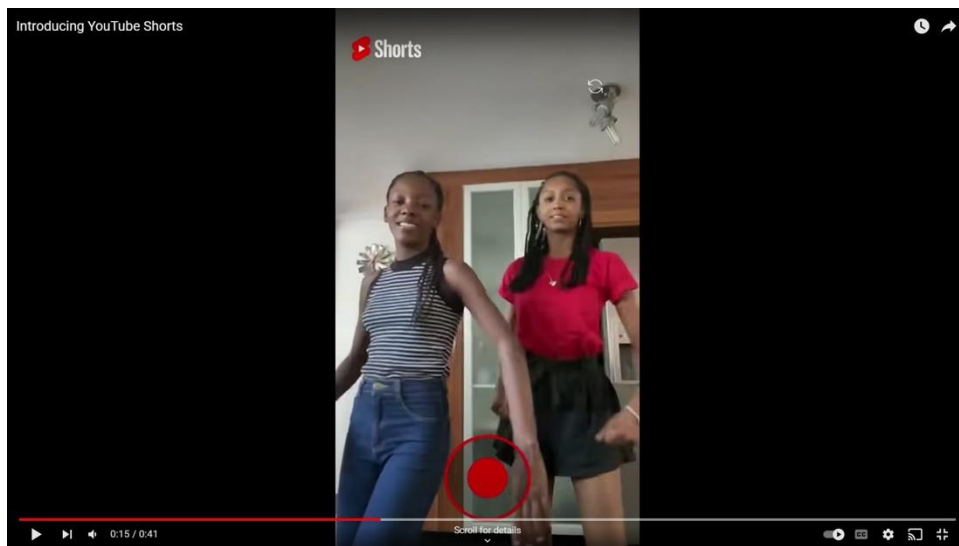
757. Almost immediately upon launch, Google began marketing YouTube Shorts to children. For example, Google launched an advertisement featuring images of children and teenagers (like in the screenshot below) engaging with the YouTube Shorts platform.⁹¹³

758. Similarly, another advertisement for Shorts explains how creators on YouTube can keep revenue generated by their Shorts’ viewership, while an image of a video creator young

⁹¹³ *Made on YouTube: New ways to join YPP, Shorts Monetization & Creator Music*, YouTube (Sept. 20, 2022), <https://www.youtube.com/watch?v=h6TrvCV3NdU>.

enough to be in braces appears on screen.⁹¹⁴

759. Shorts is one of YouTube’s interrelated design features that exploit known mental processes to induce YouTube users to use the platform more frequently, for more extended periods, and with more intensity, i.e., providing more comments and Likes. Not surprisingly, given its copycat origin, the issues with Shorts replicate the issues with TikTok and Instagram Reels, discussed above. Google knows or should have known that children, whose brains are still developing, are particularly susceptible to such addictive features.



760. YouTube has monetized users’ susceptibility to IVR by allowing creators who obtain more than a thousand subscribers with four-thousand valid public watch hours to qualify for the YouTube Partner Program. Once a creator obtains this elite status, they are rewarded with “Super Chat” and “Super Stickers”—special images or distinct messages that other users can purchase and place on a creator’s channel.⁹¹⁵ Paid messages, including the amount donated,

⁹¹⁴ *Introducing YouTube Shorts*, YouTube (Aug. 27, 2021), <https://www.youtube.com/watch?v=J38Yq85ZoyY>.

⁹¹⁵ *How to Make Money on YouTube: YouTube Partner Program*, YouTube, https://www.youtube.com/intl/en_us/creators/how-things-work/video-monetization/.

are visible to all users. And the more a user pays for these promotions, the more prominent and longer the image is displayed. Both features are intended to allow a user to show support for, or connect with, their favorite YouTube creators. Similar to the “Likes” feature, this paid support activates the reward center of the creator’s brain and releases dopamine while the creator is generating revenue for YouTube.

c. Google’s algorithms are designed to maximize “watch time.”

761. Google engineers algorithms to recommend videos to YouTube users.

762. YouTube began building its algorithms in 2008.⁹¹⁶ Its goal was to maximize how long users spent watching YouTube videos.⁹¹⁷

763. These algorithms select videos that populate the YouTube homepage, rank results in user searches, and push videos for viewers to watch through the “Up Next” feature.

764. YouTube designed its algorithms to manipulate users and induce them to use YouTube excessively.

765. A former YouTube engineer explained that when he designed YouTube’s algorithm, YouTube wanted to optimize for one key metric, “watch time.”⁹¹⁸ The engineer elaborated that “[i]ncreasing users’ watch time is good for YouTube’s business model” because it increases advertising revenue.⁹¹⁹

766. In 2012, the YouTube Head of Content Creator Communications similarly explained: “When we suggest videos, we focus on those that increase the amount of time that

⁹¹⁶ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021), <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

⁹¹⁷ Ben Popken, *As algorithms take over, YouTube’s recommendations highlight a human problem*, NBC News (Apr. 19, 2018), <https://www.nbcnews.com/tech/social-media/algorithms-take-over-youtube-s-recommendations-highlight-human-problem-n867596>.

⁹¹⁸ William Turton, *How YouTube’s algorithm prioritizes conspiracy theories*, Vice (Mar. 5, 2018), <https://www.vice.com/en/article/d3w9ja/how-youtubes-algorithm-prioritizes-conspiracy-theories>.

⁹¹⁹ Jesselyn Cook & Sebastian Murdock, *YouTube Is a Pedophile’s Paradise*, Huffington Post (Mar. 21, 2020), https://www.huffpost.com/entry/youtube-pedophile-paradise_n_5e5d79d1c5b6732f50e6b4db.

the viewer will spend watching videos on YouTube, not only on the next view, but also successive views thereafter.”⁹²⁰

767. The current algorithm uses deep-learning neural networks, a type of software that returns outputs based on data fed into it.⁹²¹ The VP of Engineering at YouTube explained:

To provide such custom curation, our recommendation system doesn’t operate off of a “recipe book” of what to do. It’s constantly evolving, learning every day from over 80 billion pieces of information we call signals. That’s why providing more transparency isn’t as simple as listing a formula for recommendations, but involves understanding all the data that feeds into our system. A number of signals build on each other to help inform our system about what you find satisfying: clicks, watchtime, survey responses, sharing, likes, and dislikes.⁹²²

768. YouTube’s algorithm may also “use data from your Google Account activity to influence your recommendations[.]”⁹²³

769. The algorithm “develops dynamically” to predict which posts will hold the user’s attention.⁹²⁴ That is, it can also determine which “signals” are more important to individual users. For example, if a user shares every video they watch, including those they rate low, the algorithm learns to discount the significance of the user’s shares when recommending videos.⁹²⁵

770. Besides the algorithm’s self-learning capability, Google also consistently refines

⁹²⁰ Eric Meyerson, *YouTube Now: Why We Focus on Watch Time*, YouTube (Aug. 10, 2012), <https://blog.youtube/news-and-events/youtube-now-why-we-focus-on-watch-time/>.

⁹²¹ Alexis C. Madrigal, *How YouTube’s Algorithm Really Works*, Atl. (Nov. 8, 2018), <https://www.theatlantic.com/technology/archive/2018/11/how-youtubes-algorithm-really-works/575212/>; Paul Covington *et al.*, *Deep Neural Networks for YouTube Recommendations*, 2016 Proc. of the 10th ACM Conf. on Recommender Sys. 191–196, <https://dl.acm.org/doi/pdf/10.1145/2959100.2959190>.

⁹²² Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021), <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

⁹²³ *Manage your recommendations & search results*, Google, <https://support.google.com/youtube/answer/6342839?hl=en&co=GENIE.Platform%3DAndroid>.

⁹²⁴ Cristos Goodrow, *On YouTube’s Recommendation System*, YouTube (Sept. 15, 2021), <https://blog.youtube/inside-youtube/on-youtubes-recommendation-system/>.

⁹²⁵ *Id.*

the algorithm, updating it “multiple times a month[.]”⁹²⁶

771. In 2017, the former technical lead for YouTube recommendations explained that “one of the key things [the algorithm] does is it’s able to generalize[.]”⁹²⁷ While older iterations “were pretty good at saying, here’s another [video] just like” ones the user had watched, by 2017, the algorithm could discern “patterns that are less obvious[.]” identifying “adjacent relationships” of “similar but not exactly the same” videos.⁹²⁸

772. Over time, the algorithm became increasingly successful in getting users to watch recommended videos. By 2018, YouTube Chief Product Officer Neal Mohan said that the YouTube algorithm was responsible for more than 70% of users’ time using the platform.⁹²⁹ That is, more than 70% of the time users spend on YouTube was from recommendations Google’s algorithm pushed to them rather than videos identified by users through independent searches.

773. The algorithm also keeps users watching for longer periods. For instance, Mohan explained that mobile device users watch for more than 60 minutes on average per session “because of what our recommendations engines are putting in front of [them].”⁹³⁰

774. The algorithm is particularly effective at addicting teenagers to the platform. In 2022, *Pew Research Center* found that “[a]bout three-quarters of teens visit YouTube at least

⁹²⁶ 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>.

⁹²⁷ Casey Newton, *How YouTube Perfected the Feed*, Verge (Aug. 30, 2017), <https://www.theverge.com/2017/8/30/16222850/youtube-google-brain-algorithm-video-recommendation-personalized-feed>.

⁹²⁸ *Id.*

⁹²⁹ Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 10, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

⁹³⁰ *Id.*

daily, including 19% who report using the site or app almost constantly.”⁹³¹

775. A software engineer explained that the algorithm is “an addiction engine[.]”⁹³² He raised concerns with YouTube staff, who said they had no intention to change the algorithms. After all, the engineer explained, the algorithm works as intended, “it makes a lot of money.”⁹³³

776. Because users watch more than one billion hours of YouTube videos daily and approximately 70% of the time is spent on videos pushed to users by YouTube’s “recommendation engines[.]” Google’s algorithms are responsible for hundreds of millions of hours users spend watching videos on YouTube each day.⁹³⁴

777. Google’s “recommendation engines” are designed to prioritize the distribution of videos that are more likely to be addictive and more likely to lead to harm. For example, “fear-inducing videos cause the brain to receive a small amount of dopamine,” which acts as a reward and creates a desire to do something over and over.⁹³⁵ That dopaminergic response makes it more likely that a user will watch the harmful video, which the algorithm interprets as signaling interest and preference. Former Google engineers told *The Wall Street Journal* that “[t]he algorithm doesn’t seek out extreme videos . . . but looks for clips that data show are already drawing high traffic and keeping people on the site. Those videos often tend to be

⁹³¹ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

⁹³² Mark Bergen, *YouTube Executives Ignored 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>.

⁹³³ *Id.*

⁹³⁴ See Joan E. Solsman, *YouTube’s AI is the puppet master over most of what you watch*, CNET (Jan. 10, 2018), <https://www.cnet.com/tech/services-and-software/youtube-ces-2018-neal-mohan/>.

⁹³⁵ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

sensationalist.”⁹³⁶ An investigation by *Bloomberg* put it simply: “[I]n the race to one billion hours, a formula emerged: Outrage equals attention.”⁹³⁷

778. Google’s algorithm pushes users down “rabbit hole[s],” addicting them to YouTube and keeping them on the platform for longer.⁹³⁸

779. YouTube’s “recommendation engines” create a vicious cycle in its ruthless quest to grow view time. Users who get pushed down rabbit holes then become *models* for the algorithm. And the algorithm consequently emphasizes keeping youth on the platform for as long as possible, it applies these patterns to more and more users. That is, because Google designed the algorithm to “maximize engagement,” uncommonly engaged users become “models to be reproduced.”⁹³⁹

780. In 2021, the Mozilla Foundation studied 37,000 YouTube users, finding that 71% of all reported negative user experiences came from videos recommended to users by Google’s algorithm.⁹⁴⁰ And users were 40% more likely to report a negative experience from a video recommended by YouTube’s algorithm than from one they searched for.⁹⁴¹ Importantly, videos that elicited those negative experiences “acquired 70% more views per day than other videos

⁹³⁶ *Why is YouTube Suggesting Extreme and Misleading Content*, YouTube (Feb. 7, 2018), <https://www.youtube.com/watch?v=7AjA3Df6i6o>; see also Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

⁹³⁷ Mark Bergen, *YouTube Executives Ignored 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>.

⁹³⁸ Max Fisher & Amanda Taub, *On YouTube’s Digital Playground, an Open Gate for Pedophiles*, N.Y. Times (June 3, 2019), <https://www.nytimes.com/2019/06/03/world/americas/youtube-pedophiles.html>.

⁹³⁹ Guillaume Chaslot, *The Toxic Potential of YouTube’s Feedback Loop*, Wired (July 13, 2019), <https://www.wired.com/story/the-toxic-potential-of-youtubes-feedback-loop/>.

⁹⁴⁰ *YouTube Regrets: A crowdsourced investigation into YouTube’s recommendation algorithm* at 13, Mozilla Found. (July 2021), https://assets.mofoprod.net/network/documents/Mozilla_YouTube_Regrets_Report.pdf.

⁹⁴¹ *Id.* at 3.

watched by [study] volunteers.”⁹⁴²

781. These problems combine to compel children and teenagers to overuse a platform that adversely affects their mental health. Mental health experts have warned that YouTube is a growing source of anxiety⁹⁴³ Natasha Daniels, a child psychotherapist, has also seen increased rates of anxiety among children using YouTube. And because of that anxiety, those children “exhibit loss of appetite, sleeplessness, crying fits and fear.”⁹⁴⁴ Ultimately, she says, “YouTube is an ongoing conversation in my therapy practice, which indicates there’s a problem[.]”⁹⁴⁵

782. One study determined that using Google’s platform was “consistently and negatively related to sleep outcomes.”⁹⁴⁶ Specifically, for every 15 minutes teens spent using YouTube, they were 24% less likely to get seven hours of sleep. According to Dr. Alon Avidan, director of the UCLA Sleep Disorders Center, YouTube is particularly sleep disruptive because its recommendation algorithm and Autoplay feature make it “so easy to finish one video” and watch the next.⁹⁴⁷ Similarly, a signal that the YouTube algorithm relied on was the “time of day” a user was watching—a signal that, when used to maximize length of duration with the YouTube platform, induces sleep deprivation.⁹⁴⁸

⁹⁴² *Id.* at 13.

⁹⁴³ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC (Feb. 13, 2018), <https://www.cnn.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

⁹⁴⁴ *Id.*

⁹⁴⁵ *Id.*

⁹⁴⁶ Meg Pillion *et al.*, *What’s ‘app’-ning to adolescent sleep? Links between device, app use, and sleep outcomes*, 100 *Sleep Med.* 174–182, 179 (Dec. 2022), <https://www.sciencedirect.com/science/article/abs/pii/S1389945722010991?via%3Dihub>.

⁹⁴⁷ Cara Murez, *One App Is Especially Bad for Teens’ Sleep*, U.S. News & World Rep. (Sept. 13, 2022), <https://www.usnews.com/news/health-news/articles/2022-09-13/one-app-is-especially-bad-for-teens-sleep>.

⁹⁴⁸ *Recommended videos: How does YouTube’s recommendation system work?*, YouTube (July 28, 2023), <https://www.youtube.com/howyoutubeworks/product-features/recommendations/#signals-used-to-recommend-content> [<https://web.archive.org/web/20230728074151/https://www.youtube.com/howyoutubeworks/pro>] (footnote continued)

783. Sleep deprivation is, in turn, associated with poor health outcomes. For example, “insufficient sleep negatively affects cognitive performance, mood, immune function, cardiovascular risk, weight, and metabolism.”⁹⁴⁹

784. Compulsive YouTube use can also harm brain development. According to Donna Volpitta, Ed.D, “[c]hildren who repeatedly experience stressful and/or fearful emotions may under develop parts of their brain’s prefrontal cortex and frontal lobe, the parts of the brain responsible for executive functions, like making conscious choices and planning ahead.”⁹⁵⁰

785. Google’s algorithm also promotes the creation of and pushes children towards extremely dangerous “challenges”, which often garner thousands of “Likes,” adding to the pressure students feel to participate. The neurological and psychological techniques by which Google, like other Defendants, fosters excessive, addictive use of YouTube in turn foster “challenges”.

