

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

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THE PEOPLE OF THE STATE OF NEW YORK,
by LETITIA JAMES, Attorney General of the
State of New York,

Plaintiff,

-against-

Index No. 452749/2024

Hon. Anar Rathod Patel

TIKTOK INC.; TIKTOK LLC; TIKTOK U.S. DATA
SECURITY INC.; TIKTOK PTE. LTD; TIKTOK, LTD;
BYTEDANCE INC.; BYTEDANCE LTD.,

Defendants.

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FIRST AMENDED COMPLAINT

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NATURE OF THE ACTION

1. Plaintiff, the People of the State of New York, by Attorney General Letitia James (the “OAG”), brings this action pursuant to Executive Law § 63(12) and General Business Law (“GBL”), Article 22-A, §§ 349 and 350 to remedy past and ongoing fraudulent, deceptive, and unlawful practices by TikTok Inc., TikTok LLC, TikTok U.S. Data Security Inc., TikTok Pte. Ltd., TikTok, Ltd., ByteDance Inc., and ByteDance Ltd. (collectively, “TikTok” or “Defendants”), and to hold TikTok accountable for the harms it has inflicted on the youngest New Yorkers by falsely marketing and promoting its addictive and otherwise harmful mobile social media application (“app”) and website (together, “platform”) in this State.

2. Depression, anxiety, eating disorders, and suicidal ideation have all reached record levels among children in New York and elsewhere.

3. A growing body of evidence isolates addictive social media as a key driver of the youth mental health crisis.

4. In late 2021, the U.S. Surgeon General issued a public health advisory to “highlight the urgent need to address the nation’s youth mental health crisis,” as well as to call on “technology companies” to “step and up and take responsibility.” According to the Surgeon General, “national surveys of youth have shown major increases in certain mental health symptoms, including depressive symptoms and suicidal ideation.”

5. On January 24, 2024, the Commissioner of the New York City Department of Health and Mental Hygiene, Dr. Ashwin Vasan, issued an advisory officially designating social media as a public health hazard in New York City.

6. The China-based social media platform TikTok exemplifies the addictive nature of social media applications. Its business model seeks to maximize advertising revenue by maximizing users’, and particularly young users’, engagement with the platform.

7. Studies show that half of U.S. teens use the TikTok app “several times a day” and some use it “almost constantly.” And 13% of teens say they “wouldn’t want to live” without the TikTok app. More teens ages 13 to 17 use TikTok (63%) over Snapchat (60%) and Instagram (59%). There are over 9.2 million active TikTok platform users in New York including over 1.6 million active users in New York under the age of 18.

8. TikTok outfitted its platform with features that its own employees describe as “coercive design tactics” particularly effective at enticing younger users, who TikTok employees further acknowledge “have minimal ability to self-regulate effectively.”

9. The platform’s most addictive feature is the “For You” feed, a literally endless series of short-form videos curated by algorithms that is specifically developed to hold a user’s attention for as long as possible. Internal documents show that it is designed to provide videos that keep a user’s attention, not that reflect the user’s preferences.

10. The “For You” feed is one of the numerous features designed to exploit the human body’s natural reaction to the receipt of small rewards through the release of the pleasure-creating neurotransmitter dopamine, and in turn promote addictive behavior.¹ As TikTok warned in an internal document, “[o]nce the reward has been absorbed, the dopamine fades leaving the desire for more.”

11. These features exploit children’s underdeveloped psychological and neurological controls to lock young users into cycles of excessive and unhealthy usage of social media.

12. The result of these features is to trap a user’s attention for profit. As the U.S. Surgeon General recently put it (emphasis added):

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.*

13. TikTok internal documents classify more than a third of all of the platform’s daily users as being 14 years old or younger.

14. According to a recent study, 36% of U.S. teens say they use social media “too much,” and more than half say that giving it up would be “somewhat” or “very” hard.

15. A founder of the early version of the app admitted that it targeted young Americans, stating: “Teenagers in the U.S. are a golden audience If you look at China, the teenage culture doesn’t exist—the teens are super busy in school studying for tests, so they don’t have the time and luxury to play social media apps.”

¹ Baroness Kidron, et al., *Disrupted Childhood: The Cost of Persuasive Design* at 20, ResearchGate (June 2018), https://www.researchgate.net/publication/329035489_Disrupted_Childhood_The_cost_of_Persuasive_design.

16. TikTok has even targeted children under the age of 13 in violation of U.S. law. In August of 2024 TikTok was sued by the U.S. Department of Justice and the Federal Trade Commission for violating the Children’s Online Privacy Protection Act and its implementing regulations (“COPPA”) by knowingly collecting and retaining personal information from children under the age of 13.

17. TikTok knows that compulsive use of and other harmful effects of its platform are wreaking havoc on the mental health of millions of American children and teenagers. Its executives admit:

- a. “The product in itself has baked into its compulsive use.”
- b. “The reason pre-teens watch TikTok is because the algo[rithm] is really good. . . . But I think we need to be cognizant of what it might mean for other opportunities. And when I say other opportunities, I literally mean sleep, and eating, and moving around the room, and looking at somebody in the eyes.”

18. Indeed, a comment in one internal document notes that the harms of addiction “have made us realize the consequences of optimizing for engagement and retention metrics.” An unusually candid response reveals why TikTok will never change unless legally required to do so: “while I agree, isn’t addiction in this sense considered a very positive metric in our field?”

19. Despite such documented knowledge, TikTok continually misrepresents its platform as “safe,” “appropriate for children and teenagers,” and that safety is its “top priority.” It also misrepresents the effectiveness of built-in features designed to combat addictive use and harms, including parental controls, community standards, and age verification.

20. TikTok also misrepresents the extent to which the platform is directed to children under 13 years old.

21. To remedy and put an end to TikTok’s wrongdoing, the State hereby seeks civil penalties, punitive damages, and injunctive relief against TikTok under, among other laws, Executive Law § 63(12) and GBL §§ 349 and 350.

PARTIES

22. Plaintiff is the People of the State of New York by their attorney, Letitia James.

23. Defendant TikTok Inc., formerly known as Musical.ly Inc., is a California corporation with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. TikTok Inc. is registered as a Foreign Business Corporation with the New York Department of State and

maintains an office at 151 West 42nd Street in Manhattan. TikTok Inc. operates the social media platform known as TikTok.

24. Defendant TikTok LLC is a Delaware limited liability company with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. TikTok LLC wholly owns TikTok Inc.

25. Defendant TikTok U.S. Data Security Inc. (“USDS”) is a Delaware corporation with its headquarters at 5800 Bristol Parkway, Culver City, CA 90230. USDS is a subsidiary of TikTok Inc. and is described as the entity that “controls access to protected U.S. user data, content recommendation, and moderation systems” for U.S. consumers on the TikTok platform.²

26. Defendant TikTok Pte. Ltd. is headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 04583. TikTok Pte. Ltd. is listed in the Apple App Store as the “seller” of the TikTok app and is similarly identified in the Google Play Store and Microsoft Store.

27. Defendant TikTok, Ltd. is a Cayman Islands corporation with its headquarters in Shanghai, China. TikTok, Ltd. wholly owns TikTok LLC and TikTok Pte. Ltd. and is listed in the Apple App Store as the “developer” of the TikTok app.

28. Defendant ByteDance Inc. is a Delaware corporation with its headquarters at 1199 Coleman Avenue, San Jose, CA 95110. ByteDance Inc. is registered as a Foreign Business Corporation with the New York Department of State and maintains an office at 151 West 42nd Street in Manhattan. ByteDance Inc. is wholly owned by ByteDance Ltd.

29. Defendant ByteDance Ltd. is a Cayman Islands corporation with its headquarters in Beijing, China. ByteDance Ltd. created and owns the proprietary algorithm that underlies TikTok’s “For You” feed.

30. On October 1, 2024, the OAG sent TikTok a pre-litigation notice, pursuant to GBL Article 22-A, by certified mail, return receipt requested. The OAG also sent TikTok’s counsel a copy of the pre-litigation notice by email on October 1, 2024.

² *TikTok U.S. Data Security Names Independent Security Inspectors as Part of Digital Integrity and Compliance Journey*, TikTok Newsroom (June 26, 2024), <https://newsroom.tiktok.com/en-us/tiktok-data-security-usds-independent-security-inspectors-june-2024>.

COMMON ENTERPRISE

31. Defendant ByteDance Ltd. is the parent and owner of ByteDance, Inc. and TikTok, Ltd. TikTok, Ltd. owns TikTok LLC and TikTok Pte. Ltd. TikTok LLC in turn owns TikTok Inc., which owns TikTok USDS.

32. ByteDance Ltd. and TikTok Inc. executives, including Zhang Yiming, Liang Rubo, Zhao Pengyuan, and Zhu Wenjia, direct and control the company. Since 2019, ByteDance Ltd. and TikTok Inc. have supported and marketed the app in New York, including through Apple and Google app stores.

33. TikTok Pte. Ltd. serves as the U.S. distributor of TikTok through the Apple App Store and Google Play Store. TikTok, Ltd. is listed as the developer of the app in the Apple App Store and TikTok Pte. Ltd. Is listed as the developer of the app in the Google Play Store.

34. ByteDance Ltd. created the algorithm that drives the video recommendation engine on TikTok and maintains ownership over it.

35. The TikTok website is accessed through tiktok.com domain, which is registered to TikTok, Ltd.

36. Since 2023, TikTok Inc. has transferred personal information of children to TikTok USDS, which has maintained that data.

37. TikTok Inc.'s chief executive officers between 2020 and the present (Kevin Mayer, V Pappas, and Shou Zi Chew), have simultaneously held senior positions at ByteDance Ltd., and ByteDance Ltd.'s chief executive officers (Zhang Yiming and Liang Rubo) have simultaneously served as directors of TikTok, Ltd. TikTok Inc.'s Global Chief Security Officer, Roland Cloutier, also served as cyber risk and data security support for ByteDance Ltd. ByteDance Inc. and TikTok Pte. Ltd.'s officers and directors have also overlapped with each other, and with officers and directors of TikTok Inc.

38. In April 2021, when Shou Chew was named CEO of TikTok Inc., he was serving as CFO of ByteDance Ltd. As CEO of TikTok Inc., Chew reports to the CEO of ByteDance Ltd and is also paid by ByteDance Ltd. ByteDance Ltd. provides compensation and benefits to TikTok Inc.'s CEO and TikTok Inc. employees participate in ByteDance Ltd.'s stock option plan.

39. ByteDance Ltd. and TikTok, Ltd. retain authority to approve or deny implementation of TikTok's "safety features." ByteDance Ltd. and TikTok, Ltd. employees also routinely sign contracts on behalf of TikTok Inc. ByteDance Ltd. controls TikTok Inc.'s e-

commerce operations, and the leaders of TikTok Inc.'s e-commerce operations report directly to ByteDance Ltd.'s executives rather than TikTok Inc.'s own CEO. Further, TikTok Inc.'s head of human resources reports to ByteDance Ltd.'s head of human resources.

40. TikTok has not created or maintained an organizational chart because its employees do not have formal titles and the responsibilities between organizations are fluid.³ Some former employees have even stated they were unsure which Defendant they actually worked for.

41. Upon information and belief, TikTok operates on a "shared services" model in which ByteDance Ltd. provides legal, safety, and privacy resources, including personnel.

a. ByteDance Ltd. controls legal compliance and oversight at TikTok Inc.

ByteDance Ltd.'s Global General Counsel, who reports to ByteDance Ltd.'s CEO, also oversees TikTok Inc.'s legal issues.⁴ ByteDance Ltd.'s Director of Legal Affairs was designated as the point of contact along with outside counsel for the Federal Trade Commission to communicate with TikTok, Ltd. and/or TikTok Inc. regarding TikTok's compliance with the stipulated order in *United States v. Musical.ly, et al.*, Case no. 2:19-cv-1439 (C.D. Cal.), involving the app that later became TikTok.

b. All of Defendants' employees use a shared internal messaging system, Lark, where they can engage in chats and group chats with each other regardless of their formal company affiliation.

42. Upon information and belief, TikTok maintains one centralized bank account for ByteDance Ltd.'s more than a dozen products, including TikTok.

43. At all relevant times, each Defendant acted individually and jointly with every other named Defendant in committing all acts alleged in this Complaint. At all relevant times, each Defendant acted: (a) as a principal; (b) under express or implied agency; and/or (c) with actual or ostensible authority to perform the acts alleged in this Complaint on behalf of every other named Defendant. Each Defendant knew, or should have known, that the other Defendants were engaging in or planned to engage in the violations of law alleged in this Complaint;

³ Roger Chen & Rui Ma, *How ByteDance Became the World's Most Valuable Startup*, Harv. Bus. Rev. (Feb. 24, 2022), available at <https://archive.ph/08sj1>.

⁴ *ByteDance Appoints John Rogovin as Global General Counsel*, TikTok Newsroom (June 3, 2024), <https://newsroom.tiktok.com/en-us/bytedance-appoints-john-rogovin-as-global-general>.

facilitated the commission of those unlawful acts; and intended to and did encourage, facilitate, or assist in the commission of the unlawful acts, and thereby aided and abetted the other Defendants in the unlawful conduct.

44. Defendants have engaged in a conspiracy, common enterprise, and common course of conduct, the purpose of which is and was to engage in the violations of law alleged in this Complaint. The conspiracy, common enterprise, and common course of conduct continue to the present.

JURISDICTION

45. This Court has jurisdiction pursuant to: (i) Executive Law § 63(12), under which the OAG is empowered to seek injunctive relief, restitution, damages and other equitable relief, including disgorgement, when a person or business engages in repeated fraudulent or illegal acts or persistent fraud or illegality in the carrying on, conducting or transaction of business; (ii) General Business Law § 349(b), which authorizes the OAG to seek injunctive relief, restitution, civil penalties, and other equitable relief, including disgorgement, when a person or business engages in deceptive acts and practices in the conduct of any business, trade, or commerce; and (iii) GBL § 350, which authorizes the OAG to seek injunctive relief, restitution, civil penalties, and other equitable relief, including disgorgement, when a person or business engages in false advertising in the conduct of any business, trade or commerce.

46. This Court has personal jurisdiction over TikTok pursuant to New York CPLR § 302(a)(3) because the misrepresentations and conduct that form the basis for this action were targeted to New York citizens—including children, parents and guardians, teachers and school administrators, as well as other consumers—and have caused substantial harm in New York and to New Yorkers. Moreover, TikTok regularly does and/or solicits business in New York, as it has more than 9 million users in the State, and derives significant revenues therefrom. Given its significant business in New York and targeting of New York citizens with its products and advertisements, TikTok should reasonably expect that its conduct should have consequences for New York residents.

47. Additionally, Defendants TikTok Inc. and ByteDance Inc. have offices in New York City and local employees who work in New York.

48. Among other actionable conduct alleged in this Complaint, TikTok has targeted New York youth in the following ways:

- a. Marketing and promoting the app and platform to young consumers in New York, including through listings on popular mobile app stores, with misleading age ratings that describe it as being appropriate for ages “12+”⁵ or “Teen”;
- b. Entering into contractual agreements through agreement of the platform’s terms of service with every New York user who registers a TikTok account and providing access to the platform in exchange for their user data;
- c. Exploiting the data of young New Yorkers to sell advertising and increase revenue;
- d. Selling and serving up New York-specific ads to young New York consumers based on New York user data;
- e. Making representations to New York consumers about the safety and suitability of TikTok for teens in public statements, ads, and other communications targeted to New York youth, parents, teachers, and more;
- f. Making representations about user data collection and access to New York consumers through TikTok’s privacy policies;
- g. Providing tools for businesses in New York to advertise on the TikTok platform;
- h. Providing the “TikTok Shop” online marketplace for businesses to advertise and sell goods in and from New York;
- i. Providing cross-platform advertising with Shopify, another e-commerce platform, in New York;
- j. Selling “Coins” to thousands of New Yorkers that can be gifted to other TikTok users, which can then be exchanged for U.S. fiat currency; and,
- k. Offering New York users “TikTok Rewards,” a referral rewards program through which existing users recruit new users to the TikTok platform earning the referring user rewards redeemable for U.S. currency.

⁵ *TikTok*, App Store, <https://apps.apple.com/us/app/tiktok/id835599320> (last visited Oct. 6, 2024).

FACTUAL ALLEGATIONS**I. TikTok's Business Model is to Maximize Young Users' Time on the Platform**

49. TikTok's business model is to increase advertising revenue by maximizing young users' engagement with the TikTok platform. The more time young users spend on the platform, the more ads they can be served. TikTok admits that "[t]he advertising-based business model encourages optimization for time spent in the app."

50. User engagement is measured by a number of different metrics including the amount of time spent on the platform, the number of times (and times of day) a user opens the platform, whether a user allows a video to play to completion or swipes to another screen before it is done, and whether a user clicks "Like" or "Share" buttons.

51. An internal review of user engagement noted that "[a]s expected, across most engagement metrics, the younger the user the better the performance." According to internal data from 2019, users aged 14 years old and under consume more videos per user per day than any other age group on TikTok. One TikTok 2019 internal presentation states that the app's "ideal user composition" would be for 82% of its users to be under the age of 18. TikTok considers users under the age of 13 to be a critical demographic, believing young users will continue to use the platform to which they are accustomed "after they grow up."

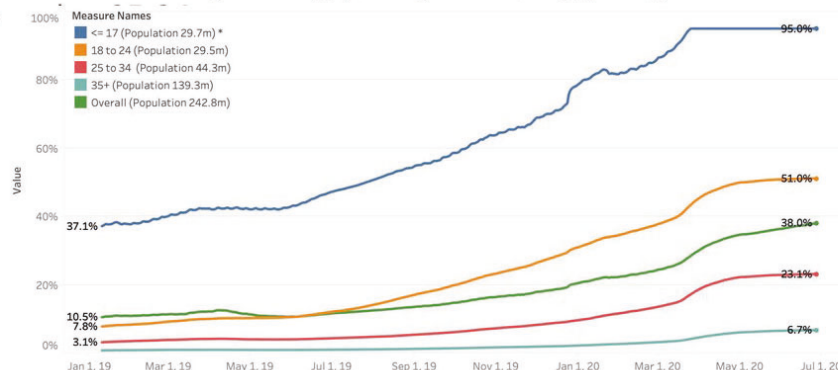
52. With a relentless focus on young people, TikTok's growth in the United States exploded. Through at least 2020, the platform's user growth in the United States was primarily driven by users aged 17 and under.

53. TikTok's internal data estimated that 2020, 95% of Americans between the ages of 13 and 17 who used a smartphone were on the app at least monthly:

Figure 1

MAU Market Penetration

We have hit a ceiling among young users, biggest growth oppo



* <= 17 Penetration capped at 95%
 Penetration: MAU / Smartphone Population

54. In 2023, 63% of all Americans aged 13 to 17 who responded to a Pew Research survey reported using TikTok, and most teenagers in the U.S. were using TikTok daily; 17% of American teens said that they were on TikTok “almost constantly.”⁶

55. The New York Times reported that TikTok's success largely comes from the significant amount of time users spend on the platform: “TikTok's users spend an average of 96 minutes a day on the app—nearly five times what they spend on Snapchat, triple their time on Twitter, and almost twice as much as their time on Facebook and Instagram.” Rich Greenfield, a technology analyst quoted in the article, stated: “TikTok is eating the world. The only thing that matters in the world of entertainment is time spent.”⁷

56. Today, it has over 1 billion active users, including 170 million active users in the United States and over 9 million active users in New York.

57. Over 1.6 million of TikTok's active users in New York are under the age of 18.

⁶ Monica Anderson, Michelle Faverio & Jeffrey Gottfried, *Teens, Social Media and Technology 2023*, Pew Research Center (Dec. 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>.

⁷ Kalley Huang, Isabella Simonetti, & Tiffany Hsu, *TikTok Builds Itself Into an Ads Juggernaut*, N.Y. Times (Nov. 14, 2022), <https://www.nytimes.com/2022/11/14/technology/tiktok-ads-social-media.html/>.

II. TikTok is Designed to Be Addictive

58. TikTok knowingly created features on the TikTok platform that were intended to cause excessive, compulsive, and addictive use.

59. These features, which TikTok's *own* employees describe as "coercive design tactics," are particularly effective at enticing younger users, who employees acknowledge "have minimal ability to self-regulate effectively."

A. Conscious Exploitation of Dopamine in Young Users

60. TikTok's design choices exploit the neurotransmitter dopamine, which helps humans feel pleasure as reinforcement. Dopamine "rewards" can lead to addictive behavior, particularly when rewards are unpredictable.

61. A report called *Disrupted Childhood* (co-authored by a future TikTok executive Alexandra Evans) explained how variable rewards produce dopamine rushes:

Variable rewards hold a special thrill, as the user anticipates a reward that they know could come but is tantalisingly just out of reach. A gambler waiting to see where the roulette wheel will stop or a viewer watching a presenter's dramatic pause before they announce a winner. In both cases, the individuals experience a dopamine rush as they anticipate the unknown outcome.⁸

62. The anticipation of the reward, not just the reward itself, drives compulsive and unhealthy habit formation. TikTok knows that "[o]nce the reward has been absorbed, the dopamine fades leaving the desire for more."

63. TikTok knows that minors are particularly susceptible to compulsive use of its platform. A TikTok-commissioned report corroborates that young, developing brains are vulnerable to harmful addictive behaviors:

[I]f adapting to physical changes poses a new set of challenges to the developing young person, the rapid development of the brain brings additional and perhaps greater ones. In healthy development, the Limbic system of the brain (which regulates emotion and feelings of reward) undergoes dramatic changes between [the] ages of 10-12 years. These changes then interact with the pre-frontal cortex of the brain (the judgment centres) to promote novelty seeking behaviour, risk-taking and interactions with peers. In simple terms, this means there is a phase of intense emotion, whilst judgment can appear to be less acute, as those 'judgement centres' of the brain are being revised. . . . [UNICEF] describes early

⁸ See Kidron, *supra* n. 1, at 22.

adolescence as a time of rapid learning and brain development, which facilitates increases in sensation-seeking, motivation for social relations and sensitivity to social evaluation[.]⁹

64. As the Disrupted Childhood report found, “[c]hildren’s predilection to seek immediate gratification makes them particularly susceptible to habit-forming rewards.”¹⁰ TikTok knowingly takes advantage of this vulnerability, admitting that “minors do not have executive function to control their screen time[.]” And creating this addiction is TikTok’s intent.

B. TikTok Uses Multiple Features to Manipulate Users into Compulsive and Excessive Use

65. TikTok has built a number of features to increase users’ time spent on the platform, and which create the compulsive use that harm TikTok’s young users.

1. “For You” Feed

66. The central feature of the TikTok platform is its “recommendation system,” which is a complex series of algorithms that powers the “For You” feed. Users do not know what the next video will be, and they struggle to resist the pull to continue using the platform to find out.

67. As one expert has explained, “[t]he [TikTok] algorithm is able to find the piece of content that you’re vulnerable to, that will make you click, that will make you watch, but it doesn’t mean that you really like it It’s just the content that’s the most likely to make you stay on the platform.”¹¹ As another commentator put it, “[y]ou don’t tell TikTok what you want to see. It tells you.”¹²

68. Internal presentations note that TikTok’s goal is to have new users reach a “[h]abit moment” of watching 260 videos in their first week because such users become “highly active” and “start to form a habit of coming to TikTok regularly[.]” TikTok even sought to create a daily habit for minors. One of TikTok’s internal goals in 2020 was to “[p]romote TikTok LIVE as a daily habit” in users as young as 16.

⁹ Zoe Hilton, et al., *Exploring effective prevention education responses to dangerous online challenges*, Praesidio Safeguarding (Nov. 2021), <https://praesidiosafeguarding.co.uk/safe-guarding/uploads/2021/11/Exploring-effective-prevention-education-responses-to-dangerous-online-challenges-English-UK-compressed-1.pdf>.

¹⁰ See Kidron, *supra* n. 1, at 20.

¹¹ *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>.

¹² Drew Harwell, *How TikTok ate the internet*, WASH. POST (Oct. 14, 2022), <https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/>.

69. TikTok sets forth these goals in an internal “Onboarding Presentation” that describes the “[g]oals of the recommendation system” as increasing how long users spend on the TikTok platform and how often they engage with it:

Figure 2

Goals of the recommendation system

- Ultimate goal of the system is to increase **DAU** (Daily Active Users): attract new users and retain existing users (**retention**)
- App **playtime** is regarded as a similar indicator as retention
- Video views
- Interactions: like, comment, share, etc

2. Autoplay

70. When a user launches the TikTok platform, a video automatically begins to play in the user’s “For You” feed. This “autoplay” feature is designed to immediately grab the user’s attention. TikTok does not allow users to disable this feature.

71. Much like “Endless Scroll” (described below), this feature encourages young users to continuously watch video because it does not require user intervention to choose to view a video. The video is already loaded. This reduces so-called “friction” in the user experience (*i.e.*, something that slows down a user from performing an action) and keeps young users on the platform for longer periods of time.

3. Endless Scroll

72. Another addictive feature of the TikTok platform is the “Endless Scroll” (also referred to as infinite scroll or continuous scroll). When a user watches a video on TikTok, he or she can seamlessly move from one video to the next simply by swiping up, without ever reaching a “last” video.

73. Endless scrolling causes young users to spend more time on the platform by making it harder to disengage.¹³ This perpetual stream is designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or leave.”¹⁴ The user’s experience

¹³ Digital Media Literacy: *Why We Can’t Stop Scrolling*, GCFGlobal.org, <https://edu.gcfglobal.org/en/digital-media-literacy/why-we-cant-stop-scrolling/1/> (last visited Oct. 6, 2024).