786. Even though Google knew or should have known of these risks to its youth users, Google’s platform lacks any warnings that foreseeable platform use could cause these harms.

787. And despite all the evidence that YouTube’s design and algorithms harm millions of children, Google continues to manipulate users and compel them to use the platform excessively, to enhance Google’s bottom line, often resulting in significant harm.

d. YouTube’s features include impediments to discontinuing use.

788. As with other Defendants, Google has intentionally designed its platforms so that adolescent users, including students in NYC Plaintiffs’ schools and community, face significant navigational obstacles and hurdles when trying to delete or deactivate their accounts, in contrast

duct-features/recommendations/#signals-used-to-recommend-content].

⁹⁴⁹ Jessica C. Levenson *et al.*, *The association between social media use and sleep disturbance among young adults*, 85 *Preventive Med.* 36–41, 36 (2016), <https://www.sciencedirect.com/science/article/abs/pii/S0091743516000025>.

⁹⁵⁰ Josephine Bila, *YouTube’s Dark Side Could be Affecting Your Child’s Mental Health*, CNBC (Feb. 13, 2018), <https://www.cnbc.com/2018/02/13/youtube-is-causing-stress-and-sexualization-in-young-children.html>.

to the ease with which users can create those accounts.

789. *First*, because YouTube is accessible without a user needing to log in, YouTube users cannot prevent themselves from being able to access YouTube by deleting their YouTube account.

790. *Second*, YouTube accounts are linked to a user's broader Google account. These accounts are structured such that, for a user to delete a YouTube account, the user must also delete the user's entire Google account. This means that if a YouTube user uses Google's other platforms, such as the popular email service Gmail, those accounts will be lost as well. This structure holds hostage user data—if a child needs to keep their email account through Google (for instance, if that is a requirement of their school), they cannot delete their YouTube account, even if they want to. If a user stores family photos in Google Photos, but wants to delete their YouTube account, they must choose between storage for their photos or deleting their YouTube account. Similarly, if a user has purchased books or movies through Google's digital market Google Play, the user's copy of those books or movies will be deleted if the user deletes their Google account to rid themselves of YouTube. Google explicitly threatens users with this consequence on the page where users can delete their account, listing every associated account Google will delete and providing examples of the kinds of videos that will be deleted if a user deletes their YouTube account.

791. *Third*, Google intentionally designed its platform so that to delete a user's Google account, a user must locate and tap on six different buttons (through six different pages and popups) from YouTube's main feed to delete an account successfully. This requires navigating away from YouTube and into the webpages of other Google platforms. As with Meta, users are still able to recover their accounts after deletion—though unlike Meta, Google does not tell users when their accounts will become unrecoverable, just that they will sometime after deletion.

4. Google failed to adequately warn NYC Plaintiffs about the harm its platforms cause or provide instructions regarding safe use.

792. Since YouTube's inception, Google has failed to adequately warn the public,

including NYC Plaintiffs and members of NYC Plaintiffs' community, about the physical and mental health risks its platform poses. These risks include, but are not limited to, platform abuse, addiction, and compulsive use; dissociative behavior; damage to body image; social isolation; impaired brain development; and a plethora of mental health disorders like body dysmorphia, eating disorders, anxiety, depression, insomnia, ADD/ADHD exacerbation, suicidal ideation, self-harm, and death.

793. Google targets adolescent users via advertising and marketing materials distributed throughout digital and traditional media platforms. Its advertising and marketing campaigns fail to provide adequate warnings to potential adolescent consumers of the physical and mental risks associated with using YouTube.

794. Google further fails to adequately warn adolescents during the platform registration process. At account setup, Google's platform contains no warning labels, banners, or conspicuous messaging to adequately inform adolescent users of the known risks and potential physical and mental harms associated with usage of its platform. Instead, Google allows adolescents to easily create an account (or multiple accounts), and to access YouTube with or without an account.

795. Google's lack of adequate warnings continues once an adolescent uses YouTube. Google does not adequately inform adolescent users that their data will be tracked, used to help build a unique algorithmic profile, and potentially sold to Google's advertising clients.

796. Google's failure to warn adolescent users and the public continues even as adolescents exhibit problematic signs of addictive, compulsive use of YouTube. Google does not adequately warn users when their screen time reaches harmful levels or when adolescents are accessing the platform on a habitual and uncontrolled basis.

797. Not only does Google fail to adequately warn users regarding the risks associated with YouTube, it also does not provide adequate instructions on how adolescents can safely use its platform. A reasonable and responsible company would instruct adolescents on best practices and safety protocols when using a platform known to pose health risks.

798. As recently as February 2024, YouTube claims to have implemented new tools to support teen mental health and wellbeing. These new measures include “Take a Break” reminders that appear full-screen and “will have a default trigger setting for every 60 minutes.”⁹⁵¹ Similarly, in November 2023 YouTube shared additional “safeguards for content recommendations for teens.”⁹⁵²

799. Tools implemented in 2024 will not remedy prior harms suffered or damages incurred by NYC Plaintiffs. Moreover, the efficacy of implemented tools by YouTube is questionable. YouTube’s core business still relies on the use of algorithms and other intermittent variable rewards that manipulate young users to spend as much time on the platform as possible. As with Meta, it is unclear how effective these safeguards will be. Providing optional tools to young users who are addicted to or dependent on the platform, and relying on their own self-control to address the problems YouTube’s design features have caused, will not solve the problem.

800. Google’s failure to properly warn and instruct adolescent users or their parents has proximately caused significant harm to NYC Plaintiffs, who have expended and continue to expend significant resources addressing the impact of Google’s conduct on NYC Plaintiffs’ operations, including providing additional support to impacted youth.

F. Youth Social Media Use and Addiction Has Disrupted this Country’s Public Schools and Communities.

1. Defendants’ conduct has significantly disrupted the learning environment in schools and diverted resources from other student needs.

801. The widespread and compulsive use of Defendants’ platforms has consequences beyond the harms to the individual users of the platforms. It has fundamentally changed the learning and teaching environment in the country’s public schools—affecting students, parents,

⁹⁵¹ YouTube, *Safer Internet Day: Supporting teen mental health and wellbeing on YouTube* (Feb. 6, 2024), <https://blog.youtube/inside-youtube/safer-internet-day-2024/>.

⁹⁵² *Id.*

teachers, administrators, coaches, counselors, and other members of local communities—and has required significant additional efforts to be taken by local governments, school districts, and the medical community.

802. A recent report published by the American Federation of Teachers, a teachers union representing 1.7 million educators, along with the American Psychological Association, Design It For Us, Fairplay, and Parents Together, “details how school districts across the country are experiencing significant burdens as they respond to tech’s predatory and prevalent influence in the classroom[.]”⁹⁵³ An article describing the report, *Likes vs. Learning: The Real Cost of Social Media for Schools*, noted:

School districts have mustered significant resources to mitigate in-classroom disruptions and grapple with an increase in depression and suicidal ideation among students, dangerous and disruptive behavior, and bullying and harassment by and directed at students, as well as the popularity of dangerous viral challenges that originate from social media. Notably, the increased attention to tackling tech companies’ omnipresent role in children’s lives has pulled resources away from the core mission of education.⁹⁵⁴

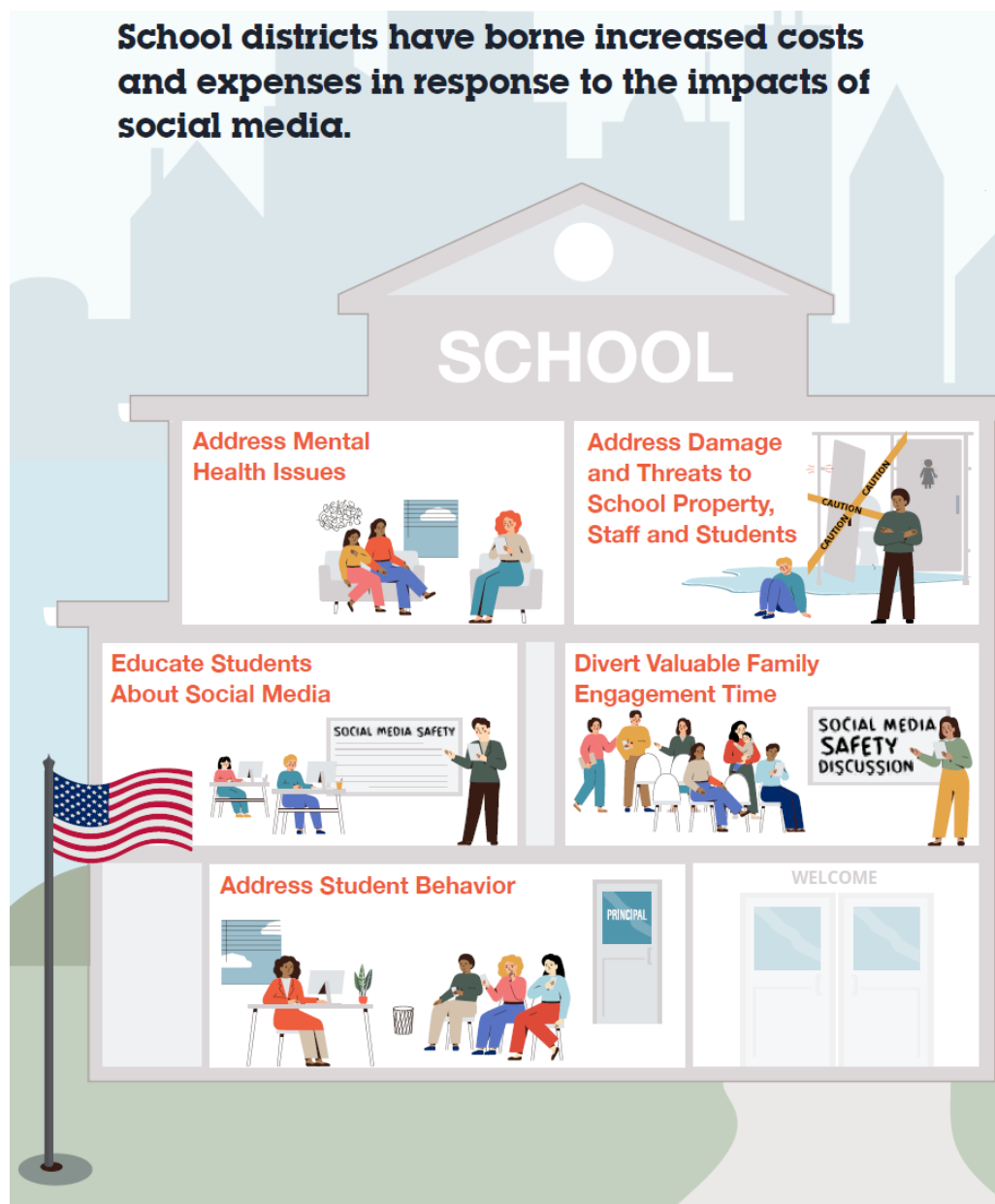
803. The report highlights the impact of students’ social media use on the educational environment, noting the “dramatic disruption in the teaching and learning ecosystems of all our nation’s schools[.]”⁹⁵⁵ The report confirms that “[d]ealing with social media-related issues detracts from the primary mission of our schools, which is to educate our children,” and details the myriad ways in which “[s]chool districts have borne increased costs and expenses in response to the impacts of social media.”⁹⁵⁶

⁹⁵³ Press Release, Am. Fed’n of Tchrs, *New Report Calls Out Social Media Platforms for Undermining Schools, Increasing Costs, Driving Youth Mental Health Crisis* (July 20, 2023), <https://www.aft.org/press-release/new-report-calls-out-social-media-platforms-undermining-schools-increasing-costs>.

⁹⁵⁴ *Id.*

⁹⁵⁵ *Likes vs. Learning: The Real Cost of Social Media for Schools* at 1, Am. Fed’n Tchrs. (July 2023), https://www.aft.org/sites/default/files/media/documents/2023/LikesVSLearning_Report.pdf.

⁹⁵⁶ *Id.* at 3–4.



804. Schools are one of the main providers for mental health services for school-aged children.⁹⁵⁷ Indeed, over 3.7 million children ages 12–17 received mental health services through an education setting in 2019, more than any other non-specialty mental health service

⁹⁵⁷ Substance Abuse & Mental Health Servs. Admin., U.S. Dep’t of Health & Hum. Servs., *National Survey on Drug Use and Health*, (2019 & 1st & 4th Qs. 2020), <https://www.samhsa.gov/data/report/2020-nsduh-detailed-tables>.

setting.⁹⁵⁸

805. Most schools offer mental health services to students. In the 2021–22 school year, 96% of public schools reported offering at least one type of mental health service to their students.⁹⁵⁹ But 88% “of public schools did not strongly agree that they could effectively provide mental health services to all students in need.”⁹⁶⁰ The most common barriers to providing effective mental health services in public schools are: (1) insufficient number of mental health professionals; (2) inadequate access to licensed mental health professionals; and (3) inadequate funding.⁹⁶¹ Student opinions also reflect that schools are unable to provide adequate mental health services. Less than a quarter of students in grades 6–12 report accessing counseling or psychological services when they are upset, stressed, or having a problem.⁹⁶² And of the students who access mental health services, only 41% of middle schoolers and 36% of high schoolers are satisfied with the services they receive.⁹⁶³

806. In part, schools are struggling to provide adequate mental health services because of the increase in students seeking these services. More than two-thirds of public schools reported an increase in the percent of students seeking mental health services from school since the start of the pandemic.⁹⁶⁴

807. During this same period, adolescents increased their social media use, also raising

⁹⁵⁸ *Id.*

⁹⁵⁹ *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.

⁹⁶⁰ *Id.*

⁹⁶¹ *Id.*

⁹⁶² *Insights From the Student Experience, Part I: Emotional and Mental Health* at 8, YouthTruth (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

⁹⁶³ *Id.* at 10.

⁹⁶⁴ *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.

levels of excessive and problematic use of digital media.⁹⁶⁵ And these higher rates of social media use are related to higher “ill-being.”⁹⁶⁶ Thus, the increase in adolescent social media use during the pandemic has caused an increase in adolescents experiencing mental health problems.

808. That relationship is reflected in reports from public schools. Over 75% of public schools reported an increase in staff expressing concerns about student depression, anxiety, and other disturbances since the start of the pandemic.⁹⁶⁷ Students receiving mental health services in educational settings predominately do so because they “[f]elt depressed[,]” were “thinking about or attempt[ed] suicide” or “[f]elt very afraid and tense.”⁹⁶⁸

809. Anxiety disorders are also up, affecting 31.9% of adolescents between 13 and 18 years old.⁹⁶⁹ “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.”⁹⁷⁰

810. According to the National Alliance on Mental Illness, “[s]tudents aged 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[.]”⁹⁷¹

⁹⁶⁵ Laura Marciano *et al.*, *Digital Media Use and Adolescents’ Mental Health During the Covid-19 Pandemic: A Systematic Review and Meta-Analysis*, 9 *Frontiers Pub. Health*, Feb. 1, 2022, at 6–8, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8848548/pdf/fpubh-09-793868.pdf>.

⁹⁶⁶ *Id.*

⁹⁶⁷ Press Release, Nat’l Ctr for Educ. Stat., *Roughly Half of Public Schools Report That They Can Effectively Provide Mental Health Services to All Students In Need* (May 31, 2022), https://nces.ed.gov/whatsnew/press_releases/05_31_2022_2.asp.