¹⁴ 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>.

is a bottomless “flow state” that fully immerses users, distorts their perception of time, and has been shown to be associated with problematic use of social media platforms.¹⁵

74. Internal documents show that TikTok knows that “continuous scroll [and] few or no breaks between content” makes it more difficult for users to manage their time spent on the platform, and it intentionally maintains those features to encourage this behavior.

4. Ephemeral Content: TikTok Stories and TikTok LIVE

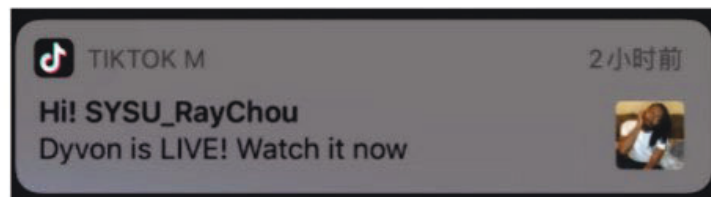
75. Another addictive feature is TikTok Stories, which lets users share content that vanishes two hours after being posted. It is designed to encourage young users to compulsively return to the platform to view their friends’ or favorite creators’ new content by exploiting young users’ unique sensitivity to the “fear of missing out” (“FOMO”).

76. Product managers intended it to “create[] new triggers for users to open TikTok.”

77. TikTok similarly leverages users’ FOMO with the TikTok LIVE feature. By default, LIVE content—livestreamed videos and real-time interaction with TikTok users—is only available during the livestream. Users must tune in immediately or lose the opportunity to interact.

78. TikTok compounds the urgency to immediately view LIVE videos with push notifications (discussed below) that encourage users to get back on the platform to watch the livestreamed videos, even during the school day or late at night.

Figure 3



5. Push Notifications

79. Push notifications are signals displayed on a TikTok user’s device that alert them to activity on the platform, such as new Live videos or a “Like” on one of their own videos, to prompt them to open the app.

¹⁵ Nino Gugushvili, et al., *Facebook Use Intensity and Depressive Symptoms: A Moderated Mediation Model of Problematic Facebook Use, Age, Neuroticism, and Extraversion*, 10 BMC PSYCH. 1, 3 (Nov. 28, 2022), <https://doi.org/10.1186/s40359-022-00990-7>; Jantos, Hannah, *The Psychology of TikTok: Why You Can't Stop Scrolling*, SocialFixation.com (Sept. 20, 2022), <https://www.socialfixation.com.au/post/why-its-hard-to-stop-scrolling-psychology-behind-tiktok-scroll>.

80. These push notifications send alerts to users on their smartphones and desktop even when the app is not open. TikTok designed these notifications to include lights, sounds, and onscreen messages with the goal of drawing users' attention back to their phones and desktops, and ultimately to the TikTok platform.¹⁶

81. Push notifications are also accompanied by a "badge," a red circle sitting atop the TikTok application icon on the user's smartphone, to further draw the user's attention. The badge remains until the user opens the TikTok platform.

82. TikTok employees described the goal of push notifications as being "to encourage users to open the app more and stay longer." TikTok found that using push notifications and badges increases user retention by over 1% and the overall number of users on TikTok per day by over 5%. TikTok recognized that these notifications, which were sent "up until midnight," could harm young users by "interfer[ing] with sleep." TikTok only recently stopped sending notifications during certain nighttime hours.

83. TikTok has even misrepresented the number of badge notifications to lure users onto the platform. It displayed badges with random numbers unconnected to any actual content or interactions available on the platform. TikTok employees describe this as "an on purpose strategic choice" to display numbers "inconsistent with the actual number of unread messages." As one employee remarked, "I have been getting a badge with 2 every morning, and it disappear [*sic*] as long as I open the app. When I open the app, it's not clear where those unread notifications come from."

6. Likes, Comments, and Other Interactions

84. TikTok enables users who have posted content on the platform to receive feedback from other users through "Likes" and comments on their content. When content has been "Liked" or has received a comment, TikTok notifies the poster. These notifications are addictive, relying on variable rewards, and are "effective in driving sustained changes in user behavior."

85. A New York University professor describes what happens to the brain when a user receives a notification that "someone 'likes' your post" on a social media platform as "[t]he minute you take a drug, drink alcohol, smoke a cigarette if those are your poison, when you get a

¹⁶ Trevor Haynes, *Dopamine, Smartphones & You: A Battle for Your Time*, HARV. U. GRADUATE SCH. OF ARTS & SCIS. BLOG (May 1, 2018), <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/>.

‘like’ on social media, all of those experiences produce dopamine, which is a chemical that’s associated with pleasure.”¹⁷

86. TikTok’s delivery of these dopamine rewards encourage users to post more videos and spend more time on the platform, which promotes user retention and financially benefits TikTok through more time on the platform and thus more ad revenue.

87. In internal documents, TikTok admits that “[t]he core user experience emphasizes and celebrates like and comment count, which can leave people without them feeling self-conscious, jealous, and bitter.”

88. TikTok’s own research shows that young people spend excessive amounts of time on the platform to avoid missing out on rewards such as likes or comments. Alexandra Evans, again prior to becoming a TikTok executive, co-authored a report explaining how coercive design impacts teenagers:

Persuasive design strategies exploit the natural human desire to be social and popular, by taking advantage of an individual’s fear of not being social and popular in order to extend their online use. For young people, identity requires constant attention, curation and renewal. At key development stages it can be overwhelmingly important to be accepted by your peer group.¹⁸

89. TikTok’s design and display of highlighting social validation and quantification metrics is addictive and has an especially powerful effect on teenagers.

C. TikTok Designs and Provides Beauty Filters That It Knows Harm Young Users

90. In addition to causing compulsive and addictive use, TikTok’s features harm young users in other ways.

91. One significant example is the platform’s so-called “beauty” features that encourage unhealthy, negative social comparison, body image issues, and related mental and physical health disorders. In particular, beauty filters can exacerbate eating disorders as the filters create an impossible standard for teens who are forming opinions of themselves, and which teens receive as an unmistakable message that they are “not enough.”

¹⁷ Eames Yates, *What Happens to Your Brain When You Get a Like on Instagram*, Business Insider (Mar. 25, 2017), <https://www.businessinsider.com/what-happens-to-your-brain-like-instagram-dopamine-2017-3>.

¹⁸ See Kidron, *supra* n. 1, at 23.

92. The TikTok platform's filters (or "effects") allow users to alter their appearance in photos and videos before they are posted, with some filters dramatically altering the user's appearance. Unrealistic changes to appearance are especially dangerous to young users because they can cause negative self-obsession or self-hatred of their appearance.

93. TikTok knows these filters can harm users but chose to keep them on the platform, and failed to disclose information about their dangers to users, including young users, and their parents.

94. Another significant and harmful beauty feature is "RETOUCH", formerly called "Beauty" mode. This feature incorporates artificial intelligence to artificially augment (or, in TikTok's words, "retouch/beautification/skin smoothing") the user's appearance. It allows users to adjust many of their physical attributes to align with aspirational beauty standards. For example, the feature can change the size and shape of a user's jaw, nose, lips, and eyebrows, whiten their teeth, smooth their skin, and adjust their skin tone or color.

95. A button to enable the RETOUCH feature is presented to users on the right-hand side of the screen whenever a user is preparing a video on TikTok.

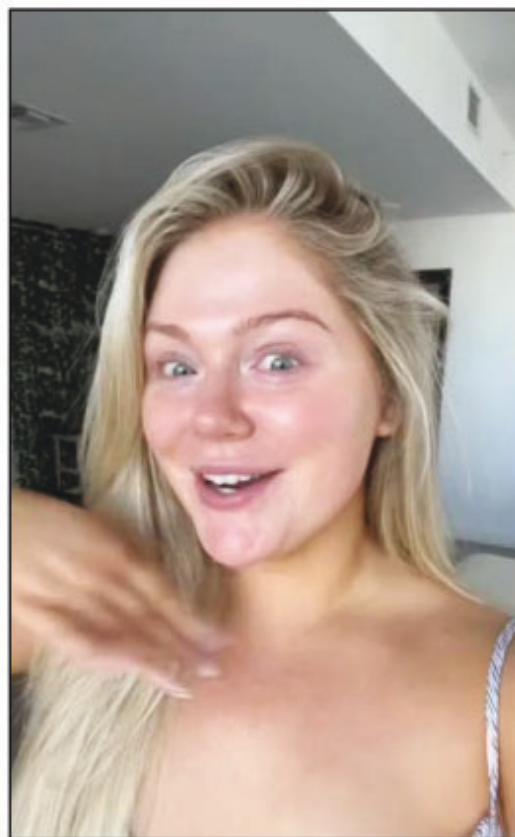
96. Based on the success of RETOUCH, in the spring of 2023 TikTok created, designed, and published another filter that altered users' appearances in even more pronounced ways known as "Bold Glamour." The Bold Glamour filter has been used in over 256 million posts.

97. Here is an example which is still available on TikTok:¹⁹

Figure 4



With the Filter



Without the Filter

98. TikTok provides these filters despite knowing they could harm young users' mental health and well-being.

99. In March 2023, the personal care brand Dove launched a campaign for users to #TurnYourBack on the Bold Glamour filter, citing studies that found that 52% of girls said they use image filters every day, and 80% had used a social media platform to change their appearance before the age of 13.²⁰ Studies also show that 50% of girls believe they do not look good without editing and 77% reported trying to change or hide at least one part of their body using these filters.²¹

¹⁹ Kelly Strack, 2023-2-25, <https://www.tiktok.com/@kellystrackofficial/video/7204177583708065067> (last visited Oct. 6, 2024).

²⁰ Dove, *Dove Invites You To Take A Stand And #TurnYourBack To Digital Distortion*, PR NEWSWIRE (Mar. 8, 2023), <https://www.prnewswire.com/news-releases/dove-invites-you-to-take-a-stand-and-turnyourback-to-digital-distortion-301766207.html>.

²¹ *Id.*

100. Beauty filters cause body image issues, including through perpetuating certain beauty stereotypes, such as structural facial features and skin color, that favor Caucasian or European features, and encouraging eating disorders, body dysmorphia, and related problems.²²

101. A recent study found that even users reporting a higher initial level of self-esteem felt they looked 44% worse before their image was edited using a filter. In a follow-up survey, “when the AR [augmented reality] 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.”²³

102. A TikTok employee even determined that beauty filters are associated with harm, stating they have “high potential from a research perspective to lead to negative body image and body dysmorphia [sic] symptoms, especially among teenage girls.” TikTok internal documents report that “teens are more susceptible to harm when it comes to the usage and consumption of beauty filters as they are developing body dysmorphia, eating disorders, and are more easily pressured by the opinions of others.”

103. Even though TikTok’s employees sounded the alarm about beauty filters, TikTok kept them on the app, and continues to offer them to minors, because they increase usage. Some employees complained that they “pushed hard” to slightly reduce the presence of RETOUCH on the app, and just for minor users under age 16. But, according to internal documents, for an extended period, TikTok rejected those suggestions that focused only on minor safety because those reductions would have “impacted negatively key growth metrics.” A 2022 TikTok study found that use of TikTok was indirectly related to body dissatisfaction due to more upward appearance comparison (users comparing their appearances to those of individuals they deem more attractive than themselves) and body surveillance (users scrutinizing and monitoring their own bodies).

²² See Siân McLean, Susan Paxton, Eleanor Wertheim, & Jennifer Masters, *Photoshopping the selfie: Self photo editing and photo investment are associated with body dissatisfaction in adolescent girls*, 48 INT’L J. OF EATING DISORDERS 1132, 1133 (Aug. 27, 2015), <https://pubmed.ncbi.nlm.nih.gov/26311205/>; Jing Yang, Jasmine Fardouly, Yuhui Wang, & Wen Shi, *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of Appearance Comparisons and Self-Objectification*, 17 INT’L J. OF ENV’T RES. & PUB. HEALTH 672, 672 (Jan. 2020), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7013747/>; Scott Griffiths, Stuart Murray, Isabel Krug, & Sian McLean, *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 CYBERPSYCHOLOGY, BEHAVIOR, & SOC. NETWORKING 149, 149 (Mar. 1, 2018), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5865626/>.

²³ Matthias Bastian, *TikTok, Instagram, Snapchat – AR Filters Change Self-Perception* (Dec. 26, 2021), <https://mixed-news.com/en/tiktok-instagram-snapchat-ar-filters-change-self-perception/>.

104. Accordingly, TikTok is well aware that its beauty filter features lead to unhealthy, negative mental and physical disorders.

D. TikTok Challenges Have Caused Deaths and Illegal Behavior

105. Another TikTok feature is “challenges.” Challenges are campaigns that encourage users to create and post certain types of videos on TikTok, such as a video of a user performing a certain dance routine or a dangerous prank. Challenge videos are a cornerstone of the platform and are among the most popular videos on the platform.

106. TikTok actively promotes what they determine 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.

107. Numerous teen users have injured or even killed themselves or others participating in viral pranks to obtain rewards and increase their number of “Likes,” views, and followers, a foreseeable consequence of TikTok’s engagement-maximizing design.