⁹⁶⁸ Rachel N. Lipari *et al.*, *Adolescent Mental Health Service Use and Reasons for Using Services in Specialty, Educational, and General Medical Settings* at 6, *The CBHSQ Report* (May 5, 2016), https://www.ncbi.nlm.nih.gov/books/NBK362074/pdf/Bookshelf_NBK362074.pdf.

⁹⁶⁹ Anxiety & Depression Ass’n Am., *Anxiety Disorders: Facts & Statistics*, <https://adaa.org/understanding-anxiety/facts-statistics>.

⁹⁷⁰ *Id.*

⁹⁷¹ Nat’l All. on Mental Illness, *Mental Health By the Numbers* (last updated Apr. 2023), (footnote continued)

811. Schools now are not only providing students with mental health services but also are providing more academic supports because of the effects of increased mental health issues among students. Students in grades 6–12 identify depression, stress, and anxiety as the most prevalent obstacles to learning.⁹⁷² These negative mental health outcomes are also the most common symptoms of excessive social media use. Most middle school and high school students also fail to get enough sleep on school nights, which contributes to poor academic performance.⁹⁷³ Compulsive social media use is linked to reduced sleep time and quality.⁹⁷⁴ Social media use also contributes to poor academic performance by distracting students during class or study time, and it causes procrastination on school assignments. Defendants' conduct has interfered with students' educational opportunities and outcomes, and school districts' efforts to provide students with a safe and high-quality public education.

<https://www.nami.org/mhstats> (citing 2020–2021 *National Survey of Children's Health*, Data Res. Ctr. for Child & Adolescent Health, <https://www.childhealthdata.org/browse/survey/results?q=9463&r=1&g=1023>; Véronique Dupère *et al.*, *Revisiting the Link Between Depression Symptoms and High School Dropout: Timing of Exposure Matters*, *J. Adolescent Health* 62 (2018) 205–211 (2017), [https://www.jahonline.org/article/S1054-139X\(17\)30491-3/fulltext](https://www.jahonline.org/article/S1054-139X(17)30491-3/fulltext)).

⁹⁷² *Insights From the Student Experience, Part I: Emotional and Mental Health at 2*, YouthTruth (2022), https://youthtruthsurvey.org/wp-content/uploads/2022/10/YouthTruth_EMH_102622.pdf.

⁹⁷³ Anne G. Wheaton *et al.*, *Short Sleep Duration Among Middle School and High School Students-United States, 2015*, 67(3) *Morbidity & Mortality Wkly. Rep.* 85–90 (2018), <https://www.cdc.gov/mmwr/volumes/67/wr/pdfs/mm6703a1-H.pdf>.

⁹⁷⁴ Ajay M. Bhandarkar *et al.*, *Impact of social media on the academic performance of undergraduate medical students*, 77 *Med. J. Armed Forces India* 37–41 (2021), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7873710/pdf/main.pdf> (citing Aryn C. Karpinski *et al.*, *An exploration of social networking site use, multitasking, and academic performance among United States and European university students*, 29(3) *Computs. Hum. Behav.* 1182–1192 (2013), <https://www.sciencedirect.com/science/article/abs/pii/S0747563212002798>; Seyyed Mohsen Azizi *et al.*, *The relationship between social networking addiction and academic performance in Iranian students of medical sciences: a cross-sectional study*, 7(1) *BMC Psychiatry* 28 (2019), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6500070/pdf/40359_2019_Article_305.pdf); *see also* Yubo Hou *et al.*, *Social media addiction: Its impact, mediation, and intervention*, 13(1) *J. Psychosocial Rsch. On Cyberspace* 4 (2019), <https://cyberpsychology.eu/article/view/11562/10369>.

812. 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, 60% of public schools saw an increase in classroom disruptions from student misconduct compared to school years before the pandemic.⁹⁷⁵ In that same year, 57% of public schools also saw an increase in rowdiness outside of the classroom, 67% saw increases in tardiness, 28% saw increases in students skipping classes, 54% saw increases in the use of electronic devices when not permitted, 38% saw an increase in physical fights between students, and 45% saw an increase in threats of fights between students.⁹⁷⁶

813. Vandalism also increased in 2022, with 35% of public schools reporting increased acts of student vandalism on school property.⁹⁷⁷ Schools have seen a rise in vandalism of school property coinciding with the youth mental health crisis that Defendants' platforms have been a substantial factor in bringing about, and at the same time specific aspects of the platforms encourage users to participate in escalating, attention-seeking behaviors that have led to damage of school property.

814. Further, social media distraction "moderates the relationship between students' cognitive engagement and their evaluation of teaching faculty."⁹⁷⁸ Social media distractions "disrupt student engagement inside the classroom," leading to wrong or biased assessments of a teacher's performance while also exacerbating struggles with academic achievement.⁹⁷⁹

⁹⁷⁵ Inst. Educ. Scis., *School Pulse Panel: Student Behavior*, <https://ies.ed.gov/schoolsurvey/spp/>.

⁹⁷⁶ *Id.*

⁹⁷⁷ *Id.*

⁹⁷⁸ Priyanka Nema, *Impact of social media distraction on student evaluation of teacher effectiveness*, 37 Int'l J. Educ. Mgmt. 300–313, 308 (2023), <https://www.emerald.com/insight/content/doi/10.1108/IJEM-10-2022-0389/full/html>.

⁹⁷⁹ *Id.* at 300; Teun Sivers, *Social Media and Distraction: An Experience Sampling Study among Adolescents*, 25(3) Med. Psych. 343–366 (2021), <https://www.tandfonline.com/doi/epdf/10.1080/15213269.2021.1959350?needAccess=true>; Jia-Qiong Xie *et al.*, *The association between excessive social media use and distraction: An eye movement tracking study*, 58 Info. & Mgmt., Mar. 2021, <https://www.sciencedirect.com/science/article/abs/pii/S0378720620303530>; (footnote continued)

Declines in academic performance can affect school district funding, governmental review metrics, and teacher reviews, in addition to taxing students' mental health. These issues and others stemming from students' social media use, discussed above, also drive declining teacher and staff morale, making retaining and hiring qualified staff more difficult for school districts.⁹⁸⁰

815. School districts have been, and continue to be, uniquely harmed by students' compulsive use of, and addiction to, social media. Students' compulsive, problematic use of Defendants' platforms results in significant disruption to schools' operations, greatly frustrates their ability to achieve their mandate of educating students in a safe and healthy environment, and forces school districts to expend or divert significant resources in response.

816. Because of the way social media platforms are designed, any interaction between students or events (on school grounds or outside of school) can be amplified, shared widely and immediately, reposted, rehashed, and blown out of proportion. Whether or not this online amplification happens during school hours, if it involves students, it will fall to school administrators and staff to respond.

817. The nature of Defendants' platforms means that information moves through a school community rapidly, and spreads farther than it otherwise could. It is extremely challenging, if not impossible, for teachers and administrators to get ahead of it. Teachers and administrators start each school day with the possibility that something involving their students might have spiraled out of control on social media overnight. Or, something might transpire

META3047MDL-003-00096266 at META3047MDL-003-00096266 (Facebook employee recognized, "lots of cross-sectional studies that can't tell whether teens feel like their time on their phones causes worse mental health / problems in school or whether their mental health and feelings about school drive them to spend more time on their phones. It's probably both.").

⁹⁸⁰ See Rebecca Ruiz, *How social media in the classroom is burning teachers out*, Mashable (Sept. 16, 2023), <https://mashable.com/article/teacher-burnout-social-media-in-the-classroom> (teacher noting feeling "burnt out and demoralized" trying to deal with "tectonic shifts in classroom behavior" from students' social media use—"rank[ing] the issue among the top factors contributing to teacher burnout in her educator community"—and that due to "the emotional and mental strain on teachers managing this problem won't lessen until the technology driving it changes").

during class time, affecting multiple students within the classroom but with no way for the teacher to see what is coming. Moreover, the instantaneous dissemination of social media posts across a broad network—part of the design of Defendants’ platforms—can result in the formation of a “pack” or herd mentality. Rather than needing to address an issue with a single student or a small group of students, teachers, administrators, and counselors must address issues affecting large groups of students at the same time. Often, to do so effectively requires meeting with students one on one, which takes a significant amount of time for counseling staff.

818. Even if teachers or administrators implement a policy that requires students to put devices away or physically out of reach during class time, the addictive nature of Defendants’ platforms continues to disrupt learning. Students struggle with being separated from Defendants’ platforms and experience anxiety over missing even a single notification, and this anxiety interferes with students’ ability to focus and learn.

819. Addressing the wide range of impacts from students’ social media addiction requires a multi-faceted approach requiring school districts to divert human and financial resources to address social media-related student behavior or mental health issues.

820. Staff and teachers cannot ignore students who are in crisis and need to support those students. School campuses are public spaces, and classes and activities are communal experiences. Increases in anxiety, depression, suicidal ideation, and other mental health crises impact both the students suffering from these problems and the other students, teachers, and staff who need to interact with these students.

821. To address this complex issue, school districts must both provide significant support for students in crisis, and also educate staff, parents, and the community about the dangers presented by Defendants’ platforms. Such education includes how to safeguard children from those dangers, and how to support students and families impacted by social media addiction and problematic use. School districts are one of the primary providers of mental health services to youth. Youth addiction to social media platforms diverts time away from the educational mission of schools districts and from other valuable engagement time.

822. School districts have contacted one or more of Defendants and asked for assistance relating to problems caused by Defendants’ platforms and often received inadequate responses or no response at all.⁹⁸¹ For example, Meta reported internally that a middle school in Oakland asked Facebook to implement a “hotline in which real people could help school officials (deans of discipline, administrators, [and/or] teacher leaders)” solve problems being caused by social media, but that it would “[p]robably not [be] cheap[.]”⁹⁸² Another Meta employee noted they had been “having a lot of conversations lately with Principals at schools and school districts.”⁹⁸³

823. Examples of expenditures school districts have been forced to make to address students’ problematic social media use include, but are not limited to:

- a. Diverting time and resources from instruction activities to address unauthorized in-classroom use of social media by students;
- b. Increasing disciplinary services and hiring additional personnel in response to increased behavior issues caused by students’ social media use;
- c. Addressing property damaged as a result of students’ addiction to social media and compulsive participation in social media challenges that direct destruction or theft of property;
- d. Addressing property damaged as a result of students acting out because of mental, social, and emotional problems Defendants’ conduct caused;
- e. Diverting time and resources from instruction activities to notify parents and guardians of students’ behavioral issues and attendance problems;
- f. Investigating and responding to threats made against schools and students over

⁹⁸¹ See *Likes vs. Learning: The Real Cost of Social Media for Schools* at 12, Am. Fed’n Tchrs. (2023), https://www.aft.org/sites/default/files/media/documents/2023/LikesVSLearning_Report.pdf (“Currently, it is nearly impossible to get a timely response from a platform when there is a social media-enabled crisis.”).

⁹⁸² META3047MDL-003-00047518 at META3047MDL-003-00047518.

⁹⁸³ META3047MDL-003-00021695.

- social media that are pushed by Defendants' platforms to drive user engagement;
- g. Adding additional information technology resources in an attempt to limit students' access to social media platforms and mitigate risks posed by students' social media use;
 - h. Investing in physical barriers (such as magnetic pouches) to keep students from accessing social media platforms on school property;
 - i. Developing new and revised teaching plans to address students' altered learning habits, e.g., reduced attention span, inability to communicate effectively;
 - j. Providing additional learning support to address students' declining achievement, e.g., after school support, as a result of the negative impact of problematic social media use on students' ability and capacity to learn;
 - k. Hiring additional mental health personnel (41% of public schools added staff to focus on student mental health);⁹⁸⁴
 - l. Developing additional mental health resources (46% of public schools created or expanded mental health programs for students, 27% added student classes on social, emotional, and mental health and 25% offered guest speakers for students on mental health);⁹⁸⁵
 - m. Training teachers to help students with their mental health needs, and training staff to identify students and youth exhibiting symptoms of mental health issues (56% of public schools offered professional development to teachers on helping students with mental health);⁹⁸⁶
 - n. Updating student handbooks, student and parental guidelines, and similar materials to address use of Defendants' platforms; and
 - o. Updating school policies and guidelines to address use of Defendants' platforms.

⁹⁸⁴ *Id.*

⁹⁸⁵ *Id.*

⁹⁸⁶ *Id.*

824. Defendants knew their actions were having a serious impact on school districts and have nonetheless refused to change their conduct.⁹⁸⁷

825. This impact on schools is no surprise. Defendants have deliberately targeted school-aged children, while knowing the impact this could have on schools. In fact, Defendants counted on use of their addictive platforms spreading through entire school communities. For example, Meta set out to infiltrate schools specifically, noting in a presentation reviewed by Mark Zuckerberg himself that “[h]igh school is the key driver of U.S. teen social activity and occupies 6+ hours per day[.]”⁹⁸⁸ Meta knew that getting into high schools was key, reporting that that “[r]esearch indicates that we have ‘FB’ and ‘non-FB’ high schools; tipping schools may be high impact” and “[i]n the United States, per-high school adoption is a crucial driver of teen Facebook engagement[.]”⁹⁸⁹ For example, Meta conducted a school analysis and concluded that “‘FB High Schools’ (>75% adoption) have ... 22% more [Time Spent] per [Monthly Active Person] . . . compared to high schools with 5-30% FB adoption[.]”⁹⁹⁰ As a result of this research, Meta set out to make “big 2017 bets” on “High School Communities” to attract “teens.”⁹⁹¹ The goal of this work was to “[g]row [Monthly Active Person], [Daily Active Person], and time spent among U.S. teens.”⁹⁹² The same presentation stated that Meta planned to “emphasize ‘social entertainment’ market opportunities to win back teen interaction.”⁹⁹³ Meta noted, “we should bet big on Instagram Direct + stories to beat Snapchat” and that the goal was to “increase

⁹⁸⁷ See, e.g., META3047MDL-003-00084526 at META3047MDL-003-00084528 (“More than half of U.S. school principals say they’re extremely concerned about children’s use of social media outside of school[.]”).

⁹⁸⁸ META3047MDL-003-00134688 at META3047MDL-003-00134706.

⁹⁸⁹ *Id.*; *id.* at META3047MDL-003-00134714-715.

⁹⁹⁰ *Id.* at META3047MDL-003-00134715.

⁹⁹¹ *Id.* at META3047MDL-003-00134708.

⁹⁹² *Id.* at META3047MDL-003-00134706.

⁹⁹³ MDL AG Compl. at 27, ¶ 147.

U.S. teen time spent.”⁹⁹⁴

826. Meta adopted similar policies for Instagram, noting that “[n]early everyone attends high school” and “[t]he school someone attends is a big part of their life[.]”⁹⁹⁵ In their own words “[w]inning schools is the way to win with teens because an individual teen’s engagement is highly correlated with school [Monthly Active Person] penetration.”⁹⁹⁶ The Instagram “teen’s team” also discussed how to study “teen penetration and engagement on [a] school level in [the] US” and noted their capability to tell when teens “open the app AT school” and geolocate “which high school they go to.”⁹⁹⁷ Similarly, a 2017 presentation detailed how Meta planned to increase time spent by teens while teens are in school, including live broadcasts of high school sports.⁹⁹⁸

827. Instagram also intentionally reached into schools by partnering with the National PTA and Scholastic to get materials into the hands of “parents, grandparents, and educators at scale” and to “integrate [their] parent’s guide and [Instagram] programming into the 500 back to school nights” across the country.⁹⁹⁹ Instagram reported that partnering with “Scholastic gives us the ability to win educators and the school community, creating a ripple effect to allow us to win parents and families” and let them reach out to “20,000 classrooms across the U.S.” and to “250K+” teachers.¹⁰⁰⁰ While Instagram may try to characterize this work as helpful to addressing youth mental health problems, they were more candid in other documents about using this as a strategy to get more teen users, explaining that the goal of the parents plan was

⁹⁹⁴ *Id.*

⁹⁹⁵ META3047MDL-003-00023595.

⁹⁹⁶ *Id.*

⁹⁹⁷ META3047MDL-003-00022355 at META3047MDL-003-00022355, META3047MDL-003-00022356.

⁹⁹⁸ MDL AG Compl. at 27, ¶ 147.

⁹⁹⁹ META3047MDL-003-00084526 at META3047MDL-003-00084527–META3047MDL-003-00084527.

¹⁰⁰⁰ *Id.* at META3047MDL-003-00084528.

to get “parents to think, [‘]my kids are on social media, and my FAVORITE app for them to be on is Instagram, bar none.” Thus, “[w]hat winning looks like” for Instagram is to have “[p]arents believe Instagram is the social media platform of choice for their kids.”¹⁰⁰¹ Instagram also tested new features by high school, noting that “getting critical mass in a high school very quickly (e.g., in the same afternoon) is extremely important” and one way to do this was “a (hacky) way to use push notifications from their [Instagram] account to tell students ‘we just shipped this for your school[.]’”¹⁰⁰² They explained “[w]e want to learn as much as we can from these High School tests about what levers we have for driving teen engagement[.]”¹⁰⁰³

828. Schools are so important to Meta because “[e]ngaging the vast majority of teens in an area / school with our products is crucial to driving overall time spent in the same area[.]”¹⁰⁰⁴ Meta boiled it down to a simple message: “Winning Teens = Winning High Schools[.]”¹⁰⁰⁵

829. TikTok is likewise well aware of school-age children using its platform. When TikTok decides to age verify youth users, one of the tools it uses is “school ID.”¹⁰⁰⁶ TikTok created and shared a chart with its staff showing how age correlated to grade in school and birth year:¹⁰⁰⁷

¹⁰⁰¹ META3047MDL-003-00082536 at META3047MDL-003-00082538.

¹⁰⁰² META3047MDL-003-00138616 at META3047MDL-003-00138617.

¹⁰⁰³ *Id.*

¹⁰⁰⁴ META3047MDL-003-00021467.

¹⁰⁰⁵ META3047MDL-003-00023583.

¹⁰⁰⁶ TIKTOK3047MDL-001-00060190.

¹⁰⁰⁷ *Id.*

AGE	GRADE	Birth Year
8 yrs	3rd	2012-2013
9 yrs	4th	2011-2012
10 yrs	5th	2010-2011
11 yrs	6th	2009-2010
12 yrs	7th	2008-2009
13 yrs	8th	2007-2008
14 yrs	9th	2006-2007
15 yrs	10th	2005-2006
16 yrs	11th	2004-2005
17 yrs	12th	2003-2004

830. The company also admits that “TikTok is particularly popular with younger users, who are seen as more vulnerable to online harms and the negative impacts of compulsive use.”¹⁰⁰⁸ Internal research confirmed that users try to “mitigate TikTok’s interference with their obligations and productivity” including “school.”¹⁰⁰⁹ However, the same research noted that the “aspects of TikTok that contributed to participants’ challenges with managing their time including the continuous scroll, few or no breaks between content, short videos, and not knowing what the next video will be[,]” the same types of features at issue in this complaint.¹⁰¹⁰

831. TikTok acknowledged that users believe its “platform is addictive,” and that “compulsive usage interferes with essential personal responsibilities” such as “sufficient sleep,” “school responsibilities,” and “connecting with loved ones.”¹⁰¹¹ TikTok admitted that it is

¹⁰⁰⁸ TIKTOK3047MDL-001-00061318 at TIKTOK3047MDL-001-0006161327.

¹⁰⁰⁹ *Id.* at TIKTOK3047MDL-001-00061324.

¹⁰¹⁰ *Id.*

¹⁰¹¹ TIKTOK3047MDL-001-00060485.

interfering with the school day and student sleep, stating, “we send notifications to users during the school day and in some cases, up until midnight which could interfere with sleep.”¹⁰¹² Therefore, it stated, “[w]e should therefore be prepared to implement product changes to address concerns in [the wellbeing] area if needed, including . . . [a]voiding sending users push notifications around bedtime and (for younger users) during the school day[.]”¹⁰¹³

832. TikTok also sought to directly enter schools, noting that “we have about 80 high schools across the country” that it would be sending its TikTok toolkit to for “back to school nights” and that it was “coordinating with the Department of Education and they plan to send a PDF of the toolkit in their August newsletter, which is going out on Friday to nearly 30K subscribers.”¹⁰¹⁴ As with Meta, TikTok recognized the importance of controlling the narrative, noting in a different document that recent years had been “fraught with PR and GR [Government Relations] issues for ByteDance and TikTok” which “reduced advertiser trust, user loyalty, investor confidence, and [TikTok’s] ability to consistently hire top talent.” Combating these issues would “ensure the long term success of the ByteDance ecosystem and help further [the TikTok] brand.”¹⁰¹⁵

833. Similarly, a large part of Snapchat’s success has been its virality on school campuses.¹⁰¹⁶ According to an interview regarding Snapchats’ early adoption, “the app started catching on with high schoolers in LA as they could send digital notes back and forth during classes.”¹⁰¹⁷ Snapchat “grew very quickly in tight-knit communities at high schools and colleges, where students interact at a very high frequency and can (and did) tell each other to

¹⁰¹² TIKTOK3047MDL-001-00061318 at TIKTOK3047MDL-001-00061327.

¹⁰¹³ *Id.* at TIKTOK3047MDL-001-00061333.

¹⁰¹⁴ TIKTOK3047MDL-001-00005239.

¹⁰¹⁵ TIKTOK3047MDL-001-00060485.

¹⁰¹⁶ *How Snapchat Gained Success By Going Viral At High Schools Across Los Angeles*, Forbes (Feb. 16, 2018), <https://www.forbes.com/sites/quora/2018/02/16/how-snapchat-gained-success-by-going-viral-at-high-schools-across-los-angeles/?sh=6f1676083b36>.

¹⁰¹⁷ *Id.*

download Snapchat in between classes.”¹⁰¹⁸ Once Snapchat knew it had appeal among school-aged children, Snapchat “ran with it and never looked back.”¹⁰¹⁹



834. Snapchat has long been aware of its connection to schools and the large impact it has had on classrooms. After Snapchat added new features to the app, news organizations noted the havoc it was wrecking on classrooms: “No one was more excited about the update than Snapchat’s target demographic: teens. And no one could have used a warning about the huge in-app changes more than high-school teachers,” one of whom noted that “[i]n 16 years of teaching I can’t think of anything that has ever disrupted my classroom more than today’s Snapchat update.”¹⁰²⁰ The teacher explained that during class kids were so focused on updating their Snapchat, “you would have thought it was crack. They seriously could not keep away from it. I even had one girl crawl under the table with her phone.”¹⁰²¹

835. Snapchat also highlights its connection to schools when communicating with

¹⁰¹⁸ *Id.*

¹⁰¹⁹ *Id.*

¹⁰²⁰ Caroline Moss, *HIGH-SCHOOL TEACHER: In 16 Years Of Teaching, Nothing Has Disrupted My Classroom More Than Snapchat’s New Update*, Bus. Insider (May 2, 2014), <https://www.businessinsider.com/high-school-teacher-on-snapchat-update-2014-5>.

¹⁰²¹ *Id.*

advertisers, promoting “Back to School on Snapchat”¹⁰²² and “Snap to School.”¹⁰²³ The company explained that it had an “unparalleled student and parent audience”¹⁰²⁴ and noted that 90% of students (ages 13-24) in the U.S. and UK are on Snapchat.¹⁰²⁵ Last year, Snapchat promoted new features and the ability to access Snapchat from a desktop computer, not just a phone, “just in time for back to school” to let students “keep conversations with friends going from any device[,]” underscoring the importance of student users and further emphasizing Snapchat’s desire to maximize user engagement, i.e., continuous interaction with the platform, by this key group.¹⁰²⁶

836. Similarly, YouTube is well aware of both its high levels of use by school age children and the impact on schools. YouTube is the most popular social media platform with students. Ninety-five percent of children ages 13–17 have used YouTube.¹⁰²⁷ Seventy-seven percent of teens report using YouTube every day and nearly 20 percent of teens report using YouTube almost constantly, the most of any of Defendants platforms.¹⁰²⁸

837. YouTube has leveraged its popularity among school children to increase its revenue from advertisements by marketing its platform to popular brands of children’s products. For example, Google pitched Mattel, the maker of Barbie and other popular kids’ toys, by telling its executives that “YouTube is today’s leader in reaching children age 6–11 against top TV

¹⁰²² See, e.g., *Back to School on Snapchat*, Snap Inc., <https://forbusiness.snapchat.com/back-to-school-2021> (last visited Oct. 2, 2025).

¹⁰²³ *Snap to School is in Session*, Snap Inc., <https://forbusiness.snapchat.com/back-school> (last visited Feb. 12, 2024).

¹⁰²⁴ *Id.*

¹⁰²⁵ See, e.g., *Back to School on Snapchat*, Snap Inc., <https://forbusiness.snapchat.com/back-to-school-2021> (last visited Oct. 2, 2025).

¹⁰²⁶ *Fresh Features for Fall!*, Snap Inc. (Sept. 15, 2022), <https://newsroom.snap.com/fresh-fall-features>.

¹⁰²⁷ Emily A. Vogels *et al.*, *Teens, Social Media and Technology 2022*, Pew Rsch. Ctr. (Aug. 10, 2022), <https://www.pewresearch.org/internet/2022/08/10/teens-social-media-and-technology-2022/>.

¹⁰²⁸ *Id.*

channels.”¹⁰²⁹ When presenting to Hasbro, the maker of Play-Doh, My Little Pony, and other kids’ toys, Google touted that “YouTube [was] unanimously voted as the favorite website for kids 2-12,” and that “93% of tweens visit YouTube to watch videos.”¹⁰³⁰ In a different presentation to Hasbro, YouTube was referred to as “the “#1 website regularly visited by kids.”¹⁰³¹

838. Compulsive use of YouTube by school children is causing serious problems for students and school districts, as students struggle with their mental health, become sleep deprived, and act out. Public reporting has confirmed that students are “glued to the[ir] devices during class — posting on social media [and] searching YouTube.”¹⁰³² As a result, school districts across the country have been imposing bans on the cellphones used to access Defendants’ platforms to attempt to “to curb student obsession, learning disruption, disciplinary incidents and mental health worries.”¹⁰³³

2. New York City is experiencing a youth mental health crisis.

a. Adolescents’ incessant use of and addiction to Defendants’ social media platforms is disruptive and harmful to the environment in NYC Public Schools and to New York City youth.

839. Social media use among young people across the United States has increased over time and become ubiquitous. A 2023 *Pew Research Center* poll reported that 93 percent of adolescents aged 13 to 17 admit to being online at least several times a day, and 46 percent say they are online on a near constant basis. For Black and Hispanic teens, the numbers are even

¹⁰²⁹ Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief, Exhibit A, *FTC v. Google LLC*, No. 1:19-cv-02642-BAH (D.D.C. Sept. 6, 2019), ECF No. 3-1, https://www.ftc.gov/system/files/documents/cases/172_3083_youtube_revised_exhibits_a-c.pdf.

¹⁰³⁰ *Id.* at Exhibit B.

¹⁰³¹ *Id.* at Exhibit C.

¹⁰³² Donna St. George, *Students can’t get off their phones. Schools have had enough*, Wash. Post (May 9, 2023), <https://www.washingtonpost.com/education/2023/05/09/school-cellphone-ban-yondr/>.

¹⁰³³ *Id.*

higher: 54 percent of Black teens and 55 percent of Hispanic teens report being online almost constantly, compared to 38 percent of white teens. Much of that time online is spent on social media platforms. For example, a third of teens use at least one of YouTube, TikTok, Snapchat, Instagram or Facebook almost constantly.¹⁰³⁴

840. A recent report by the American Federation of Teachers described the many ways in which social media is a “dramatic disruption” to schools:

Schools are ... grappling with an increase in dangerous and disruptive behavior. Districts report having to develop new policies and resources to address the increase in bullying and harassment by students, and directed at students, that is taking place on social media. Viral challenges are also having a traumatic impact. The “devious licks” (destroying school property) and “slap a teacher” TikTok challenges were certainly concerns for schools. The “swatting” challenge encourages students to make hoax calls to law enforcement to falsely report school shootings, creating fear and confusion among students, staff and families. These challenges are unfolding on playgrounds, school buses, in school hallways and during the extracurricular activities at school. Some challenges can even be deadly, such as the “choking game.”¹⁰³⁵

841. Social media use by New York City youth is similarly pervasive—and disruptive. In 2021, 77.3 percent of New York City high school students—and 82.1 percent of girls—admitted to spending 3 or more hours a day on screen time (not counting time spent doing schoolwork) in front of a TV, computer, smart phone or other electronic device, watching shows or movies, playing games, accessing the internet or using social media.¹⁰³⁶ And according to a 2022 report by McKinsey, 56 percent of Gen Zers¹⁰³⁷ in New York City self-reported spending

¹⁰³⁴ Monica Anderson et al., *Teens, Social Media and Technology 2023*, Pew Rsch. Ctr. (Dec. 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>.

¹⁰³⁵ *Likes vs Learning: The Real Cost of Social Media For Schools*, Am. Fed’n Tchrs. (July 2023), https://www.aft.org/sites/default/files/media/documents/2023/LikesVSLearning_Report.pdf.

¹⁰³⁶ *Youth Risk Behavior Surveillance System (YRBSS)*, CDC (Apr. 27, 2023), www.cdc.gov/yrbs.

¹⁰³⁷ According to the *Pew Research Center*, Generation Z consists of individuals born between 1997–2012. See Michael Dimock, *Defining Generations: Where Millennials end and Generation Z Begins*, Pew Rsch. Ctr. (Jan. 17, 2019), <https://www.pewresearch.org/short-reads/2019/01/17/where-millennials-end-and-generation-z-begins/>.

“too much time on social media.”¹⁰³⁸

842. It is alarming, but perhaps not surprising, then, that in 2019, over 80 percent of New York City high school students were getting less than 8 hours of sleep a night on school nights, including 18.5 percent who reported getting 4 hours of sleep or less, 16.8 percent who reported getting 5 hours of sleep, 22.6 percent who reported getting 6 hours of sleep, and 22.5 percent who reported getting 7 hours of sleep.¹⁰³⁹

843. Social media use at school is also prevalent among students attending NYC Public Schools. The ubiquity of use of Defendants’ platforms among NYC Public Schools students has caused disruption to the learning environment within NYC Public Schools’ campuses. A majority of NYC Public Schools’ middle school and high school students have cell phones and bring them to school. Many students have used these phones to access Defendants’ social media platforms during the school day, in classrooms, and during instructional periods, and as a result, struggled to be physically present with their peers and teachers in the classroom setting because of the distraction that social media posed.

844. As a result, teachers have been in a near constant battle with social media to hold students’ attention. One NYC Public Schools teacher noticed that when teens began to bring their internet-connected devices equipped with social media accounts to school, their “attention span[s] seemed shorter, and [they] became more prone to distraction.”¹⁰⁴⁰

845. Like other schools around the country, NYC Public Schools teachers are forced to interrupt or stop instruction frequently to direct students to put their cell phones away or to

¹⁰³⁸ *Addressing the state of behavioral health in New York City*, McKinsey & Co. (Feb. 16, 2022), https://www.mckinsey.com/industries/public-sector/our-insights/addressing-the-state-of-behavioral-health-in-new-york-city#.