108. For example, the mother of a 15-year-old Manhattan boy who died subway surfing—attempting to “surf” on top of a moving subway car—on February 20, 2023, found videos promoting subway surfing in a challenge on his TikTok account. He also received an ad for a ski mask, which is often used during subway surfing to hide identity.²⁴

109. There are also a number of reports of Kia’s being stolen due to a TikTok Kia Challenge, which includes videos that show users how to hack the ignition to start many Kia and Hyundai car models. For example, four teenagers were killed in a car crash in Buffalo that police suspect was the result of the TikTok Kia Challenge.²⁵ Additionally, a group of thieves stole an undercover Kia police car in the Bronx and led officers on a chase in the early morning hours which was tied to a Kia challenge.²⁶ A Kia Forte was stolen in New York City and crashed into a house in Greenwich causing significant damage to both the car and the residence. The ignition was damaged consistent with the TikTok Kia Challenge.²⁷

²⁴ Kristin Thorne, *Mother of teen killed subway surfing files lawsuit against TikTok, Meta, MTA*, ABC7 (Feb. 20, 2024), <https://abc7ny.com/subway-surfing-lawsuit-15-year-old-boy-killed-social-media/14450444/>.

²⁵ *Buffalo teen guilty in high-speed crash of stolen Kia that killed 4 passengers*, AP.com (June 15, 2023), <https://apnews.com/article/tiktok-challenge-kia-fatal-crash-buffalo-d4d2f74cbb804ca41eb5eb6569957710>.

²⁶ Emma Seiwel & Rocco Parascandola, *Undercover NYPD car stolen in Bronx, possibly inspired by social media “Kia challenge”*, Daily News (New York) (Jan. 25, 2023), <https://www.nydailynews.com/2023/01/24/undercover-nypd-car-stolen-in-bronx-possibly-inspired-by-social-media-kia-challenge/>.

²⁷ Kathy Reakes, *Social Media Challenge: 4 Charged After Crashing Into Greenwich Home In Stolen Car*, Daily Voice (New York) (May 1, 2023), <https://dailyvoice.com/connecticut/greenwich/kia-challenge-4-charged-after-crashing-into-greenwich-home-in-stolen-car/>.

110. 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. The study found that “[o]ur participants overlooked or were unaware of the associated 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 media through propagating the challenge.”

111. TikTok’s 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.” TikTok was aware of the existence and dangers of both subway surfing and car theft challenges on the platform before the incidents discussed above. It was foreseeable that the challenge architecture on TikTok would be used by young users to promote dangerous, deadly, and destructive challenges.

III. Minors Are Especially Susceptible to Compulsive Use of TikTok

112. Children and teens are particularly vulnerable to addiction to social media because their brains—including the prefrontal cortex, the part of the brain that governs higher reasoning, goal setting, and impulse control—are still developing. According to studies, cortical development during adolescence is a critical period of vulnerability to addiction.²⁸

113. According to a recent study, 36% of U.S. teens say they use social media “too much,” and more than half say that giving it up would be “somewhat” or “very” hard.²⁹

114. TikTok has achieved 95% market penetration for teen smartphone users in the U.S. and almost six out of 10 teens report using TikTok at least daily. Nearly half of teens report using TikTok at least “several times a day,” and 17% describe their TikTok use as “almost constant.”³⁰

²⁸ Fulton Crews et al., *Adolescent cortical development: A critical period of vulnerability for addiction*, PHARMACOLOGY, BIOCHEMISTRY & BEHAVIOR (Feb. 2007), <https://www.sciencedirect.com/science/article/abs/pii/S009130570600400X>; Zara Abrams, *Why young brains are especially vulnerable to social media*, American Psychological Association (Feb. 3, 2022), <https://www.apa.org/news/apa/2022/social-media-children-teens>.

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

³⁰ Monica Anderson et al., *Teens, Social Media and Technology 2023*, Pew Research Center, (Dec. 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>.

115. Teen overuse of social media, including TikTok, has broad, harmful impacts on virtually every indicator of youth mental unwellness, including increased rates of major depressive episodes and anxiety, body image problems and eating disorders, sleep disturbance, loneliness, suicidal ideation, and suicide attempts.³¹

116. Despite a lack of transparency by TikTok and other social media companies, which impedes research, a growing body of peer-reviewed scientific literature confirms that social media addiction and overuse worsens mental health outcomes significantly more than other types of “screen time,” like video games or television.³²

117. Research further indicates that going through puberty while being a heavy social media user interferes with a sensitive period for social learning and friendship formation.³³

118. Not only does social media harm mental health, but studies show that mental health improves when social media use is limited. In a controlled experiment, college students who scored high on a depression scale improved significantly once they limited themselves to 30 minutes per day, as compared to students who continued using social media as usual.³⁴

119. By maximizing TikTok’s addictive properties, TikTok further harms minors by displacing time young people should be spending on more beneficial activities, like socializing with friends and family in person, playing outside, exercising, reading, doing homework, and sleeping. Indeed, interfering with sleep is one of the primary ways that social media use harms minor users. That, in turn, causes or exacerbates symptoms of depression and anxiety.³⁵

³¹ See, e.g., Jonathan Haidt et al., *Social Media and Mental Health: A Collaborative Review* (New York University, unpublished manuscript), <https://tinyurl.com/SocialMediaMentalHealthReview> (last visited Oct. 6, 2024); Jacqueline Nesi et al., *Handbook of Adolescent Media Use and Mental Health*, CAMBRIDGE UNIV. PRESS (2022).

³² Jean Twenge & Eric Farley, *Not All Screen Time Is Created Equal: Associations with Mental Health Vary by Activity and Gender*, 56 SOC. PSYCH. & PSYCH. EPIDEMIOLOGY 207, 207-17 (2021).

³³ Amy Orben et al., *Windows of developmental sensitivity to social media*, Nature Commc’ns 13, 1649 (2022). <https://doi.org/10.1038/s41467-022-29296-3>.

³⁴ Melissa G. Hunt et al., *No More FOMO: Limiting Social Media Decreases Loneliness and Depression*, 13 J. OF SOCIAL & CLINICAL PSYCH. 751-68 (2018), <https://doi.org/10.1521/jscp.2018.37.10.751>.

³⁵ See, e.g., Holly Scott et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional Findings from the UK Millenium Cohort Study*, 9 BMJ OPEN 1 (2019), <https://pubmed.ncbi.nlm.nih.gov/31641035/>; Garrett Hisler et al., *Associations between screen time and short sleep duration among adolescents vary by media type: evidence from a cohort study*, 66 SLEEP MEDICINE 99, 92-103 (2020), <https://pubmed.ncbi.nlm.nih.gov/31838456/>

A. The United States Surgeon General's Warning

120. In late 2021, the U.S. Surgeon General issued a public health advisory to “highlight the urgent need to address the nation’s youth mental health crisis,” as well as to call on “technology companies” to “step up and take responsibility.”³⁶

121. In a statement accompanying the advisory, the Surgeon General stressed that “[m]ental health challenges in children, adolescents, and young adults are real and widespread” and represent “the leading cause of disability and poor life outcomes in young people.”³⁷

122. According to the Surgeon General, “national surveys of youth have shown major increases in certain mental health symptoms, including depressive symptoms and suicidal ideation.” From 2009 to 2019, the number of high school students reporting “persistent feelings of sadness or hopelessness” increased by 40%, to more than one in three students. Youth psychiatric visits to emergency departments for depression, anxiety, and behavioral challenges increased by 28%. Perhaps most alarmingly, the number of U.S. youth seriously considering attempting suicide increased by 36%, and the number creating a suicide plan increased by 44%. Between 2007 and 2018, suicide rates among youth increased by almost 60%.³⁸

123. More recently, the U.S. Surgeon General called for a warning label on all social media.³⁹

124. Mental health challenges are especially acute for teen girls. In 2023, the U.S. Centers for Disease Control and Prevention released new statistics revealing that, in 2021, nearly three in five teenage girls experienced persistent sadness—defined as sadness every day for at least two weeks in the past year—and one in three had seriously considered suicide.⁴⁰

³⁶ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic*, Southeast ADA Center (Dec. 14, 2021), <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>;

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

³⁷ *U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic*, Southeast ADA Center (Dec. 14, 2021), <https://adasoutheast.org/u-s-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic/>.

³⁸ *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory*, U.S. Dep’t of Health & Human Servs. (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

³⁹ Vivek H. Murthy, *Surgeon General: Why I’m Calling for a Warning Label on Social Media Platforms*, N.Y. Times (June 17, 2024), <https://www.nytimes.com/2024/06/17/opinion/social-media-health-warning.html>

⁴⁰ Azeen Ghorayshi & Roni Caryn Rabin, *Teen Girls Report Record Levels of Sadness, C.D.C. Finds*, N.Y. Times (Feb. 13, 2023), <https://www.nytimes.com/2023/02/13/health/teen-girls-sadness-suicide-violence.html>.

B. Teen Mental Health in New York Has Declined for Years

125. Teen mental health in New York has declined since the widespread adoption of social media in 2011.

126. Take New York City, where there is rampant use of social media and in particular the TikTok platform, as an example. In 2023, 93% of teens in New York City reported using social media, with 66% reporting they used TikTok regularly.⁴¹

127. Between 2011 and 2021, there was a steady increase from 27% to 38% of public high school students in New York City who reported feeling sad or hopeless.⁴² Suicidal ideation increased from 12% to 16% during the same period.

128. The Commissioner of the New York City Department of Health and Mental Hygiene, Dr. Ashwin Vasan, stated that “unregulated access to social media is a toxin, and a public health crisis, with risks of serious harm for the mental health and well-being of our youth . . . [P]ublic health offers the solutions—through education and prevention, harm reduction, and regulation—that can keep our kids safe.”⁴³

129. On January 24, 2024, Dr. Vasan issued an advisory officially designating social media as a public health hazard in New York City.⁴⁴

C. Social Media Addiction Compared to Substance Addiction

130. In a study conducted in 2021, researchers asked adolescents substantially the same questions psychologists use to assess substance use disorders, but instead of asking about the use of a drug, like heroin, asked about the use of “social media.”

131. The researchers found that the majority of adolescents answered affirmatively to questions like: “Does social media use ever get in the way of things you are supposed to be doing (sleep, exercise, school, work)?”; “Do you ever use social media even after you realized that it was getting in the way of what you thought was best for you?”; and “Do you ever have a craving

⁴¹ See Hamwey M et al., *The State of Mental Health of New Yorkers*, New York City Department of Health and Mental Hygiene (May 2024), <https://www.nyc.gov/assets/doh/downloads/pdf/mh/state-of-mental-health-new-yorkers.pdf>

⁴² *Id.*

⁴³ *Mayor Adams to Hold High-Level Summit on Social Media and Its Impact on Young People* (June 6, 2023), <https://www.nyc.gov/office-of-the-mayor/news/391-23/mayor-adams-hold-high-level-summit-social-media-its-impact-young-people>.

⁴⁴ See Advisory: From The Commissioner of Health and Mental Hygiene of the City of New York (Jan. 24, 2024), <https://www.nyc.gov/assets/doh/downloads/pdf/notice/2023/coh-advisory-social-media.pdf>

or strong desire to use social media?”⁴⁵ More than 50 percent of adolescents in the study answered “sometimes” or “often” to each of those questions.⁴⁶

Figure 5

<i>Percentage of Adolescents who Endorsed Each Item Measuring Social Media Addiction</i>	
	Endorsement
1. Do you ever feel like you spend more time on social media than you intended?	85%
2. Have you ever tried to spend time away from social media, but couldn't do it?	61%
3. Do you ever expend extra effort to make sure you will continue to have access to social media at times when you otherwise may not be able to use it?	65%
4. Do you ever have a craving or strong desire to use social media?	63%
5. Does social media use ever get in the way of things you are supposed to be doing (sleep, exercise, <u>school work</u>)?	70%
6. Do you ever use social media even after you realized that it was getting in the way of what you thought was best for you?	68%
7. Have you ever been away from social media and felt like you were missing it too much to engage in normal day to day activities?	51%
8. Do you think you may be addicted to social media?	46% Definitely Not 31% Maybe Mildly 18% Maybe Moderately 6% Maybe Severely
<i>Note.</i> For Questions 1 – 7, participants were asked to indicate if the item “Never”, “Sometimes”, or “Often” applied to them. Endorsement percentages represent the percent of participants who indicated the item “Sometimes” or “Often” applied to them. Items were adapted from the Diagnostic and Statistical Manual of Mental Disorders-Fifth Edition (DSM-5) substance use disorder checklist.	

132. Addiction to social media is so prevalent among adolescents that nearly half of the respondents answered “Sometimes” or “Often” to all seven initial questions. And over half answered that they may have some level of addiction to social media ranging from mild to severe.

133. Further, in a February 2020 survey of over 2,300 users, “respondents were asked to give a score out of 5 to indicate strength of the agreement with the statement ‘I spend too much time on TikTok.’ . . . The average response was 4.0.”