¹⁰³⁹ *See 2019 Youth Risk Behavior Survey Data*, www.cdc.gov/yrbs; *see also 2019 Youth Risk Behavior Survey Results: N.Y.C. High School Survey Codebook* at 16, N.Y.C., <https://www.nyc.gov/assets/doh/downloads/pdf/episrv/codebook-citywide-yrbs-2019.pdf> (last visited Oct. 2, 2025).

¹⁰⁴⁰ Rebecca Ruiz, *How social media in the classroom is burning teachers out*, Mashable (Sept. 16, 2023), <https://mashable.com/article/teacher-burnout-social-media-in-the-classroom>.

confiscate cell phones, including because of students’ social media use on those phones. Indeed, one teacher at a NYC Public Schools high school noted that students have become more distracted, with cell phone use being disruptive in class. “There’s never been a period that goes by that I don’t have to say, ‘Put away your phone,’ like 15 or 16 times,” the teacher said.¹⁰⁴¹ These repetitive interruptions add up to a significant amount of lost instructional time, not only for the student accessing social media, but for the entire class.¹⁰⁴²

846. NYC Public Schools has also dealt with an increased number of students who are chronically absent. In the 2022–23 school year, 36.2% of NYC Public Schools students were chronically absent, missing at least 10 percent of the school year. This is far higher than the 26.5% who were chronically absent in 2018–19, or the 25.1% who were chronically absent in 2019–20.¹⁰⁴³ As reported in the media, with student mental health concerns on the rise, some families have struggled to coax their children to attend school. And in turn, chronic absenteeism is a key metric of school performance, meaning absences can hurt student achievement in the long run.

847. NYC Public Schools Chancellor’s Regulation A-413 sets forth policies concerning the use of cell phones, laptops, tablets and other devices on each school’s property.

848. On May 6, 2025, New York Governor Kathy Hochul announced that agreement had been reached on the passage of New York’s Distraction-Free Schools Law which imposes a statewide, bell-to-bell ban on smartphones and other internet-enabled devices in New York schools, to take effect for the 2025-2026 school year. Under the law, each school district is responsible for adopting and implementing a written policy prohibiting the use of internet-

¹⁰⁴¹ Julian Shen-Berro, *Student behavior remains concerning amid COVID’s impact, educators say*, Chalkbeat N.Y. (Mar. 7, 2023), <https://www.chalkbeat.org/2023/3/7/23628032/student-behavior-covid-school-classroom-survey/>.

¹⁰⁴² *Id.*

¹⁰⁴³ *End-of-Year Attendance and Chronic Absenteeism Data*, N.Y.C. Pub. Schs. InfoHub, <https://infohub.nyced.org/reports/students-and-schools/school-quality/information-and-data-overview/end-of-year-attendance-and-chronic-absenteeism-data> (last visited Oct. 2, 2025).

enabled devices during the school day anywhere on school grounds, which must include methods for on-site storage of devices during the school day.¹⁰⁴⁴

849. NYC Public Schools amended Regulation A-413 in July 2025 to comply with the change in New York state law by banning the use of personal internet-enabled electronic devices on school grounds during the school day, including cell phones, laptops, tablets, and portable music and entertainment systems.¹⁰⁴⁵ The intent behind this change was “to create distraction-free schools.”¹⁰⁴⁶ The regulation applies from “bell to bell” meaning students are not permitted to use their personal internet-enabled devices throughout the entire school day, unless the device qualifies for one of the limited exceptions. When a student brings a personal internet-enabled device to school, the student must turn off the device and store it during the school day. Violating this regulation can subject students to discipline in accordance with the NYC Public Schools discipline code.

850. Under the amended Chancellor’s regulation, each NYC public school is required to establish a school-based policy regarding the use of internet-enabled devices that is consistent with the regulation, that is, that bans students from using personal internet-enabled electronic devices on school property during the school day. As a result, NYC Public Schools administrators, teachers, and staff are required to divert time from their duties to implement and monitor the ban on use of devices (including to access social media), and enforce that school’s chosen system for storage of devices. Administrative and non-pedagogical staff must be assigned to monitor the implementation at the start and end of the school day. Teachers may be required to divert time where students are non-compliant with the policy during class time.

851. New York City Council earmarked \$25 million to cover the cost of implementing a bell-to-bell ban on internet-enabled devices in NYC Public Schools, and an additional \$4.3

¹⁰⁴⁴ NY CLS Educ. § 2803.

¹⁰⁴⁵ *Cell Phone and Electronic Device Policy*, New York City Public Schools, <https://www.schools.nyc.gov/about-us/policies/cell-phone-and-electronic-device-policy> (last accessed Sept. 2, 2025).

¹⁰⁴⁶ *Id.*

million has been allocated to NYC Public Schools by the state. This nearly \$29 million amounts to an implementation cost estimated at \$35 per student in grades K-12.¹⁰⁴⁷ Administrative and non-pedagogical staff must be assigned to monitor the implementation at the start and end of the school day. Teachers may be required to divert time where students are non-compliant with the policy during class time.

852. Even prior to the 2025 amendment, schools across the city were required to adopt a policy governing the use of internet-enabled devices, though the boundaries and scope of those policies were chosen by each individual school. As a result, across NYC Public Schools there were in place differing, school-specific policies, including, for example, (1) requiring cell phones to be turned off and stored at all times during the school day¹⁰⁴⁸; (2) requiring all students' cell phones to be turned off before entering the building, and in addition requiring students in grades 6-8 to hand in their phones during first period each school day, to be returned 5 minutes before the end of the day (3) mandating the use of a Yondr case that makes cell phones inaccessible until unlocked at the end of the school day¹⁰⁴⁹; (4) allowing use of cell phones only in the lobby and cafeteria¹⁰⁵⁰; (5) requiring all students to turn off and hand in their cell phones to school staff to be held during the day; (6) banning any phone calls, texting, or use of any form of social media while at school; and (7) directing that violation of the rules would result in confiscation of the devices. Even prior to the 2025-2026 school year, NYC Public Schools administrators, teachers, and staff were thus required to divert time from education and

¹⁰⁴⁷ Alex Zimmerman & Amy Zimmer, *NYC schools to get \$29 million for cellphone ban. But when will funds arrive?*, Chalkbeat (July 16, 2025), <https://www.chalkbeat.org/newyork/2025/07/16/nyc-school-cell-phone-ban-funding-kathy-hochul-yondr/>.

¹⁰⁴⁸ See, e.g., *2023-2024 Cell Phone Policy*, P.S. 188Q/Annex Kingsbury, <https://parentcoordinatorps188q.com/2019-2020-cell-phone-policy> (last visited Oct. 2, 2025).

¹⁰⁴⁹ See, e.g., *Cell Phone/Electronic Device Policy K-8*, P.S./I.S. 218, <https://psis218.org/policy-phone.html> (last visited Oct. 2, 2025).

¹⁰⁵⁰ See, e.g., *Student Cell Phone Policy*, A. Phillip Randolph Campus High Sch., https://www.aprandolph.com/apps/pages/index.jsp?uREC_ID=905996&type=d&pREC_ID=1251759 (last visited Oct. 2, 2025).

administrative activities toward monitoring use of devices, including social media.

853. Social media use among NYC Public Schools students has also led NYC Public Schools to expend resources to develop and provide to teachers a curriculum on Digital Citizenship for all grades, which includes instruction on internet safety practices, addictive qualities of social media, and positive tech habits.¹⁰⁵¹ School administrators have also expended resources to develop Social Media Guidelines for Students 12 and Under, Social Media Guidelines for Students Over 13, and Teacher and Parent Social Media Guides, respectively.¹⁰⁵² In addition, NYC Public Schools has repeatedly been forced to take action and issue security warnings addressing viral social media posts or challenges designed to compel dangerous behavior spread via Defendants’ algorithms and encouraged by Defendants’ design features. In such cases, NYC Public Schools takes affirmative steps to address with parents the potential risks to student health and wellness that social media presents, and the importance of carefully monitoring their children’s social media use.

854. Social media use by teens has recently been implicated in alarming increases in dangerous and even deadly off-campus activity in New York City. One such dangerous type of conduct known to be spreading through viral social media posts is “subway surfing.” Over the past four years, teens in New York City have been observed and apprehended—and killed—riding outside of subway cars in increasing numbers while in search of the dopamine high of “going viral” with online social media likes. In 2022, the Metropolitan Transit Authority (“MTA”) observed 928 people riding outside of subway cars in New York City—many of them subway surfing on top of moving subway cars—representing a 366% increase over the number observed the prior year. Sadly, with increased subway surfing has come increased deaths. Between 2018 and 2022, five teens were killed subway surfing. In 2023 alone, 5 young people—

¹⁰⁵¹ See *Digital Citizenship*, N.Y.C. Pub. Schs., <https://infohub.nyced.org/in-our-schools/programs/digital-citizenship> (last visited Oct. 2, 2025).

¹⁰⁵² *The ESIFC and Common Sense Digital Citizenship Curriculum*, N.Y.C. Pub. Schs., <https://infohub.nyced.org/in-our-schools/programs/digital-citizenship/social-media> (last visited Oct. 2, 2025).

teenagers aged 13, 14, 15 and 16—were killed, and another 5 teens were injured, the youngest of which was only 12 years old. In 2024, six people died from subway surfing. There have been at least five deaths related to subway surfing in 2025 including a 15-year-old boy who died in July, and two young girls, ages 12 and 13 who died just this month.

855. The New York City Police Department (“NYPD”) has redeployed resources to try to address this rapidly growing and increasingly deadly problem, including assigning 10 to 20 NYPD Transit Bureau officers and 2 to 3 drone pilots (responsible for deploying 43 drones). In 2023, the NYPD dedicated almost 300 hours of time to apprehend surfers, leading to 132 arrests, all but 7 of them teenagers.

856. Since 2023, NYPD officers have conducted more than 340 drone operations, and the NYPD drone program has made 200 rescues, mostly of teens. And in just 2025 alone, 125 drone deployments safely removed individuals from moving trains 52 times; the average age of these individuals has been 15 years old.

857. Significantly, NYPD investigations have determined that the primary motivation of subway surfers is to imitate the subway surfing videos they see on social media, and to collect social media “likes.” An August 2023 story about teen subway surfers by New York Magazine confirmed the role of social media platforms in driving teen surfing behavior: one surfer admitted that he began surfing when he saw a surfing video on the “TikTok For You” page the platform’s algorithms pushed to his TikTok account. Another proudly described how a video he posted of himself subway surfing with the sky hazy and red with wildfire smoke got almost 6 million views on TikTok, and brought him 100,000 followers. As the reporter noted:

Many [subway surfers] also record and share their surfs online, and by the beginning of 2022, the videos began going viral. In New York, subway surfing has been around since at least the 1980s. But a new generation of teens is drawn in by the rush of seeing the reactions on TikTok and Instagram.¹⁰⁵³

858. The rise of deadly subway surfing incidents has also necessitated the urgent

¹⁰⁵³ Joshua Needelman, *Why Subway Surfers Find It So Hard to Quit*, Curbed (Aug. 16, 2023), <https://www.curbed.com/2023/08/subway-surfing-teenagers-social-media-quitting-mta.html>.

deployment of resources by NYC Public Schools, NYPD, and the City’s Department of Youth and Community Development (“DYCD”), in partnership with the MTA, to create a public service campaign aimed at teens: *Subway surfing kills. Ride inside, stay alive.*

b. New York City is facing a growing youth mental health crisis caused or contributed to by the design and operation of Defendants’ social media platforms.

859. Over the past 10 or more years, a growing youth mental health crisis in the city has become apparent. For example, there have been increases in the proportion of youth in New York City who report experiencing anxiety, depression, and suicidal ideation, and who engage in self-harm behavior.

860. According to the 2021 New York City Youth Risk Behavior Survey, over 38 percent of all New York City high school students—and over 48 percent of girls—reported feeling sad or hopeless almost every day for two or more weeks during the 12 months before the survey. Those numbers represented a notable increase—42 percent overall, and 47 percent among girls—since 2011.¹⁰⁵⁴ Notably, the post-2011 increase was a marked departure from the previous trend, which had seen feelings of sadness and hopelessness decreasing for more than a decade.

861. Similarly, in 2021 over 15 percent of New York City high school students reported seriously considering attempting suicide during the 12 months before the survey compared to 12 percent reporting the same in 2011—a 34 percent increase.¹⁰⁵⁵ This post-2011 increase was likewise a marked departure from the previous trend, which had been improving for more than a decade.

862. Disturbingly, over 19 percent of all students—and 26.6 percent of girls—reported engaging in self-harm such as cutting or burning themselves in 2021, up from 17.7 percent and

¹⁰⁵⁴ *Youth Risk Behavior Surveillance System (YRBSS)*, CDC (Apr. 27, 2023), www.cdc.gov/yrbs.

¹⁰⁵⁵ *Id.*

22 percent, respectively, in 2011.¹⁰⁵⁶

863. Even more tragic, 9.2 percent of New York City high school students reported attempting suicide at least once during the 12 months before the 2021 survey.¹⁰⁵⁷

864. Younger children also report experiencing mental health issues in higher numbers. According to a DOHMH survey, one in five New York City children ages 3 to 13 had one or more mental, emotional, developmental, or behavioral problems in 2021.¹⁰⁵⁸ Similarly, in 2021, 8 percent of children ages 3 to 13 had a caregiver who was told their child had anxiety.¹⁰⁵⁹

865. According to a 2022 study of pediatric mental health emergency visits in five large New York City academic medical centers published in the journal *Pediatrics*, rates of pediatric mental health emergency visits have increased in all five medical centers.¹⁰⁶⁰ According to study author Dr. Deborah Levine, youth mental health was already in a crisis before the Covid-19 pandemic, which only exacerbated underlying issues.¹⁰⁶¹

866. The pandemic, and the corresponding increase in time youth spent on Defendants' platforms, intensified the youth mental health crisis and the behavioral issues experienced by adolescents in New York City. As use of social media platforms has increased due to manipulative and addictive features—whose impact was exacerbated during the isolation of the

¹⁰⁵⁶ *Id.* at 20, 72.

¹⁰⁵⁷ *Id.*

¹⁰⁵⁸ *Care, Community, Action: A Mental Health Plan for New York City* at 11, N.Y.C. (Mar. 2, 2023), <https://www.nyc.gov/assets/doh/downloads/pdf/mh/care-community-action-mental-health-plan.pdf>.

¹⁰⁵⁹ *Id.*

¹⁰⁶⁰ Deborah A. Levine *et al.*, *Pediatric Mental Health Emergencies During 5 COVID-19 Waves in New York City*, 152(5) *Pediatrics* (Nov. 2023), <https://publications.aap.org/pediatrics/article/152/5/e2022060553/194470/Pediatric-Mental-Health-Emergencies-During-5-COVID>; *see also Increases in Pediatric Mental Health Emergency Visits Persist Throughout Pandemic*, Weil Cornell Med. Off. External Affs. (Oct. 20, 2023), <https://news.weill.cornell.edu/news/2023/10/increases-in-pediatric-mental-health-emergency-visits-persist-throughout-pandemic>.

¹⁰⁶¹ *Id.*

pandemic—there has been a marked increase in the number of youth in crisis, acting out, and in need of mental health services in New York City.

867. Aligning with the increased number of students self-reporting mental health issues, NYC Public Schools teachers also recognize student mental health as a significant, and growing, issue. One teacher observed that “[c]onflicts over being excluded or bullied via social media became routine. Students brought that tension into the classroom and hallways,” and “social media wore down her students’ mental health.”¹⁰⁶²

868. Providers that work with the City to provide mental health services to the City’s youth have likewise seen a variety of ways that social media have harmed youth mental health. While this sometimes takes the form of social media directly causing youth mental health problems, the platforms can also exacerbate harm to mental health caused by other seemingly-independent behaviors (such as in-person bullying), and social media can make it more difficult for youth already experiencing depression or isolation to recover and improve.

869. For example, children in treatment for anxiety have reported that a major source of anxiety is the omnipresent possibility that their words and actions can easily be video-recorded by peers’ smartphone cameras and broadcasted via social media in a manner that humiliates them in front of an audience of not only their immediate classmates but also many other youth—and not just in the moment, but also well into the future. Because of this risk, many youth are less likely to let their guard down, take social risks, or engage in free and adventurous play. This not only deprives them of the immediate well-being benefits of free and adventurous play, it also hinders their social-emotional development and can contribute to a self-reinforcing cycle of isolation, anxiety, and depression.

870. As described above, Defendants’ design features cause and/or contribute to these mental health problems. In addition, Defendants’ algorithms and recommendation systems, which are designed to pursue maximal engagement and keep youth on the platforms for as long

¹⁰⁶² Rebecca Ruiz, *How social media in the classroom is burning teachers out*, Mashable (Sept. 16, 2023), <https://mashable.com/article/teacher-burnout-social-media-in-the-classroom>.

as possible, nudge youth toward and encourage youth to view material that is harmful to their mental health, contributing to depression, anxiety, eating disorders, and even radicalization and violence.

871. The harms to youth mental health that are caused or exacerbated by social media can be magnified in youth with severe symptoms, such as psychiatric crises. According to providers of mental health services, youth in severe crisis have often grown increasingly disconnected over time from in-person peers and from adults in their lives, and have instead become reliant on social media as their primary (and eventually, only) social outlet. This has made them more and more vulnerable to the addictive design features of Defendants' social media platforms. If such youth are chronically absent from school, it is difficult to provide school-based mental health services to break this cycle. Often, the intensity of their attachment to social media and to their phones sparks intense, and sometimes violent, family conflict.

872. The increased need for youth mental health services has also adversely impacted the educational experience for NYC Public Schools staff, teachers, students, and their families. Staff and teachers cannot ignore students who are in crisis and need to support those students, even if this comes at the expense of the educational goals and experience for the larger student body. Classrooms are shared spaces, and students learn within them as a group. Increases in anxiety, depression, suicidal ideation, and other mental health crises impact both the students suffering from these problems and the other students, teachers, and staff who need to interact with these students. Further, the distraction social media causes in the classroom impacts all students regardless of whether they personally use social media.

873. NYC Public Schools staff experience secondary trauma and burnout associated with responding to students in crisis. "Managing the devices, the students' ability to focus, and the complex emotions attached to phone and social media use has contributed to, at times, feeling burnt out and demoralized. 'It's completely exhausting,' [said one NYC Public Schools

teacher] of trying to help students succeed in school under these circumstances.”¹⁰⁶³

874. In response to the youth mental health crisis and its impact on NYC Public Schools, the City has launched Let’s Talk NYC, which includes a self-guided online training that prepares high school staff, irrespective of role, to become mental health allies and learn how to have supportive conversations about mental health with students, identify student needs, connect students to services and resources, navigate the referral process, and take care of their own mental health.¹⁰⁶⁴

875. In June 2023, the City, through its Commissioner of Health, Dr. Aswin Vasan, convened leaders from New York City and around the country—including leaders from education, and young people themselves—to try to find solutions to the youth mental health crisis. At the event, one young person shared, “I do believe that social media has now become one of the main parts of culture within youth [Social media] can become one of the main things that can lead you into a spiral of depression. And I do think it can become very addicting as well.” Another young person stated, “Social media is something that we’re raised with My experience with social media – I am a victim of bullying, cyberbullying ... it scares me because I’m an older sister of three. It scares me to see that my thirteen year old sister is on TikTok, that my seven year old sister is on TikTok Are they seeing the same things I am seeing? I completely support the change in algorithm.”¹⁰⁶⁵

876. Out of the convening, the City has developed a *Framework for Action* that would advocate for reforms, and identify resources needed by families and communities to protect young people, promote well-being, and limit unsafe exposure to what Dr. Vasan has identified

¹⁰⁶³ *Id.*

¹⁰⁶⁴ Press Release, *A Recovery for All of Us: Mayor’s Office of Community Mental Health, NYC Department of Education, NYC Department of Health, The Jed Foundation, and Ogilvy Health launch “Let’s Talk NYC” campaign to support mental health of high school students*, N.Y.C. Mayor’s Off. Cmty. Mental Health (May 6, 2021), <https://mentalhealth.cityofnewyork.us/news/announcements/lets-talk>.

¹⁰⁶⁵ *NYC’s Role in the National Crisis of Social Media & Youth Mental Health*, N.Y.C. (June 8, 2023), <https://www.youtube.com/watch?v=TXKk0dLcfvY>.

as an “environmental toxin”—unregulated social media.¹⁰⁶⁶

877. Just last month, recognizing the continuing urgency of the moment, Dr. Vasan issued a Commissioner’s Advisory officially designating social media a public health hazard in New York City, and providing guidance to New Yorkers on steps to take to protect their children from harm by, *inter alia*, implementing tech-free times and places for their children; modeling healthy social media use; creating a family social media plan that prioritizes mental health; and encouraging children to change settings to decrease notifications and increase privacy, to monitor their emotions during social media use, and to share their concerns about social media and mental health with trusted adults in their lives.¹⁰⁶⁷

3. NYC Plaintiffs are on the frontlines of the youth mental health crisis in New York City, and provide a wide range of youth mental health services but continue to be faced with increasing need.

a. NYC Plaintiffs offer a comprehensive network of mental health services for New York City youth

878. As primary providers of mental health services to children and adolescents in New York City, Plaintiffs the City, NYC Public Schools, and NYC Health + Hospitals, individually and in partnership with each other, have found themselves on the frontlines of the struggle to address the youth mental health crisis in the city. The NYC Plaintiffs see firsthand the extent of the crisis, and have been responsible for the development, design, operation, and management of a complex and comprehensive network of public mental health programs and services available for children and adolescents in New York City.

879. The robust network of youth mental health services provided by NYC Plaintiffs can be broadly divided into school-based and non-school-based youth mental health services.

¹⁰⁶⁶ *New York City’s Role in the National Crisis of Social Media and Youth Mental Health: Framework for Action*, N.Y.C. Dep’t Health & Mental Hyg. (Jan. 2024), <https://www.nyc.gov/site/doh/health/health-topics/youth-mental-health-and-social-media.page>.

¹⁰⁶⁷ *Advisory from the Commissioner of Health and Mental Hygiene of the City of New York*, N.Y.C. (Jan. 24, 2024), <https://www.nyc.gov/assets/doh/downloads/pdf/notice/2023/coh-advisory-social-media.pdf>.

(i) School-based youth mental health services provided by NYC Plaintiffs

880. The NYC Plaintiffs devote significant resources—in terms of funding, employees, and time—to providing school-based mental health services to students and youth across the city.

881. A range of school-based mental health services provided in NYC Public Schools are overseen by the Office of School Health (“OSH”), an office jointly funded and operated by NYC Public Schools and the City’s DOHMH. Within OSH, the School Mental Health program (“SMH”) connects each of the NYC Public Schools to the broader City mental health system, based upon the needs of each school. Utilizing a three-tier model of services, SMH partners with Community Based Organizations (“CBOs”) and medical providers, including those from NYC Health + Hospitals, to identify need and provide preventative and clinical mental health and supportive services.

882. Specifically, SMH Managers are responsible for the implementation of mental health partnerships and programs to facilitate access to quality mental health services onsite in schools. SMH Managers each manage portfolios of schools that receive funding and provide services through different mechanisms, including the School Mental Health Prevention and Intervention Program (described below) and Community School funding.

883. NYC Public Schools provides school mental health interventions to students across a multi-tiered system of support. The three tiers are:

- a. Tier 1: Universal Social-Emotional Learning and Wellness Programs. The entire student population receives universal social-emotional learning programming, intervention, and support to meet the social, emotional, developmental, behavioral and mental health needs of each school.
- b. Tier 2: Selective Mental Health Supports. Students who are at risk for developing a clinical diagnosis (generally 10-15% of the student population) receive services aimed at preventing risk factors from developing further.

- c. Tier 3: Targeted Clinical Services. Students with identified or diagnosed mental health issues (generally 0-5% of the student population) receive intensive, individualized, and specialized interventions and support to address identified emotional, behavioral, and mental health needs. Tier 3 services are often high-intensity and long-duration.¹⁰⁶⁸

884. The Tier 1 mental health services offered by NYC Public Schools to its students include:

- a. School guidance counselors trained to service the entire K-12 school community including students, families, staff, and school leadership. School counselors work with school administrators in advocating for programs and services that positively impact student academic success in alignment with New York State Learning Standards, social emotional development, and higher education and career readiness. As of February 2023, NYC Public Schools had 3,191 guidance counselors on staff, all but 36 of whom are employed full-time. This represents a ratio of 1 guidance counselor for every 272 students. Within high schools, the ratio improves to 1:190.¹⁰⁶⁹
- b. A Social-Emotional Learning Screener. Through its Office of Community Supports and Wellness, NYC Public Schools implemented a strengths-based social-emotional learning screener (the Devereux Student Strengths Assessment, or “DESSA”) in the 2021-2022 school year. The screener is a tool to advance implementation of multi-tiered social emotional and mental health support in schools, building on historic investments NYC Public Schools has made over the past several years. By administering the screener and analyzing corresponding

¹⁰⁶⁸ *Mental Health*, N.Y.C. Pub. Schs., <https://www.schools.nyc.gov/school-life/health-and-wellness/mental-health> (last visited Jan. 9, 2024).

¹⁰⁶⁹ *Report on Guidance Counselors, Pursuant to Local Law 56 of 2014*, N.Y.C. Dep’t Educ. (Feb. 15, 2023), https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2023.pdf.

screeners data, schools are able to identify students' social-emotional competencies, identify students who may benefit from additional support, and identify opportunities to strengthen the foundational support provided to all students.

- c. **Social-Emotional Learning Curriculum.** In partnership with National University System's Harmony program, NYC Public Schools offers social-emotional learning curriculum and workshops to elementary schools to help students develop social and emotional skills to succeed academically. Providing students with instruction in social-emotional skills serves as both an overarching prevention strategy and as a primary intervention strategy, especially for children who will benefit significantly from an expanded "toolkit" of responses that includes appropriate, pro-social strategies for effectively interacting with others. Harmony is rooted in helping students build relationship skills through the lenses of diversity and inclusion, empathy and critical thinking, problem solving, communication, and peer relationships.
- d. **RULER**, an evidence-based approach to social and emotional learning developed at the Yale Center for Emotional Intelligence. RULER supports entire school communities in understanding the value of emotions, building the skills of emotional intelligence, and creating and maintaining a positive school climate. This program aims to infuse the principles of emotional intelligence into the immune system of schools, enhancing how students learn, teachers teach, families parent, and leaders lead.

885. The Tier 2 mental health services offered by NYC Public Schools to its students include:

- a. **The School Mental Health Program.** This program supports schools' efforts to promote social and emotional well-being by building supportive environments and strengthening family and community ties. The SMH Managers, working at the school level, support schools by creating school-wide Mental Health Workplans,

offering parent workshops, creating linkages to community mental health providers, providing staff trainings, supplementing some selective level services for students, and participating in team meetings addressing crisis intervention and consolidated plans. SMH Managers also offer crisis intervention and post-intervention services for any school-wide crisis, as needed, and participate in the school's student support teams for consultations and referrals.

- b. The School Mental Health Prevention and Intervention Program (“SMHPIP”). SMHPIP works at the district and school level to design and implement mental health programming that meets the needs of students in NYC Public Schools. The SMHP also oversees the services provided in schools by contracted CBOs. In the 2022/2023 school year, there were 43 schools (serving 57,553 students) that had onsite CBO providers through the Prevention and Intervention Program.

886. The Tier 3 mental health services made available to NYC Public Schools students include:

- a. School-Based Mental Health Clinics. Licensed by the New York State Office of Mental Health, these “Article 31”¹⁰⁷⁰ clinics, overseen by SMH, provide individual, family and group therapies; crisis and psychiatric assessments; case management; school community outreach; and 24-hour crisis coverage for students. In the 2022/2023 school year, there were 331 schools in 221 buildings (some of which contain multiple co-located schools) with School-Based Mental Health Clinics. These clinics serve 171,852 students.
- b. School-Based Health Centers with mental health services. Licensed by the New York State Department of Health, these “Article 28”¹⁰⁷¹ centers provide comprehensive health services such as physical exams, vaccinations and emergency care. A subset also provide mental health services and support. In the

¹⁰⁷⁰ Article 31 clinics are licensed under Article 31 of the New York Mental Hygiene Law.

¹⁰⁷¹ Article 28 clinics are licensed under Article 28 of the New York Public Health Law.

2022/2023 school year, there were 336 schools (serving 148,240 students) with School-Based Health Centers.

- c. The Mental Health Continuum. This is a partnership between NYC Public Schools, DOHMH, NYC Health + Hospitals and Advocates for Children, which seeks to increase rapid access to mental health care in schools through telehealth, school based clinical services, or onsite outpatient services. This program currently partners NYC Health + Hospitals with 50 schools with no current on-site mental health services to establish satellite clinics in schools in the South Bronx and Central Brooklyn, and to provide rapid access to existing Health + Hospitals clinics for those students where a school-based clinic does not exist.¹⁰⁷²
- d. School Response Team Program. The School Response Team Program, managed by DOHMH's Bureau of Child, Youth, and Families, supports schools so they can better meet the mental health needs of their students. Under the supervision of the CBOs contracted by the Bureau, the School Response Teams conduct mental health assessments, make referrals to needed community-based mental health and social services, and engage parents through outreach.
- e. Central Crisis Response Team. A central team of clinical social workers is available to assist schools when responding to students in emotional distress, as well as provide professional learning citywide for social workers, school counselors, and crisis teams.

887. Certain mental health services offered by NYC Public Schools also operate across multiple tiers. For example:

- a. School-based social workers. Social workers provide direct service to students through individual and group counseling, and support their school's

¹⁰⁷² Reema Amin & Alex Zimmerman, *NYC's budget deal restores some education programs*, Chalkbeat N.Y. (June 29, 2023), <https://www.chalkbeat.org/newyork/2023/6/29/23779027/nyc-budget-deal-education-cuts-schools-child-care-mental-health/>.

implementation of proactive social-emotional learning and mental health programming. Social workers are also able to provide more intensive clinical services for students with greater needs. As of February 2023, NYC Public Schools had 1,951 social workers on staff, all but 9 of whom are employed full-time. When the joint presence of guidance counselors and social workers is considered, NYC Public Schools have a ratio of 1 guidance counselor or social worker for every 169 students across all schools. Within high schools, the ratio improves to 1:131.¹⁰⁷³

- b. The Community School Mental Health Program incorporates academics with health and mental health services, social services, expanded learning opportunities and family resources. Through the Office of School Health, SMH managers work with community schools to assess the mental health needs of each school, connect them with the appropriate providers offering educators and families a range of mental health interventions needed within a given school, and create partnerships with community mental health providers. SMH managers implement and provide quality oversight of onsite mental health programming offered by different providers. In 2022/2023, there were 549 schools (serving 57,553 students) who had onsite CBO providers through the Community School Mental Health Program.

888. To summarize, as described above, in the 2022/2023 school year, NYC Public Schools employed 3,191 guidance counselors, 1,951 social workers, and there were 331 schools with School-Based Mental Health Clinics, 336 schools with School-Based Health Centers, and 592 schools whose students receive on-site services from a CBO.