⁴⁵ Kaitlyn Burnell et al., *Prevalence of Social Media Addiction in a Sample of 103 Mid-to-Late Adolescents*, (U.N.C. Chapel Hill pre-print manuscript).

⁴⁶ *Id.*

134. In a survey of teenagers ages 13 to 17 that Boston Children's Digital Wellness lab ran across all 50 states, "83% said they were addicted to screen media."

D. TikTok Knows Its Platform Is Harmful for Minor Users

135. Internal TikTok documents show that TikTok is aware that the platform harms its young users.

136. For example, one document highlighted the different forms of addiction as a consequence of its "engagement at all costs" business model:

Addiction to technology is a ubiquitous problem that TikTok and most other platforms deal with today. Addiction takes many forms such as overall time spent on an app, de-prioritizing other important areas of life, and generating self-worth based on [n]umber of ["likes"]; all of which and countless others have made us realize the consequences of optimizing for engagement and retention metrics.

137. 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.

138. Internal documents also confirm TikTok knows that:

- a. The use of social media platforms "can become habitual or excessive," and some of that habitual or excessive use "leads to deficient self-regulation, and in severe cases, . . . can eventually lead to negative life consequences."
- b. Addiction to the TikTok platform is "interfering with [users'] obligations and productivity (e.g., work, school, household duties and sleep.)"
- c. There is "a strong association, and likely a causal one, between heavy phone and internet use and losses of analytical and problem-solving skill [sic], memory formation, contextual thinking, conversational depth and empathy as well as increases in anxiety."

- d. Excessive social media engagement, such as on the TikTok platform, “means that we are spending less time building and maintaining relationships with actual people.”

139. By maximizing the TikTok platform’s addictive properties, TikTok has cultivated a generation of young users who spend hours per day on its platform—more than they would otherwise choose to—which is highly detrimental to teens’ development and ability to attend to personal needs and responsibilities.

140. One such harmful effect bears special mention: loss of sleep.

141. As noted, insufficient sleep causes a slew of health problems for minors, including neurological deficiencies, dysregulated emotional functioning, heightened risk of suicide, and many other mental health harms.⁴⁷ Excessive, compulsive, and addictive use of the TikTok platform keeps minors using it late at night and decreases the amount and quality of their sleep.

142. TikTok knows this well, as its internal research confirms:

- a. “Users are active on TikTok when they should be sleeping.”
- b. “The use of TikTok at night delays sleep for some users, disturbing their sleep patterns and preventing them from getting the minimum recommended amount of sleep.”
- c. “How can we help people wind down and get enough sleep? Sleep [is] unanimously linked to health outcomes, [and] late night phone use [is] particularly concerning for teens who need more sleep.”
- d. “[M]any [users] described their use of TikTok disturbing their sleep, which limited their productivity and performance the following day.”

143. Despite knowing that use of the platform impairs young users’ sleep, until recently, TikTok sent notifications to young “users . . . up until midnight,” which TikTok’s internal documents admitted “could interfere with sleep.”

⁴⁷ See, e.g., Am. Psych. Ass’n, *Health Advisory on Social Media Use in Adolescence*, (May 2023), www.apa.org/topics/social-media-internet/health-advisory-adolescent-social-media-use.pdf; Seung-Schik Yoo et al., *A deficit in the ability to form new human memories without sleep*, NAT. NEUROSCI. 10, 385-92 (2007); Els van der Helm et al., *Sleep Deprivation Impairs the Accurate Recognition of Human Emotions*, 33 SLEEP 3, 335-42 (2010); Huges Sampasa-Kanyinga et al., *Use of social media is associated with short sleep duration in a dose-response manner in students aged 11 to 20 years*, 107 ACTA PAEDIATR. 4, 694-700 (2018); Eti B. Simon & Matthew P. Walker, *Sleep loss causes social withdrawal and loneliness*, NATURE COMM’NS. 9, 3146 (2018); Megan A. Moreno & Anna F. Jolliff, *Handbook of Adolescent Digital Media Use and Mental Health*, 217-41(2022).

144. Young people often feel a need to check social media at night to assuage the fear that they may miss out on popular or engaging videos. To that end, some teenagers frequently wake up at night to check social media notifications.⁴⁸ Ultimately, TikTok knows that “bedtime access and use of a cell phone or tablet [is] significantly associated with inadequate sleep quantity, poor sleep quality, and excessive daytime sleepiness, which presents health concerns.” The company knows that as recently as 2022, 19% of users aged 13 to 15 and 25% of those aged 16 to 18 used the platform between midnight and 5:00 a.m.

145. Yet to date, TikTok has failed to warn consumers of these harms and has not made changes to its platform to avoid these outcomes.

E. Journalists Have Reported on Harm for Years

146. U.S. journalists have documented and alerted TikTok to the dangers of TikTok for young users for several years.

147. For example, in 2021, The Wall Street Journal (“WSJ”) reported that “TikTok is flooding teen users with videos of rapid-weight-loss competitions and ways to purge food that health professionals say contribute to a wave of eating-disorder cases spreading across the country.”⁴⁹ This type of content harms teens by preying upon insecurities and exacerbating body image issues, disordered eating, and self-harm.

148. The WSJ also released findings from a carefully designed experiment in which it browsed the TikTok platform using more than 30 automated accounts registered as teens between the ages of 13 and 15. The WSJ programmed the teen accounts to show interest in certain types of mature and adult content to see what the TikTok algorithm would do.⁵⁰

149. The WSJ found that, while TikTok’s “For You” feed would often start out by showing new accounts popular (and more vetted) content, it quickly picked up on the automated users’ interests and began aggressively showing young teen accounts a disturbing variety of

⁴⁸ Anushree Tandon et al., *Sleepless due to social media? Investigating problematic sleep due to social media and social media sleep hygiene*, 113 COMPS. IN HUM. BEHAV. 1, 7 (2020).

⁴⁹ Tawnell Hobbs et al., *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>.

⁵⁰ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

videos promoting sex, drugs, alcohol, violence, and other inappropriate content. Over time, videos became “less mainstream, less vetted by moderators and sometimes more disturbing.”⁵¹

150. For example, TikTok showed young teen accounts “more than 100 videos from accounts recommending paid pornography sites and sex shops,” literally thousands of videos “from creators who labeled their content as for adults only,” and—disturbingly—over a dozen sexual role-playing videos portraying adults pretending to be little children.⁵²

151. Likewise, The WSJ reported, “TikTok served one account registered as a 13-year-old at least 569 videos about drug use, references to cocaine and meth addiction, and promotional videos for online sales of drug products and paraphernalia.” “Hundreds of similar videos appeared in the feeds of the Journal’s other minor accounts.” Other videos shown to the teen accounts “encouraged eating disorders and glorified alcohol, including depictions of drinking and driving and of drinking games.”⁵³

152. When The WSJ shared “a sample of 974 videos about drugs, pornography, and other adult content that were served to minor accounts” with TikTok, a spokesperson for TikTok stated that “the majority didn’t violate guidelines”—though several hundred were subsequently removed—and that “the [TikTok] app doesn’t differentiate between videos it serves to adults and minors.”⁵⁴

153. In addition to directly exposing minor users to inappropriate content, The WSJ’s investigation identified it as a gateway to explicit sexual content on other websites, with adult content creators using TikTok to rapidly gain a following before directing viewers to their adult-oriented accounts on other platforms, like OnlyFans, where users can subscribe to get access to hardcore sexual videos and images. Many OnlyFans content creators provide both paid and free subscriptions.⁵⁵

154. In prior versions of the app, TikTok even included a built-in web browser, enabling young users to click on links or access search engines without leaving the app—and thus bypassing ordinary device-level controls instituted by the child’s parents.

⁵¹ *Inside TikTok’s Algorithm: A WSJ Video Investigation*, Wall St. J. (July 21, 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477>.

⁵² Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944>.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Rob Barry et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), <https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944/>.

155. On information and belief, TikTok is fully aware of this widespread phenomenon. While TikTok no longer allow users to link directly to OnlyFans, dozens of online articles tout TikTok as the ideal platform for adult performers seeking a bigger audience, describing it as “a subscribers gold mine for your Onlyfans account” and providing tips on how to easily evade moderation through non-explicit but flirtatious content, like videos dancing to popular songs, doing yoga, telling dirty jokes, modeling, or even cooking.⁵⁶

156. Creators of adult content on websites like OnlyFans openly discuss how they use TikTok and its “For You” algorithm to go “viral” and recruit viewers for their sexually graphic content elsewhere. One article summarizes the strategy: Porn stars are advised to “create engaging videos that tease your content and provide sneak peeks” and then “share your Instagram link in your bio and from there to your Onlyfans account.” The “ultimate goal” is to “funnel TikTok viewers to OnlyFans, using platforms like Instagram as intermediaries.” With this strategy, they can “gain a significant following and drive traffic to [their] OnlyFans.”⁵⁷

157. This is exactly how TikTok is used in practice. As one adult performer explained in response to another performer’s question of whether promoting OnlyFans on TikTok was worth it: “Yesssss!!! Omg yes!! Whenever I have one [TikTok video] hit 10s of thousands of views my OF [OnlyFans] has sign ups like crazy I love it!!”⁵⁸

158. This type of content is readily served up on even the youngest users’ “For You” feeds, with pornographic content featuring the same popular TikTok creators just clicks away.

F. TikTok Resisted Improvements in Safety to Protect the Business Model

159. TikTok employees have provided concrete suggestions for ways to make the platform safer, but those safety improvements were stymied by TikTok’s leadership’s pursuit of profits.

160. One employee said that with respect to the For You feed, TikTok thwarts changes intended to enhance user safety “because [the changes are] going to decrease engagement.” The

⁵⁶ See, e.g., *How to Promote OnlyFans on TikTok*, Supercreator (April 24, 2023), available at <https://web.archive.org/web/20240523011727/https://supercreator.app/academy/onlyfans-promotions/tiktok/>; Nhari Djan, *How OnlyFans creators use TikTok to attract new subscribers, from doing viral dance trends to making sport and cooking content*, BUS. INSIDER (June 8, 2023), <https://www.businessinsider.com/how-onlyfans-creators-use-tiktok-to-promote-strategies-examples-2023-6/>.

⁵⁷ *How to Promote OnlyFans on TikTok*, Supercreator (Apr. 24, 2023), available at <https://web.archive.org/web/20240523011727/https://supercreator.app/academy/onlyfans-promotions/tiktok/>.

⁵⁸ Faye-astray, *Is promoting my onlyfans on TikTok worth it?*, Reddit (2023), <https://www.reddit.com/r/onlyfansadvice/comments/15vmjkw/comment/jwwcqxq/> (accessed Oct. 6, 2024).

employee explained that the potential for decreased user engagement “is probably the biggest blocker for any sort of safety intervention.”

161. A comment on one internal document notes that the harms of addiction “have made us realize the consequences of optimizing for engagement and retention metrics.” An unusually candid response reveals why TikTok will never change unless legally required to do so: “while I agree, isn’t addiction in this sense considered a very positive metric in our field?”

162. TikTok employees have gone so far as to admit on video that teens are ideal targets for a new social media company; that TikTok’s business practices goals conflict with mental health; that TikTok promotes videos that violate Community Guidelines; and that business needs supersede safety needs. TikTok is also on notice that its platform is harmful in other ways that make it unsuitable for children and teenagers. TikTok knows this because users, parents, educators, investigative journalists, academics, and outside consultants have all repeatedly told it so.

G. Failure to Make the Platform Safe Has Been Profitable

163. Favoring profits over safety has make TikTok extremely profitable.

164. In 2023, TikTok’s U.S. revenue hit a record \$16 billion.⁵⁹

165. Based on available data, researchers estimate that 35% of TikTok’s U.S. ad revenue is derived from children and teenagers—users 17 years old or younger.

166. A Harvard study estimated that TikTok generated \$2 billion in 2022 from users aged 13 to 17 years old.⁶⁰

167. The app has been downloaded over 220 million times in the U.S.

III. Despite Knowing TikTok Harms Children and Teens, TikTok Misrepresents the Platform as Being Safe and Appropriate for Them

168. Despite knowing that TikTok is harmful to and inappropriate for young users, TikTok represents that the platform is “safe,” “appropriate for children and teenagers,” and that safety is its “top priority.”

⁵⁹ *TikTok’s US revenue hits \$16 bln as Washington threatens ban, FT reports*, Reuters (Mar. 15, 2024) <https://www.reuters.com/technology/tiktoks-us-revenue-hits-16-bln-washington-threatens-ban-ft-reports-2024-03-15/>.

⁶⁰ Harvard School of Public Health, *Social media platforms generate billions in annual ad revenue from U.S. youth* (Dec. 27, 2023), <https://www.hsph.harvard.edu/news/press-releases/social-media-platforms-generate-billions-in-annual-ad-revenue-from-u-s-youth/>.