¹⁰⁷³ *Report on Guidance Counselors, Pursuant to Local Law 56 of 2014*, N.Y.C. Dep't Educ. (Feb. 15, 2023), https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2023.pdf.

(ii) Non-schools-based youth mental health services provided by NYC Plaintiffs

(1) Services led, coordinated, and/or provided by the City

889. The NYC Plaintiffs’ commitment to addressing the youth mental health crisis goes well beyond their school-based programming and services. DOHMH takes a primary role in coordinating the youth mental health services available to New York City youth outside of NYC Public Schools. For example, in order to simplify for New Yorkers the process of accessing mental help services and to ensure that youth with serious mental health challenges can access the services they need, DOHMH operates a Children’s Single Point of Access (“CSPOA”).

890. DOHMH also oversees the following programs and services which provide mental health support to young New Yorkers:

- a. Children’s Mobile Crisis Teams. Children’s Mobile Crisis Teams, pursuant to contracts managed by DOHMH’s Bureau of Child, Youth and Families and supervised by CBOs contracted by the Bureau, provide short-term emergency crisis intervention services to children and youth (newborn to age 21) until clients can be assessed for ongoing behavioral health services, dependent on individual needs. Crisis teams consisting of a social worker/mental health clinician and a family peer advocate respond to youth in community settings throughout the five boroughs.
- b. NYC Family and Youth Peer Support (“FYPS”) Services and Alliances. FYPS services, provided by peers with lived experience, are available for youth and for families of children (newborn to age 24) who are not insured for such services, whether because they do not have Medicaid, or because the activities themselves are unbillable. DOHMH provides these services through contracts with CBOs. Youth peers—young people who have experienced social, emotional, developmental, substance abuse, or behavioral challenges—provide emotional support, information, referrals to services or resources, and skill development.

- c. Non-Medicaid Care Coordination. This service, provided by DOHMH through contracts with CBOs, develops a comprehensive plan of care for children and youth (newborn to age 21) who have a diagnosis of serious emotional disturbance but do not have Medicaid, in response to their physical and behavioral health needs and their and their family's goals.
- d. High Fidelity Wraparound ("HFW"). This service, provided by DOHMH through contracts with CBOs, provides a HFW team—a care manager, family peer, and youth peer—to youth ages 12 to 21 with a serious emotional disturbance diagnosis, high-risk behaviors, and involvement in multiple child-serving systems, in order to facilitate the creation of a plan of care to help prioritize and meet the youth's behavioral health needs.
- e. Adolescent Skill Centers. These centers—for adolescents ages 15 to 21 with mental health challenges—are staffed by CBOs pursuant to DOHMH contracts. There is at least one center in each borough available to provide educational and vocational support and life skills in order to support adolescents' transition to adulthood.

891. In addition to the in-person programs and services described above, DOHMH recently led the City's launch of NYC Teenspace, a mental health support program available free of charge to any teenager between 13 to 17 living in New York City.¹⁰⁷⁴ To provide this service, the City entered into a three-year, \$26 million contract with Talkspace.¹⁰⁷⁵ Dr. Ashwin

¹⁰⁷⁴ See *NYC Teenspace*, N.Y.C. Health, <https://www.nyc.gov/site/doh/health/health-topics/teenspace.page> (last visited Oct. 2, 2025); see also Ellen Barry & Christina Caron, *New York City Is Offering Free Online Therapy to Teens: Will It Work?* N.Y. Times (Dec. 15, 2023), <https://www.nytimes.com/2023/12/15/health/free-therapy-teens-nyc.html>.

¹⁰⁷⁵ In the Executive Budget for fiscal year 2024, New York City is spending \$9 million to launch NYC Teenspace. See Press Release, *Mayor Adams Releases Executive Budget for Fiscal Year 2024, Largest Executive Budget in City History*, N.Y.C. Off. Mayor (Apr. 26, 2023), <https://www.nyc.gov/office-of-the-mayor/news/292-23/mayor-adams-releases-executive-budget-fiscal-year-2024-largest-executive-budget-city-history#0>.

Vasan, the City’s Health Commissioner, explained that NYC Teenspace was created because of the alarming levels of distress among teens, and as a way to ensure that all teens in the city, even those not attending NYC Public Schools, could have access to free, online mental health services, on-demand, ensuring they can be quickly connected to a therapist.¹⁰⁷⁶ Since its November 15, 2023 launch, more than 2,000 New York City teens have already made use of NYC Teenspace to connect with a therapist.

892. DOHMH also manages NYC 988—formerly known as NYC WELL—a free Suicide and Crisis Lifeline, through which New Yorkers of any age experiencing mental health crises can speak to a counselor via phone, text, or chat to get access to mental health services or referrals at any time of the day or night, in over 200 languages.¹⁰⁷⁷

893. In 2021, the City launched the Behavioral Health Emergency Assistance Response Division (“B-HEARD”).¹⁰⁷⁸ B-HEARD is the City’s health-centered response team for 911 mental health calls, comprised of New York City Fire Department (“FDNY”) Emergency Medical Technicians (“EMTs”)/paramedics, and mental health professionals from NYC Health + Hospitals. The B-HEARD Teams use their physical and mental health expertise and experience in crisis response to de-escalate emergency situations and provide immediate care in response to a range of behavioral health problems including suicidal ideation. B-HEARD is an option for individuals ages 6 and older, and B-HEARD teams also respond to 911 calls from schools for students experiencing mental health crises. Since it was established, the number of calls received has climbed from 42 in 2021 to 666 in 2023. Moreover, the proportion of those

¹⁰⁷⁶ *Id.*; see also *NYC teenspace*, Talkspace, <https://www.talkspace.com/coverage/nyc> (last visited Oct. 2, 2025).

¹⁰⁷⁷ See *988 Suicide & Crisis Lifeline*, N.Y.C. Dep’t Health & Mental Hyg., <https://nycwell.cityofnewyork.us/en/> (last visited Oct. 2, 2025); see also, Press Release, *Health Department Launches 988 Campaign*, N.Y.C. Dep’t Health & Mental Hyg. (Oct. 10, 2023), <https://www.nyc.gov/site/doh/about/press/pr2023/health-department-launches-988-campaign.page>.

¹⁰⁷⁸ *Re-imagining New York City’s mental health emergency response*, N.Y.C. Mayor’s Off. Cmty. Mental Health, <https://mentalhealth.cityofnewyork.us/b-heard> (last visited Oct. 2, 2025).

calls that relate to children and adolescents in crisis receiving a mental health assessment has also climbed steadily, from 9.5 percent in 2021, to 14 percent in 2022, to 20 percent in 2023.

(2) Services led, coordinated, and/or provided by NYC Health + Hospitals

894. Plaintiff NYC Health + Hospitals offers a wide variety of mental health services and programs for New York City youth. As a public hospital system, NYC Health + Hospitals serves as the health care safety net for the uninsured and underserved in New York City, and is the largest provider of care to the most vulnerable New Yorkers: Medicaid patients, mental health patients, and the uninsured. Notably, providing youth mental health services frequently means that NYC Health + Hospitals is not fully compensated for the services it provides. As the Mayor’s Office of Community Mental Health noted in its 2023 Annual Report, the reimbursement rates often do not cover the providers’ actual costs of delivering service, especially for children and families. Care for children typically involves the complexity of families, which can increase the intensity and time needed for cases.¹⁰⁷⁹

895. Services and programs provided to New York City youth by NYC Health + Hospitals include:¹⁰⁸⁰

- a. Pediatric Emergency Departments. Pediatric Emergency Departments serve as a point of entry for children who may be experiencing a psychiatric emergency, for assessment and connection to appropriate inpatient or outpatient care.
- b. Comprehensive Psychiatric Emergency Services. NYC Health + Hospitals’ Bellevue Hospital offers the only Child Comprehensive Psychiatric Emergency Program (“CPEP”) in New York State. The CPEP provides emergency psychiatric

¹⁰⁷⁹ 2023 Annual Report on Critical Gaps in the Mental Healthcare System in New York City, Pursuant to Local Law 155 at 9, N.Y.C. Mayor’s Off. Cmty. Mental Health (2021), <https://mentalhealth.cityofnewyork.us/wp-content/uploads/2023/02/2023-OCMH-Annual-Report.pdf>.

¹⁰⁸⁰ Mental Health Services, N.Y.C. Health + Hosps., <https://www.nychealthandhospitals.org/services/mental-health-services/> (last visited Oct. 2, 2025).

services for children, including triage and referral, comprehensive psychiatric assessment, stabilization, extended observation, and linkage to inpatient admission or outpatient services.

- c. Child Crisis Intervention Services (“CCIS”). This program embeds child specialist clinical social workers in emergency rooms to assess children or adolescents presenting to emergency departments in a crisis. A crisis stabilization plan is created, with case management and linkages to care, with patient follow up after discharge. This program is funded by the New York State Office of Mental Health and DOHMH provides programmatic oversight and contract management.
- d. Child and Adolescent Consult and Liaison for Emergency Departments. This program provides psychiatric consultation, assessment and treatment to patients in emergency departments.
- e. Inpatient Services. Services are provided to patients who require inpatient care in order to stabilize an acute psychiatric illness.
- f. Outpatient Clinics. These are Article 31 clinics providing outpatient services for children and adolescents including individual, group, and family therapy provided by psychologists or social workers, and medication management services from a psychiatrist or nurse practitioner.
- g. Partial Hospitalization Program (“PHP”). This is a NYC Health + Hospitals-based 4-6 week outpatient program in which patients receive intensive individual, family and group counseling along with medication management. Patients also receive on-site educational services through a NYC Public Schools Special Education School that is onsite.
- h. Developmental Evaluation Clinic. This clinic provides comprehensive developmental evaluations including psychosocial evaluations, neurological, and speech and language evaluations, and ongoing medication treatment, speech and language therapy, and individual therapy for children with developmental delays.

- i. First Break Inpatient Unit. First Break is an inpatient psychiatric Unit for patients age 16-23 who experience their first episode of psychosis.
- j. On Track. This is a program for patients age 16-30 designed to help individuals with a psychotic disorder who have experienced their first psychosis experience within the last year. It provides medication management, employment and educational support, substance abuse treatment, suicide prevention, and family intervention and support.
- k. Home Based Crisis Intervention (“HBCI”). HBCI is an intensive program which assists families by providing an alternative to hospitalization. HBCI provides short-term, intensive in-home crisis intervention and support services by a mental health interventionist or psychiatric consultant—including 24/7 access to a counselor—to families in crisis due to the imminent risk of a child or adolescent (ages 5 to 21 years) being admitted to a psychiatric hospital. This service is offered by both NYC Health + Hospitals and DOHMH, which manages contracts with CBOs for the HBCI teams.

896. The demand for NYC Health + Hospitals’ youth mental health services has continued to grow, mirroring the growing youth mental health crisis in New York City. For example, in 2023, NYC Health + Hospitals’ clinical staff had 5,443 encounters with youth 10-18 years old seeking mental health services in its emergency departments and CPEPs; 985 mental health inpatient admissions; 46,396 encounters for mental health services at its 12 non-school based child and adolescent outpatient clinics; and 209 encounters at its 5 school-based satellite outpatient mental health clinics.

897. In addition, through its Partial Hospitalization Program, NYC Health + Hospitals provides critical, intensive outpatient treatment to growing numbers of young people in crisis. In 2023, for example, PHP served New York City youth in crisis 4,256 times at its two participating hospitals in Manhattan and Queens.

b. NYC Plaintiffs' ability to provide these services has been greatly undermined by Defendants' conduct.

898. Given their roles and responsibilities to provide youth mental health services in New York City, NYC Plaintiffs have been impacted by the ongoing youth mental health crisis substantially caused and contributed to by Defendants. For example, over the past years, as a result of the growing youth mental health crisis, NYC Plaintiffs have been forced to increase, reconfigure, expand and in some cases, restructure the mental health services they offer to New York City youth in response to the increased number of youth exhibiting mental health issues. As a result, NYC Plaintiffs have borne the additional costs of the increased need for youth mental health services and have been significantly impacted.

899. In an attempt to address the decline in students' mental, emotional, and social health, and as described above, NYC Plaintiffs, and in particular, NYC Public Schools, have been forced to divert resources from their primary educational mission and/or expend additional resources to:

- a. hire additional personnel, including counselors, social workers, mental health therapists, and behaviorists to address social, emotional, and mental health issues;
- b. re-direct resources to address mental, emotional, and social health issues;
- c. increase training for teachers and staff to identify students experiencing issues affecting their mental, emotional, and social health;
- d. increase training for counselors to provide students with cognitive behavioral therapy;
- e. develop digital citizenship and social media guidelines to educate students and parents about appropriate social media use;
- f. educate teachers, staff, and members of the community about the harms caused by Defendants' products;

- g. develop lesson plans to teach students about the dangers of using Defendants' platforms, appropriate social media use, and digital citizenship;
- h. create and distribute public and educational materials on social, emotional, and mental health for youth and families;
- i. address disciplinary issues stemming from students' use of Defendants' platforms; and
- j. address harmful conduct occurring on, and recommended and encouraged by the design of, Defendants' platforms, including cyberbullying and viral social media challenges.

900. To address the growing youth mental health crisis, NYC Plaintiffs have had to expend additional resources. For example, in addition to the vast array of youth mental health programs and services described above, NYC Plaintiffs continue to build out capacity to provide and connect children and youth to mental health care. For example, through the Mayor's 2023 Care, Community, Action: A Mental Health Plan, the City is working on rolling out additional mental health resources in partnership with others, including:

- a. Providing suicide prevention training for adults in schools, including nurses, teachers and safety staff, to respond appropriately to the needs of students;
- b. Expanding school-based mental health clinics through a partnership among the NYC Public Schools, DOHMH and the New York State Office of Mental Health;
- c. Offering crisis intervention through school-based staff, and providing de-escalation training for safety agents to promote appropriate referrals; and
- d. Launching a new, comprehensive citywide survey on youth mental health to understand what supports youth ages 13 to 17 use for their mental health needs and what barriers they face in accessing help.

901. All of the resources expended by NYC Plaintiffs are crucial to addressing the public health harms caused by the youth mental health crisis, but even more is needed. For instance, a 2021 survey of 1,300 youth ages 14 to 24 across all five boroughs of New York City reported that 35 percent of respondents wanted or needed mental health services from a professional, but only 42 percent of those that wanted or needed such help reported receiving such services.¹⁰⁸¹ Access to services is also compounded by other societal factors and inequities. For example, among youth with mental health needs in New York City, males are less likely to be connected to mental healthcare, across all races and ethnicities.¹⁰⁸²

902. Of particular concern is the fact that a number of NYC Plaintiffs' recent investments in youth mental health resources were funded by grants and other time limited funding sources that will soon expire. For example, with the help of the American Rescue Plan Act, NYC Public Schools was able to make a \$77M investment to hire additional full-time social workers to support students in 520 schools with high need—this funding allowed NYC Public Schools to increase the number of full-time social workers by 443. American Rescue Plan funding expires at the end of the fiscal year, leaving NYC Public Schools needing to secure some other source of funding in order to maintain its counselor and social worker to student ratio.

903. Ultimately, NYC Plaintiffs require significant and long-term funding to address the nuisance Defendants have created and amplified. Such funding should not come at the expense of New York City residents, nor 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”¹⁰⁸³ and “hold social media companies

¹⁰⁸¹ *From Innovation to Integration*, N.Y.C. Mayor's Off. Cmty. Mental Health, <https://mentalhealth.cityofnewyork.us/integration> (last visited Oct. 2, 2025).

¹⁰⁸² *Mental Health Data Dashboard*, N.Y.C. Mayor's Off. Cmty. Mental Health, <https://mentalhealth.cityofnewyork.us/dashboard/> (last visited Oct. 2, 2025).