A. TikTok Consistently Tells Users the Platform Is “Safe,” “Appropriate for Teens” and that Safety Is A “Top Priority”

169. TikTok actively misrepresents on its website the platform’s safety for young users.

170. On TikTok’s website, it falsely represents (emphases added):

- a. “We care deeply about your well-being and seek to be a source of happiness, enrichment, and belonging. . . . We work to make sure this occurs in a supportive space that *does not negatively impact your physical or psychological health.*”⁶¹
- b. “Creating a welcoming environment where everyone *feels safe* and comfortable is *our highest priority.*”⁶²
- c. “We are deeply committed to TikTok *being a safe and positive experience for people under the age of 18 . . .*” It goes onto say “*We do not allow content that may put young people at risk of psychological, physical, or developmental harm.*”⁶³
- d. “We have a vibrant and inspiring community on TikTok, and it’s *important that our platform remains a safe, supportive, and joyful place for our community.*”⁶⁴

⁶¹ *Mental and Behavioral Health*, TikTok (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health>.

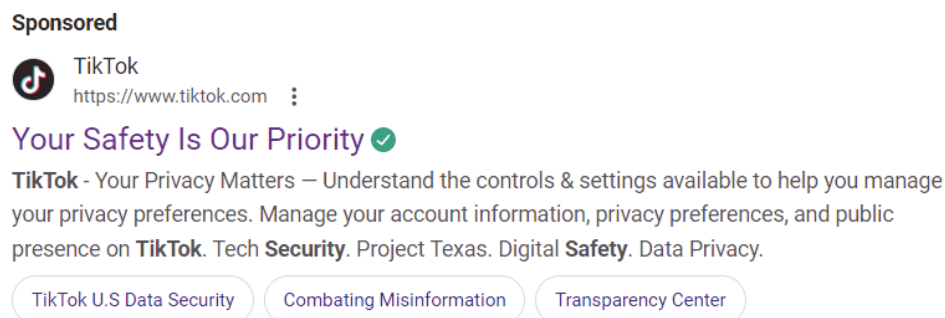
⁶² *Safety Center*, TikTok, <https://www.tiktok.com/safety/en> (last visited Oct. 6, 2024).

⁶³ *Youth Safety and Well-Being*, TikTok (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en/youth-safety>.

⁶⁴ *Enhancing the LIVE community experience with new features, updates, and policies*, TikTok Newsroom (Oct. 17, 2022), <https://newsroom.tiktok.com/en-us/enhancing-the-live-community-experience>.

171. Similar representations have appeared elsewhere directed to the public. For example, upon searching on Google.com for the terms “TikTok” and “safety,” users in New York receive the following sponsored ad paid by TikTok proclaiming safety as a priority:

Figure 6



172. The Chief Executive Officer of TikTok has said the following in public forums (emphases added):

- a. In written testimony to Congress on March 23, 2023, CEO Shou Chew, who previously explained that he is “responsible for all the strategic decisions at TikTok,” stated: “*Safety and wellness—in particular for teens—is a core priority for TikTok.*”⁶⁵
- b. Shou Chew further testified: “*Number one, we will keep safety particularly for teenagers a top priority for us.*”⁶⁶
- c. In a Ted Talk in April 2023, Shou Chew referred back to his commitments before Congress, reiterating his first commitment “that *we take safety, especially for teenagers, extremely seriously, and we will continue to prioritize that.*” He went on to say, “[y]ou know, I believe that [we] need to give our teenage users, and our users in general, *a very safe experience* If they don’t feel safe, we cannot fulfill our mission. So, it’s all very organic to me as a business to make sure that I do that.”⁶⁷

⁶⁵ *Written Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce* (Mar. 23, 2023), <https://docs.house.gov/meetings/IF/IF00/20230323/115519/HHRG-118-IF00-Wstate-ChewS-20230323.pdf>

⁶⁶ *Id.*

⁶⁷ *TikTok's CEO on its future — and what makes its algorithm different*, TED (Apr. 2023), https://www.ted.com/talks/shou_chew_tiktok_s_ceo_on_its_future_and_what_makes_its_algorithm_different?hasSummary=true&language=en.

- d. As recently as April 2021, TikTok maintained an official media statement in response to the deaths of a Colorado child and a Pennsylvania child from a “Blackout Challenge” posted on TikTok, stating in part: “At TikTok, *we have no higher priority than protecting the safety of our community*, and content that promotes or glorifies dangerous behavior is strictly prohibited and promptly removed to prevent it from becoming a trend on our platform.”⁶⁸

173. Relatedly, TikTok Executives have misrepresented TikTok’s extensive efforts to encourage addiction to its platform through the development of compulsive design elements (emphases added):

- a. When asked by Congress in October 2021 if TikTok is specifically designed to keep users engaged as long as possible, TikTok’s Vice President and Head of Public Policy testified: “We want to make sure that people are having an entertaining experience, you know like TV or movies, TikTok is meant to be entertaining. But *we do think we have a responsibility, along with parents, to make sure that it’s being used in a responsible way.*”⁶⁹
- b. In April 2023 at a Ted Talk conversation, Shou Chew reiterated that TikTok’s “*goal is not to optimize and maximize time spent. It is not.*” He further denied that TikTok has a financial incentive to maximize users’ time spent on the platform, stating: “Even if you think about it from a commercial point of view, *it is always best when your customers have a very healthy relationship with your product. . . .*”⁷⁰

174. These responses misrepresent TikTok’s relentless targeting of users’ time and attention through addictive design features, and measuring success based on metrics such as how many young people use the platform per day and month, how long they spend watching videos, how many videos they watch, and whether they keep coming back.

⁶⁸ *Colorado Boy Dies After Taking Part in ‘Blackout Challenge*, NBCPhiladelphia.com (Apr. 15, 2021), <https://www.nbcphiladelphia.com/news/national-international/colorado-boy-dies-after-taking-part-in-blackout-challenge/2780852/?os=nirstv&ref=app>

⁶⁹ *Senate Commerce Subcommittee Hearing on Consumer Protection*, CSPAN (Oct. 26, 2021), <https://www.c-span.org/video/?515533-1/snapchat-tiktok-youtube-executives-testify-kids-online-safety> at 2:27:20.

⁷⁰ *TikTok’s CEO on its future — and what makes its algorithm different*, TED (Apr. 2023), https://www.ted.com/talks/shou_chew_tiktok_s_ceo_on_its_future_and_what_makes_its_algorithm_different?hasSummary=true&language=en.

175. By engaging in these and similar misrepresentations, and by failing to disclose critical, material information regarding its platform's risks, TikTok deceives users. TikTok's deception and lack of transparency prevents young users and their parents from making truly informed decisions about platform usage.

B. TikTok Misrepresents the Efficacy of Its Safety Tools

176. After being consistently pressured to do so, TikTok adopted a series of so-called safety features to protect young people on its platform. However, TikTok misrepresents the efficacy of these features.

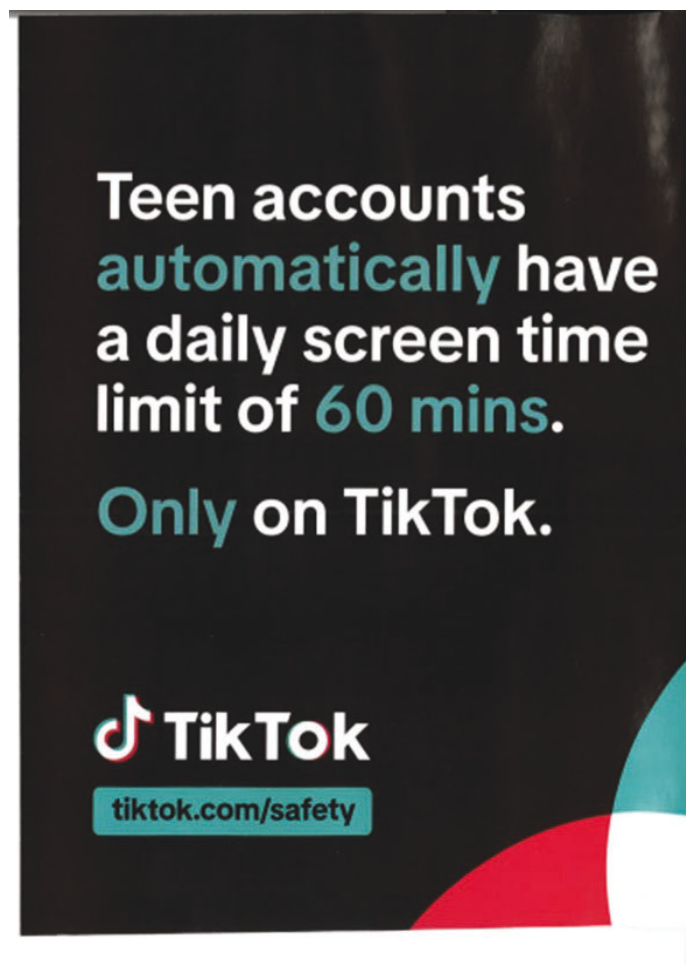
1. TikTok's Claimed 60-Minute Limit Is Not a Limit

177. TikTok has repeatedly said that it sets an automatic 60-minute daily screentime limit for teens.

178. TikTok ran deceptive advertisements to tout this change, which was announced right before CEO Shou Chew testified to Congress. For example, one advertisement in the

Washington Examiner, stated only that “[t]een accounts automatically have a daily screen time limit of 60 mins. Only on TikTok.”

Figure 7



179. However, this tool does not actually impose a screen time limit. After using TikTok for 60 minutes, teens are simply prompted to enter a passcode to continue watching. Moreover, users can change the setting to up to 2 hours on TikTok per day, or disable the tool entirely.

180. Indeed, this tool is ineffective at reducing the amount of time teens spend on the platform. In a March 2023 internal study, TikTok found that the default screen time use prompts had almost no impact, reducing the average time per day teens spent on TikTok per day from approximately 108.7 minutes to approximately 107.1 minutes. Yet the company did not revisit the tool's design.

181. Nowhere in its testimony, posts, or advertisements does TikTok disclose that the screen time limit is ineffective and can be easily bypassed, extended, or even disabled.

182. These representations leave consumers—especially parents who are unlikely to use the platform—with a false impression that this tool imposes an actual limit on teen screen time and a false belief that TikTok effectively addressed concerns around excessive use.

2. TikTok’s Promotion of Its Screentime Management Tool

183. TikTok has also adopted several purported screentime management tools, including a dashboard that gives users data about how much time they are spending on TikTok, “take a break” videos that encouraged disengagement, and family pairing, which allows parents to customize screen time. However, TikTok has consistently misrepresented the efficacy of these tools in reducing screentime.

184. Indeed, internal analyses show that the features TikTok touted were actually designed to make no material dent in young users’ excessive use of the platform. Rather, “leadership’s guidance” was to stay within so-called “guardrails” when creating new safety features.

185. In an internal document describing these screentime management functions, a product manager confirmed: “Our goal is not to reduce the time spent.”

186. Similarly, in a chat message discussing features purporting to help users manage their screentime, a TikTok employee confirmed that the “goal is not to reduce the time spent” on the TikTok app, but rather to ultimately “contribute to DAU [daily active users] and retention” of users.

a. Dashboard

187. The screentime dashboard provides users with a summary of the time they spend on TikTok. It was widely promoted as a tool to help minors in managing screentime, including in the press, in external newsletters, and via posts on TikTok’s website.⁷¹ TikTok also promoted it to parents and guardians through partnership with the National PTA and in press releases on its website.⁷²

⁷¹ *Screen Time*, TikTok, support.tiktok.com/en/account-and-privacy/account-information/screen-time (last visited Oct. 6, 2024).

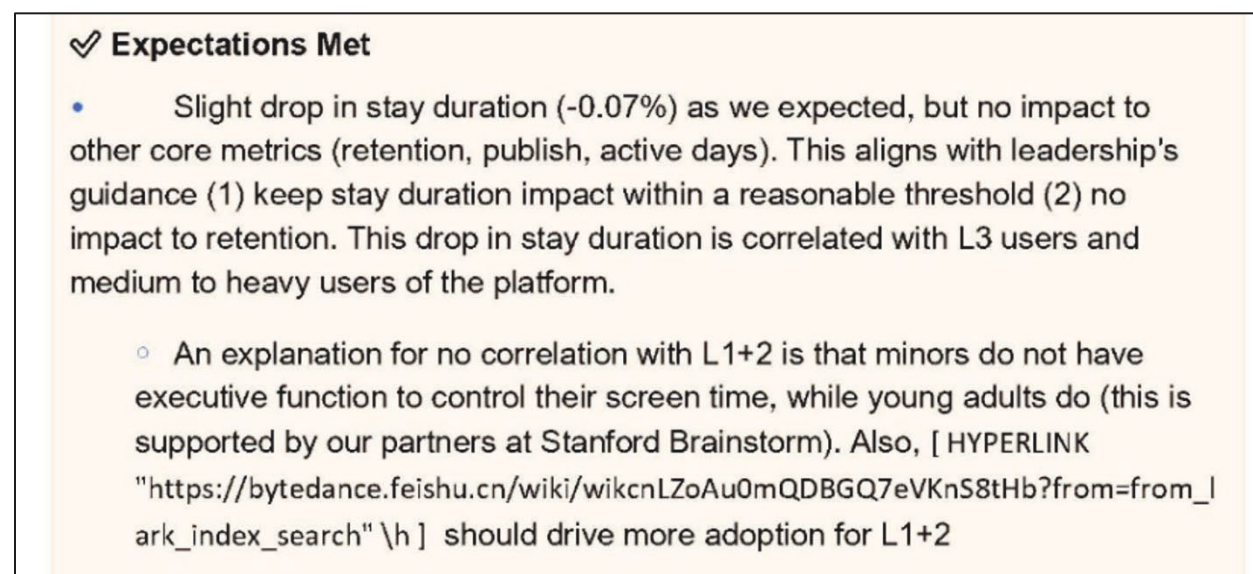
⁷² *Investing in our Community’s Digital Well Being*, TikTok Newsroom, (June 9, 2022) <https://newsroom.tiktok.com/en-us/investing-in-our-communitys-digital-well-being> (last visited Oct. 6, 2024).

188. When it was introduced in February 2020, TikTok posted on its website it was because “the wellbeing of our users is incredibly important to us. We want people to have fun on TikTok, but it’s also important for our community to look after their wellbeing which means having a healthy relationship with online apps and services.”⁷³

189. However, an internal document seeking approval for the screentime dashboard noted that “we don’t expect significant impact to stay time with this feature since it is only improving awareness and is not an intervention.”

190. In fact, TikTok found—as it expected—that the screentime dashboard did not affect minors’ usage because “minors do not have executive function to control their screen time.” (In the image below, L1 users refers to 13- to 15-year-olds, and L2 users refers to 16- and 17-year-olds.)

Figure 8



191. Leadership directed TikTok employees to “keep stay duration impact within a reasonable threshold”—meaning not significantly reduce the time users spend on the app—and have “no impact to [user] retention.”

192. More specifically, for several safety features, TikTok’s goal was to only allow “a maximum 5% drop in stay time for . . . minors.” The screentime dashboard did not appear to have any impact on the usage of minors.

⁷³ Cormac Keenan, *Introducing Family Safety Mode and Screentime Management in Feed*, TikTok Newsroom, (Feb. 19, 2020), <https://newsroom.tiktok.com/en-gb/family-safety-mode-and-screentime-management-in-feed>.

b. Take a Break Videos

193. TikTok also touts its “Take a Break” videos that ostensibly encourage users to stop using the TikTok platform after long sessions. TikTok CEO Shou Chew even mentioned the videos in an interview with The New York Times. But as one of TikTok’s executives noted, the videos are “useful in a good talking point” when meeting with policymakers, but “they’re not altogether effective.”

c. Family Pairing

194. Another feature TikTok heavily promotes to parents and parent groups is Family Pairing,⁷⁴ which, according to TikTok, “allows parents, guardians, and teens to customize their safety settings based on individual needs.”⁷⁵ Yet TikTok knows the feature does not fix the problems its platform causes. As an internal document notes, “Family Pairing doesn’t address parents’ top concerns,” and “[t]een users can disable Family Pairing without [a] PIN, so it’s less restrictive than activating either Restricted Mode or Screen Time Management individually.”⁷⁶ Moreover, teens can easily bypass Family Pairing. The function works only on TikTok’s mobile application, so teens can avoid parent-imposed restrictions simply by using their phone or desktop browser.⁷⁷

195. Not only are these screentime management features ineffective, but TikTok also makes them hard to find. Many of the features are hidden behind multiple screens, reducing their use and effectiveness. Internal documents criticize this approach because hiding these features results in “limiting users’ ability to find and take advantage of these features. If [screentime management] is actually an important problem to solve, we should make our entry points more prominent.”

⁷⁴ *TikTok Guide For Parents*, National PTA, <https://www.pta.org//docs//default-source//files//programs//pta-connected//tiktok-toolkit-2019-2020//tiktok-guide-for-parents-revised.pdf> (last visited Oct. 6, 2024); *TikTok Introduces Family Pairing*, TikTok Newsroom, <https://newsroom.tiktok.com/en-us/tiktok-introduces-family-pairing> (last visited Oct. 6, 2024); *Written Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce* (Mar. 23, 2023), <https://docs.house.gov/meetings/IF/IF00/20230323/115519/HHRG-118-IF00-Wstate-ChewS-20230323.pdf>.

⁷⁵ *Account and User Safety*, TikTok, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#4> (last visited Oct. 6, 2024).

⁷⁶ Alex Castro, *TikTok now lets parents set restrictions on their pre-teens' accounts*, The Verge (Apr. 16, 2020), <https://www.theverge.com/2020/4/16/21222817/tiktok-family-pairing-linked-accounts>.

⁷⁷ *Account and User Safety*, TikTok, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#4> (last visited Oct. 6, 2024).

196. TikTok touts these time management and other safety tools as if they are legitimate interventions designed to promote young users' healthy usage of the platform, which they are not. Moreover, TikTok withholds material information about the effectiveness of these tools and does not provide consumers with information that is relevant for assessing the safety of the platform.

3. TikTok Misrepresents the Efficacy of Its “Refresh” And “Restricted Mode” Features

197. TikTok also misrepresents the efficacy of tools that users can employ to manage the content the recommendation system feeds them, including the “Refresh” feature, which allegedly allows users to “reset” their “For You” feeds, and “Restricted Mode,” which allegedly limits the appearance of content that may not be appropriate for all audiences.

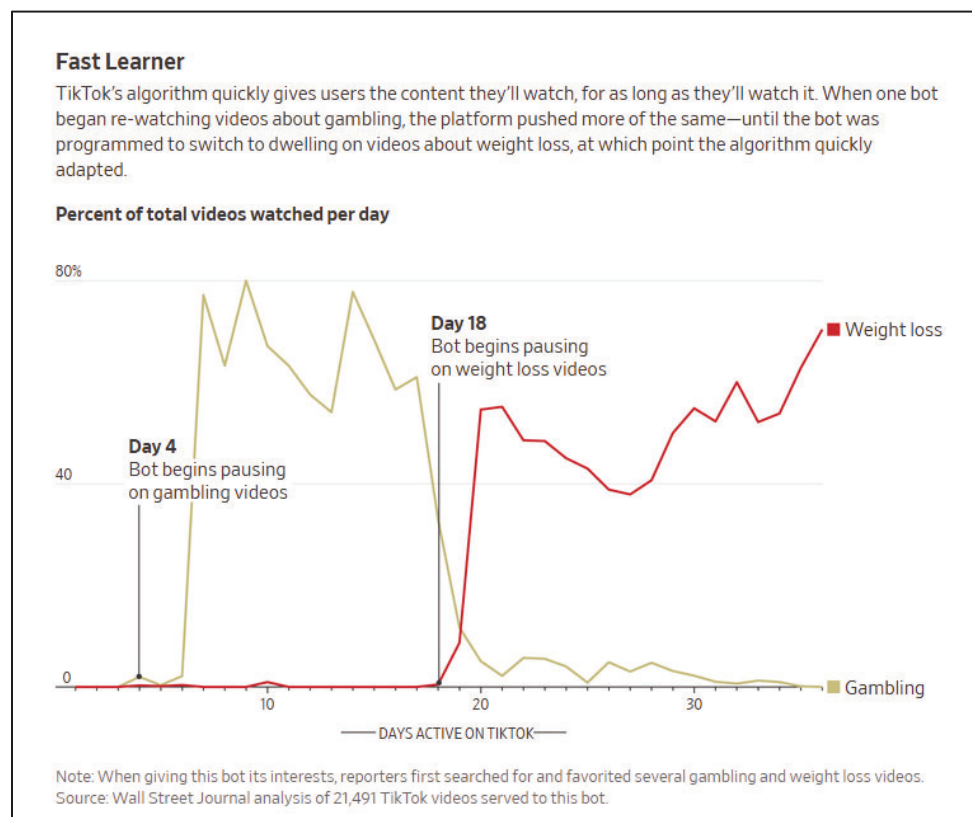
a. TikTok Falsely Represents Users’ Ability To “Refresh” Their Feed and Escape Harmful Rabbit Holes

198. A TikTok user experiences a “rabbit hole” (also known as a “filter bubble”) when he or she encounters a high percentage of videos on the same or similar topics on his or her “For You” or other pages as part of TikTok’s continuous scroll.

199. The recommendation system creates rabbit holes by quickly evaluating users’ interests and then repeatedly pushing videos about those interests regardless of content. The WSJ

published a chart showing just how quickly the recommendation system learns a user's interest and then pushes content related to that interest:⁷⁸

Figure 9



200. In internal documents, TikTok discussed at length how rabbit holes can cause serious psychological harm to users.

201. Even rabbit holes that could be innocuous to some can be harmful to specific individuals. One internal document from July 2021 notes the following true story describing this problem:

A young person with undiagnosed obsessive compulsive disorder started watching videos of people doing checking behaviours (tidying things, straightening rows, making beds with neat edges etc). None of it was violative or problematic for the majority of viewers. The more he watched, the more he got served. He got caught in a loop and, following his diagnosis, had to come off TikTok.

⁷⁸ Tawnell D. Hobbs et al., *'The Corpse Bride Diet': How TikTok Inundates Teens With Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), <https://www.wsj.com/articles/how-tiktok-inundates-teens-with-eating-disorder-videos-11639754848>.

202. After The WSJ printed its exposé on TikTok’s algorithm and the harm caused to users stuck in rabbit holes, TikTok made changes to its platform that it calls “Algo Refresh” in 2023.

203. The Algo Refresh feature purportedly allows users stuck in rabbit holes—or who are otherwise dissatisfied with the videos TikTok feeds them—to “reset” their “For You” feed. According to an internal planning document, TikTok believed that “[o]ffering users a full reset button would go a long way to addressing policy makers’ concerns about our algorithm,” including users’ inability to escape from so-called “rabbit holes.”

204. TikTok billed the Refresh feature on its website as “[t]he option to start fresh on TikTok.”⁷⁹ It further explained that: “When enabled, this feature allows someone to view content on their For You feed as if they just signed up for TikTok. Our recommendation system will then begin to surface more content based on new interactions.”⁸⁰

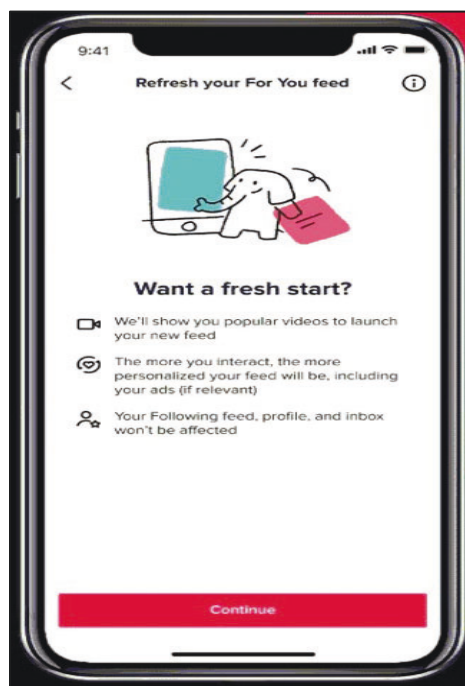
205. TikTok makes similar statements to users who access the Refresh feature on the TikTok platform. When users open the “Refresh your For You feed” page in the platform’s

⁷⁹ Sandeep Grover, Mabel Wang, *Introducing a way to refresh your For You feed on TikTok*, TikTok Newsroom (Mar. 16, 2023), <https://newsroom.tiktok.com/en-us/introducing-a-way-to-refresh-your-for-you-feed-on-tiktok-us>.

⁸⁰ *Id.*

settings, they are asked: “Want a fresh start?” The platform informs users that activating the Refresh feature will allow them to “launch your new feed.”

Figure 10



206. Spokespeople for TikTok repeated these claims to reporters. For instance, the news outlet TechCrunch reported on February 2, 2023:

With the new refresh button, which will be available in account settings, users will be able to force the app to bring “new, diversified content not based on previous activity or interactions” to their For You feed. After hitting the button, users will then begin to see content that’s based on their new interactions, a TikTok spokesperson told TechCrunch. In addition to providing a refreshed feed, the company noted that the feature could serve as a way to support potentially vulnerable users who want to distance themselves from their current content experience.⁸¹

207. These public statements would lead a consumer to believe that resetting the “For You” feed would result in a completely new feed as if they were new users, and that they would be able to escape rabbit holes of harmful content.

⁸¹ Sarah Perez, *TikTok introduces a strike system for violations, tests a feature to “refresh” the For You Feed*, TechCrunch (Feb. 2, 2023), <https://techcrunch.com/2023/02/02/tiktok-introduces-a-strike-system-for-violations-tests-a-feature-to-refresh-the-for-you-feed/>.

208. But that is not what it does. The refresh lasts for only 200 videos, after which the algorithm returns to incorporating the user's pre-refresh interactions with the platform into its calculus of which videos it should display. In other words, TikTok designed the Refresh feature to reset users' recommendations only temporarily. After the user views or swipes through 200 videos, the platform's recommendation system resumes pushing users' videos based on all of their past engagement data.