¹⁰⁸³ President Joseph R. Biden, *State of the Union Address* (Mar. 1, 2022), <https://www.whitehouse.gov/state-of-the-union-2022/>.

accountable[.]”¹⁰⁸⁴

V. CAUSES OF ACTION

COUNT ONE — NEW YORK PUBLIC NUISANCE

904. NYC Plaintiffs incorporate by reference all preceding paragraphs.

905. “A public nuisance ‘consists of conduct or omissions which offend, interfere with or cause damage to the public in the exercise of rights common to all, in a manner such as to offend public morals, interfere with the use by the public of a public place or endanger or injure the property, health, safety or comfort of a considerable number of persons.’” *City of New York v. Beretta U.S.A. Corp.*, 315 F. Supp. 2d 256, 276 (E.D.N.Y. 2004) (quoting *Copart Indus., Inc. v. Consol. Edison Co.*, 41 N.Y.2d 564, 362 (1977)).

906. Defendants, through their conduct designing, developing, marketing, supplying, promoting, advertising, operating and distributing their social media platforms in the manner described above, have created, caused and contributed to the youth mental health crisis in New York City, causing damage to the public’s health and safety, interfering with the use of public places, including schools, and endangering or injuring the health, safety, comfort or welfare of a considerable number of persons, including youth.

907. Defendants’ conduct has so impacted youth mental health that the public nuisance caused in substantial part by Defendants’ dangerous and addictive social media platforms is commonly referred to as the “youth mental health crisis.” The Surgeon General has warned that, “We are in the middle of a national youth mental health crisis, and I am concerned that social media is an important driver of that crisis – one that we must urgently address.”¹⁰⁸⁵ The City’s

¹⁰⁸⁴ President Joseph R. Biden, *State of the Union Address* (Feb. 7, 2023), <https://www.whitehouse.gov/state-of-the-union-2023/>.

¹⁰⁸⁵ Press Release, *Surgeon General Issues New Advisory About Effects Social Media Use Has on Youth Mental Health*, U.S. Dep’t Health & Hum. Servs. (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>.

Commissioner of Health has likewise identified the youth mental health crisis as a matter of urgent public concern in New York City, and social media platforms as a contributing factor.¹⁰⁸⁶ This crisis has caused severe disruption to the social order and the public peace, order and safety; it is ongoing and it is producing long-lasting and permanent damage to the NYC Plaintiffs and to public health and welfare.

908. Defendants’ creation and maintenance of, and contributions to, the public nuisance of the youth mental health crisis through their conduct has directly and proximately caused injury to the NY Plaintiffs. Defendants knew or reasonably should have known that their platforms were causing harm to the mental health and wellbeing of children and teens, as their platforms were designed to capitalize on the developmental vulnerabilities of this age group in order to “maximize user engagement,” and Defendants deliberately employed features intended to cause frequent, compulsive use of their platforms.

909. This harm to youth mental health and the corresponding effects on public health, safety, and the welfare of the community outweigh any social utility of Defendants’ wrongful conduct.

910. But for Defendants’ actions, youth in New York City would not use social media platforms as frequently or long as they do today, would not be deluged with exploitive and harmful content to the same degree, and would not have their mental health and ability to learn adversely affected to the same degree. The associated harms suffered by NYC Plaintiffs would not be incurred, and the public health crisis that currently exists as a result of Defendants’ conduct would have been averted.

911. The health and safety of New York City youth, including those who use, have used, or will use Defendants’ platforms, as well as those affected by others’ use of their platforms, are matters of substantial public interest and of legitimate concern to NYC Plaintiffs,

¹⁰⁸⁶ *Advisory from the Commissioner of Health and Mental Hygiene of the City of New York*, N.Y.C. (Jan. 24, 2024), <https://www.nyc.gov/assets/doh/downloads/pdf/notice/2023/coh-advisory-social-media.pdf>.

who have developed, designed, operated, and managed the complex and comprehensive network of public mental health programs and services available for youth in the city.

912. As a direct and foreseeable consequence of Defendants' wrongful conduct, each of the NYC Plaintiffs has been required to devote significant resources—in terms of funding, employees, and time—as a result of, and seeking to address, the public nuisance youth mental health crisis, by providing services to youth across the city, including through public schools, public hospitals, and other city-wide programs.

913. NYC Plaintiffs have incurred and will continue to incur costs related to the youth mental health crisis that Defendants created, caused, contributed to and/or maintained. NYC Plaintiffs request an order providing for the abatement of the public nuisance that Defendants have created, caused or contributed to, compensation for the damage or injury suffered, including actual and compensatory damages in an amount to be determined at trial, and an order enjoining Defendants from future conduct contributing to the public nuisance described above.

914. Defendants' conduct relating to their dangerous and addictive social media platforms constituted malice and/or intentional, wanton, willful, or reckless disregard of NYC Plaintiffs' rights, being fully aware of the probable dangerous consequences of the conduct and deliberately failing to avoid those consequences.

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

916. By reason of the foregoing, Defendants are liable, jointly and severally, for millions of dollars resulting from this public nuisance, in an amount to be determined at trial.

COUNT TWO — NEW YORK NEGLIGENCE

917. NYC Plaintiffs incorporate by reference all preceding paragraphs.

918. Defendants have acted in ways that a reasonable person should recognize as involving an unreasonable risk of invading the interests of another. Defendants knew or should have known that their conduct designing, developing, marketing, supplying, promoting, advertising, operating and distributing their social media platforms in the manner described

above, including by causing compulsive use and addiction, inflicted severe mental health harms on youth, including children in schools and young residents in the community, and creating, causing and contributing to the youth mental health crisis in New York City. Defendants knew and intended to attract young people as a key customer group and to addict young people to their social media platforms. Defendants knew or, in the exercise of reasonable care, should have known, that targeting youth would cause harm to NYC Plaintiffs, who provide youth with educational and mental health services. Defendants knew, or in the exercise of reasonable care, should have known, that excessive use and addiction of youth to their platforms would result in disruption and adverse impacts on schools and an interference with NYC Plaintiffs' operations. Defendants owed NYC Plaintiffs a duty not to expose them to an unreasonable risk of harm, and to act with reasonable care as a reasonably careful company would act under the circumstances. Defendants violated their duty of reasonable care to NYC Plaintiffs by developing dangerous and addictive social media platforms targeted to young people.

919. In addition, at all times relevant to this litigation, Defendants owed a duty to users and the general public, including NYC Plaintiffs, to exercise reasonable care in providing accurate, true, and correct information about the risks of using Defendants' platforms, and appropriate, complete, and accurate warnings about the potential adverse effects of extended social media use.

920. Defendants also knew, or in the exercise of reasonable care should have known, that users and consumers of Defendants' social media platforms were unaware of the risks and the magnitude of the risks associated with the use of Defendants' platforms, including but not limited to the risks of extended or problematic social media use and social media addiction and the likelihood that algorithm-based recommendations would harm youth mental health.

921. As such, Defendants, by action and inaction, representation and omission, breached their duty of reasonable care, failed to exercise ordinary care, and failed to act as a reasonably careful person and/or company would act under the circumstances in the design, research, development, testing, marketing, supply, promotion, advertisement, operation, and

distribution of their social media platforms, in that Defendants designed, researched, developed, tested, marketed, supplied, promoted, advertised, operated, and distributed social media platforms that Defendants knew or had reason to know would negatively impact the mental health of consumers, particularly youth, and failed to prevent or adequately warn of these risks and injuries. This negative impact on youth foreseeably harmed NYC Plaintiffs, as described above.

922. Public policy factors support the imposition of a duty on Defendants to exercise reasonable care toward NYC Plaintiffs because any social utility of Defendants' conduct is greatly outweighed by the harms of addicting youth to social media, causing a massive disruption to the community and to the learning process and requiring additional expenditures by public health departments, city hospitals, and public schools throughout NYC Plaintiffs' community.

923. Despite their ability and means to investigate, study, and test their social media platforms and to provide adequate warnings, Defendants have failed to do so. Where Defendants have investigated the extent to which their platforms are harming youth mental health, as described above, they have not shared these findings with the public, and it is only the actions of whistleblowers that have made some of these internal investigations public. Defendants have wrongfully concealed information and have made false and/or misleading statements concerning the safety and use of Defendants' social media platforms.

924. Defendants' negligence includes, but is not limited to:

- a. Designing, researching, developing, marketing, supplying, promoting, advertising, operating, and distributing their social media platforms without thorough and adequate pre- and post-market testing;
- b. Failing to sufficiently study and conduct necessary tests to determine whether or not their social media platforms were safe for child and adolescent users;
- c. Failing to use reasonable and prudent care in the research, design, development, testing, marketing, supply, promotion, advertisement, operation, and distribution

of their social media platforms so as to avoid the risk of encouraging extended social media use;

- d. Designing their social media platforms to maximize the amount of time users spend on the platform and causing excessive and problematic use of their platforms, particularly among youth, through the use of algorithm-based feeds, social reciprocity, and IVR;
- e. Failing to implement adequate safeguards in the design and operation of their platforms to ensure they would not encourage excessive and problematic use of their platforms, including failing to implement opt-in restrictions to the length and frequency of use sessions and failing to enable default protective limits to the length and frequency of use sessions;
- f. Designing and manufacturing their platforms to appeal to minors and young people who lack the same cognitive development as adults and are particularly vulnerable to social rewards like IVR and social reciprocity;
- g. Failing to take adequate steps to prevent their platforms from being promoted, distributed, and used by minors under the age of thirteen;
- h. Failing to provide adequate warnings to child and adolescent users or parents who Defendants could reasonably foresee would use their platforms;
- i. Failing to disclose to, or warn, NYC Plaintiffs, users, consumers, and the general public about the negative mental health consequences associated with social media use, especially for children and adolescents, including addiction;
- j. Failing to disclose to NYC Plaintiffs, users, consumers, and the general public that Defendants' platforms are designed to maximize the time users, particularly youth, spend on Defendants' platforms, and that extended time on those platforms in turn results in negative mental health outcomes;
- k. Representing that Defendants' platforms were safe for child and adolescent users when, in fact, Defendants knew or should have known that the platforms

presented acute mental health concerns for young users;

- l. Failing to alert users and the general public, including NYC Plaintiffs' community and NYC Public Schools students of the true risks of using Defendants' platforms;
- m. Advertising, marketing, and recommending Defendants' platforms while concealing and failing to disclose or warn of the dangers known by Defendants to be associated with, or caused by, youth use of Defendants' platforms;
- n. Continuing to design, research, develop, market, supply, promote, advertise, operate, and distribute Defendants' platforms with knowledge that Defendants' platforms are unreasonably unsafe, addictive, and dangerous to youth mental health;
- o. Failing to modify Defendants' algorithms in a manner that would no longer prioritize maximizing the amount of time users spend on Defendants' platforms over the safety of its youth users;
- p. Creating barriers that make it more difficult for users to delete and/or deactivate their accounts than to create them in the first instance; and
- q. Committing other failures, acts, and omissions set forth herein.

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

926. Defendants could have reasonably foreseen the probable harm caused by their negligence. Each Defendant's acts and omissions were a substantial factor in causing harm to NYC Plaintiffs. The harms suffered by NYC Plaintiffs, as laid out above, would not have occurred if not for Defendants' negligence.

927. Defendants' negligence helped to and did produce, and was the proximate cause

of, the injuries, harm, and economic losses that NYC Plaintiffs suffered and will continue to suffer, and such injuries, harm, and economic losses would not have happened without Defendants' negligence as described herein.

928. The mental health crisis caused and/or significantly contributed to by Defendants has caused an ongoing behavioral disruption in NYC Plaintiffs' schools and community, and NYC Plaintiffs have had to take steps to mitigate the harm, inconvenience, and disruption caused by Defendants' conduct, as described above.

929. As a direct and foreseeable consequence of Defendants' wrongful conduct, each of the NYC Plaintiffs has been required to devote significant resources—in terms of funding, employees, and time—as a result of the youth mental health crisis, to provide services to youth across the city, including through public schools, public hospitals, and other city-wide programs.

930. NYC Plaintiffs have incurred and will continue to incur costs related to addressing the youth mental health crisis that Defendants created, caused, contributed to and/or maintained. NYC Plaintiffs request relief relating to the damage or injury they have suffered, including actual and compensatory damages in an amount to be determined at trial.

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

COUNT THREE — NEW YORK GROSS NEGLIGENCE

932. NYC Plaintiffs incorporate by reference all preceding paragraphs.

933. Defendants knew of the substantial risk of harm that their platforms posed to users'

mental health, particularly children and adolescents.

934. Defendants' conduct, as described above, was intended to serve their own interests despite having reason to know and consciously disregarding a substantial risk that their conduct might significantly injure the rights of others, including NYC Plaintiffs, and/or Defendants consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others, including NYC Plaintiffs. Defendants regularly risk the health of users of their platforms with full knowledge of the significant dangers of their platforms. Defendants consciously decided not to redesign their platforms, or to warn or inform the unsuspecting public, including NYC Public Schools students, NYC youth, and NYC Plaintiffs, despite knowing the probable consequences would be to increase mental health issues among youth and to cause a major disruptive behavioral situation in NYC Public Schools' campuses and interfere with NYC Plaintiffs' missions.

935. Defendants thereby recklessly disregarded or were indifferent to the rights of others, including NYC Public Schools students, New York City youth, and NYC Plaintiffs, and were indifferent to the probable consequences of designing their platforms to maximize the amount of time youth spend using social media. Defendants' indifference to the safety of others and indifference to the probable consequences of its acts caused NYC Plaintiffs to suffer harm.

936. Ultimately, Defendants' gross negligence caused or was a substantial factor in causing foreseeable harm to NYC Plaintiffs and other economic losses in an amount to be proven at trial.

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

VI. DEMAND FOR A JURY TRIAL

938. NYC Plaintiffs hereby demand a trial by jury.

VII. PRAYER FOR RELIEF

WHEREFORE, NYC Plaintiffs pray for judgment as follows:

939. Entering an Order that the conduct alleged herein constitutes a public nuisance

under New York law;

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

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

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

943. Awarding equitable relief to fund prevention education and mental health treatment;

944. Awarding actual and compensatory damages;

945. Awarding punitive damages;

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

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

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

RESPECTFULLY SUBMITTED this 8th day of October, 2025.

MURIEL GOODE-TRUFANT

Corporation Counsel of the
City of New York
100 Church Street, Rm 20-87
New York, NY 10007
Tel: (212) 356-2276

By /s/



Melanie C.T. Ash
Aatif Iqbal
Assistant Corporation Counsels
Email: mash@law.nyc.gov
aiqbal@law.nyc.gov

Attorneys for Plaintiffs

KELLER ROHRBACK L.L.P.

1140 6th Avenue, 9th Floor
New York, NY 10036
Tel: 602-230-6324
Fax: (646) 380-6692

By: /s/ Ron Kilgard

Ron Kilgard, SBN 4976916
rkilgard@kellerrohrback.com

Dean N. Kawamoto
Felicia Craick
Chris Ryder
Gretchen Freeman Cappio
Derek W. Loeser
1201 Third Avenue, Suite 3400
Seattle, WA 98101
Telephone: 206.623.1900
Facsimile: 206.623.3384
Email: dkawamoto@kellerrohrback.com

fcraick@kellerrohrback.com
cryder@kellerrohrback.com
gcappio@kellerrohrback.com
dloeser@kellerrohrback.com

Christopher Springer
801 Garden Street, Suite 301
Santa Barbara, CA 93101
Telephone: 805.456.1496
Facsimile: 805.456.1497
Email: cspringer@kellerrohrback.com

Attorneys for Plaintiffs