209. For users previously stuck in rabbit holes, the recommendation system quickly reintroduces videos based on the same data that led them into the rabbit hole in the first place.

210. The Refresh feature also fails to reset presentation of personalized ads. A user who activates the Refresh feature will still see ads based on their pre-reset engagement history data—ads which are often personalized based on content that pushed the user in a rabbit hole.

211. TikTok also made the feature difficult to find and did not make it available to everyone. Director of Product Management, Privacy & Responsibility Josh Stickler admitted in an internal chat in May 2022, "teams involved may be considering ways to add friction to the user experience that might limit adoption (e.g. discoverability, multiple steps to execute, etc.)."

212. Contrary to TikTok's representations, users may find that they are quickly back in the same rabbit hole again even after using the Refresh feature.

b. TikTok Misrepresented Restricted Mode's Ability to Filter Inappropriate Content for Minors

213. TikTok has represented that its "Restricted Mode" functionality limits the ability of young users to see videos with mature content.

214. TikTok publicly described it in an October 2019 post to its Newsroom as "an option that limits the appearance of content that may not be appropriate for all audiences."⁸² TikTok also advertised Restricted Mode as an "appropriate experience" to "family-oriented partners," such as the National Parent Teacher Association and Family Online Safety Institute. TikTok's website specifically advises parents to enable this tool for their teens: "Note: If you're a parent and your teen uses TikTok, it might make sense to enable this setting to ensure the content they are viewing is age appropriate."⁸³

⁸² *TikTok's Top 10 Tips for Parents*, TikTok Newsroom (Oct. 16, 2019), <https://newsroom.tiktok.com/en-us/tiktoks-top-10-tips-for-parents>.

⁸³ *Limiting Unwanted Content*, TikTok Newsroom (Apr. 24, 2019), <https://newsroom.tiktok.com/en-us/limiting-unwanted-content>; see also *TikTok's Top 10 Tips for Parents*, TikTok Newsroom (Oct. 16, 2019),

215. On its website, TikTok says that users in Restricted Mode “shouldn’t see mature or complex themes, such as: [p]rofanity[, s]exually suggestive content[, r]ealistic violence or threatening imagery[, f]irearms or weapons in an environment that isn’t appropriate[, i]llegal or controlled substances/drugs[, and e]xplicit references to mature or complex themes that may reflect personal experiences or real-world events that are intended for older audiences.”⁸⁴

216. TikTok aggressively promoted this feature to ensure its deceptive claims about the feature’s efficacy would be widely disseminated. In TikTok’s estimation, these public relations efforts “produced an understanding that Restricted Mode lives up to ‘appropriate’ content”—an understanding that was then reflected in several “media stories.”

217. But TikTok knew that Restricted Mode did not function in this way, and instead only filtered very limited categories of potentially objectionable content.

218. For instance, TikTok knew that profane content continued to be fed to users who enabled Restricted Mode. Indeed, nearly two years after TikTok touted Restricted Mode’s content filters on its website, TikTok’s Global Head of Minor Safety told TikTok’s U.S. Safety Head that “Restricted Mode does not meet user expectations [for] almost all content themes (violence, gore, profanity, adult, etc.).”

219. An internal audit of Restricted Mode found that it did not meet “consumer expectations” because it did not completely filter inappropriate content. For a period, content that Defendants’ team internally tagged with a “Risk” label, such as extremely vulgar content, were still shown to minors whose parents turned on Restricted Mode. Defendants had the technical ability to remove more violative content. Indeed, another country’s version of Restricted Mode removed posts Defendants deemed risky.

220. The audit recommended changes to the Restricted Mode experience to conform with “how we’ve been advertising this version of the app.”

221. Moreover, Restricted Mode encompasses only the “For You” feed. A minor using the TikTok platform can easily circumvent the feature by, for example, watching videos that they search for, are sent directly to them, or uploaded by accounts they follow.

<https://newsroom.tiktok.com/en-us/tiktoks-top-10-tips-for-parents> (listing “enabling Restricted Mode” as a tip for parents and describing Restricted Mode as “an option that limits the appearance of content that may not be appropriate for all audiences”).

⁸⁴ *Restricted Mode*, TikTok, <https://support.tiktok.com/en/safety-hc/account-and-user-safety/restricted-mode> (last visited Oct. 6, 2024).

4. TikTok Misrepresents the Application and Enforcement of Its Community Guidelines

222. TikTok additionally misrepresents and omits critical information about the application and enforcement of its Community Guidelines.

223. Specifically, TikTok misrepresents how effectively the Guidelines are applied, to whom and what they apply, and the role of experts in forming the Community Guidelines.

a. TikTok Deceives Users, Their Parents and Their Guardians About How Effectively Community Guidelines Are Applied

224. In its Community Guidelines, TikTok claims that “We remove content—whether posted publicly or privately—when we find that it violates our rules.”⁸⁵

225. TikTok’s Community Guidelines set out a number of rules as to different types of topics, including not allowing any “violent threats, promotion of violence, incitement to violence, or promotion of criminal activities that may harm people, animals, or property,” “hateful behavior, hate speech, or promotion of hateful ideologies,” “youth sexual or physical abuse or exploitation,” “showing, promoting, or sharing plans for suicide or self-harm,” “showing or promoting disordered eating or any dangerous weight loss behaviors,” and “showing or promoting dangerous activities and challenges,” among other rules.

226. TikTok has long made statements to this effect, including when speaking to reporters, parents, and government regulators. For instance, Shou Chew testified to Congress on March 23, 2023, that “anything that is violative and harmful we remove [from the Platform].” Similarly, when he testified to Congress on January 31, 2024, Chew claimed that TikTok’s “robust Community Guidelines strictly prohibit content or behavior that puts teenagers at risk of exploitation or other harm—and we vigorously enforce them.” TikTok repeated that latter statement on its website.⁸⁶

227. TikTok uses the comprehensiveness of its Community Guidelines to reassure parents and others that its platform is a safe product for young users. TikTok represents that its Community Guidelines “apply [equally] to everyone and everything on our platform.”⁸⁷

⁸⁵ *Community Guidelines*, TikTok (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en/?cgversion=2023>.

⁸⁶ *TikTok CEO Shou Chew's Opening Statement - Senate Judiciary Committee Hearing on Online Child Sexual Exploitation Crisis*, TikTok Newsroom (Jan. 31, 2024), <https://newsroom.tiktok.com/en-us/opening-statement-senate-judiciary-committee-hearing>

⁸⁷ *Community Guidelines*, TikTok (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en>

228. But these representations are misleading. TikTok's actual internal policies and practices have long differed substantially from its Community Guidelines and other public statements, with respect to both user-generated content and advertisements on the platform.

229. For example, even though TikTok's Community Guidelines claim that content about seductive performances by minors, drugs, gore, and physically dangerous behavior is removed or not allowed under its terms of service, in many circumstances, TikTok knowingly and intentionally permits such content to remain on the platform. Instead of actually removing harmful content, as it claims it does, TikTok often simply moves certain videos out of users' "For You" feed.

230. Similarly, instead of removing "[d]angerous weight-loss behavior" videos from the platform, as stated in the Community Guidelines, TikTok merely internally labels the videos "not recommended." As TikTok admits in an internal document, this practice contravened their own experts' suggestions and TikTok's representations to the contrary:

When moderated appropriately, this potentially harmful content is only made "Hard to find[]". For much of this content, this enforcement falls short of addressing the potential real-world danger, and does not reflect the recommendations of experts and those with lived experience. Furthermore, the continued presence of the most egregious content (extreme dieting, exercise and weight-loss) undermines TikTok's efforts to present the platform as a safe and joyful space for its user base, especially younger demographics.

231. Similarly, the Community Guidelines claim that TikTok "do[es] not allow showing young people possessing or using alcohol, tobacco products, or drugs."

232. Yet contrary to this representation, videos that mention illegal drugs remain on TikTok's platform. Videos promoting drugs by showing persons "[p]retending to consume drugs (pretending to snort cocaine, inject heroin) without displaying the substance" were also left on the platform. TikTok only ceased to promote this content in users' "For You" feed.

233. In some instances, TikTok's Community Guidelines had policies that were never enforced at all. For instance, a previous version of the Community Guidelines prohibited content that "depicts or promotes the misuse of legal substances . . . in an effort to become intoxicated[.]" But until August 2022, moderators were never told to remove such content, and it therefore remained on the platform.

234. This pattern applies to other parts of the platform, too. For instance, the Community Guidelines do not apply to direct messages. Thus, even if Community Guidelines claim that the platform “do[es] not allow content by young people that intends to be sexually suggestive,” TikTok does not prohibit or in any way reduce the visibility of such videos when they are sent via direct message. Similarly, content showing minors possessing or using drugs, alcohol, and tobacco are, according to the Community Guidelines, forbidden from the platform. But that rule is not enforced for direct messages.

235. Although TikTok touts its moderation system, internally it knows that much of its moderation “is not scalable” and often fails because TikTok created an ineffective system.

236. Moderators are not given enough time or proper tools to moderate content. Moderators complain to TikTok that “AHT [handling time] is unreasonable” and “AHT targets make it harder to play the full video[.]” For many types of content, moderators are required to spend an average of 30 seconds per video to moderate, even though many videos are far longer than that. This results in moderators “scrubbing” through videos and only viewing parts—leaving substantial amounts of content not meaningfully reviewed.

b. TikTok Omits Key Metrics in Its Reported Content Moderation Enforcement

237. TikTok fails to disclose key metrics in its content moderation policies.

- a. Not Applied to Comments: TikTok misleads the public as to application of its content moderation to comments posted on the platform. Even though 42% of its users only post comments, rather than videos on the app, moderators only review 0.25% of user comments. This lack of meaningful oversight in content moderation exposes youth to harmful harassment, bullying, and solicitation.
- b. Misrepresents Removal Rate: TikTok misleads the public as to the diligence of its content moderation. While TikTok publishes their “proactive removal” rate, this metric only captures how fast TikTok removes content that it manages to catch, not how much content it manages to catch overall. Internally, TikTok notes that its moderation metrics are “largely misleading” because “we are good at moderating the content we capture, but these metrics do not account for the content that we miss. . . .” It does not disclose significant “leakage” rates, measuring the percentage of violative content that

is not moderated or removed. Internally, TikTok knows the high rates at which certain categories of content leak through its moderation processes, including: 35.71% of “Normalization of Pedophilia” content; 33.33% of “Minor Sexual Solicitation” content; 39.13% of “Minor Physical Abuse” content; 30.36% of “leading minors off platform”; 50% of “Glorification of Minor Sexual Assault”; and 100% of “Fetishizing Minors.”

238. TikTok omits this context from its representations, instead assuring consumers, particularly parents and youth, that its content moderation is effective, an important consideration when making decisions about use of the platform.

c. TikTok Misrepresents Who Is Subject to Its Community Guidelines

239. On its website, TikTok states that it applies its Community Guidelines “to everyone and everything on our platform.” Despite this representation, TikTok treats some users differently.

240. For instance, TikTok intentionally permits popular creators to violate policy to keep them on the platform. One internal analysis in August 2020 noted that “creator management teams sometimes urge policy approval [for important Creators’ videos that violate the Community Guidelines] on the grounds that it is ‘important for the company to succeed.’” Upon information and belief, after being urged by creator management teams—which work with popular creators to produce content for the platform—TikTok allowed otherwise violative content to remain on its platform.

241. Even when TikTok’s moderation team wanted to enforce the Community Guidelines, certain groups of users including “Top Creators” “have extra protection—default is that [standard Community Guidelines] enforcement doesn’t take effect unless [a separate group] actively intervene[s].”

242. For accounts that TikTok “deem[ed] to be high value,” the internal analysis in August 2020 found that the company regularly, and by its own assessment in violation of its policies, allowed “problematic content” to remain on the platform. To appear to comply with its own Community Guidelines, TikTok misled consumers by stating it removed harmful material but left much of that material on its platform.

d. TikTok Misrepresents Use of Expert Recommendations in Its Community Guidelines

243. Though TikTok announces on its website that its Community Guidelines “are informed by international legal frameworks, industry best practices, . . . [and] input from our community, safety and public health experts, and our Advisory Councils,”⁸⁸ TikTok contradicts expert recommendations in its application of the Community Guidelines.

244. For example, in a February 2022 internal policy proposal, TikTok employees noted that their failure to remove dangerous weight loss content “does not reflect the recommendations of experts and those with lived experience.”

245. Additionally, TikTok knew that the experts they consulted in connection with internal policy analysis in 2021 “unanimously” recommended a different strategy to deal with dangerous rabbit holes than TikTok had adopted. The internal analysis noted that the consulted experts recommended an approach that “increased user agency, and building algorithm changes that afford users the opportunity to find other interesting content that shifts away from a given rabbit hole. . . .”

246. Contrary to TikTok’s public statements, it has not aligned its practices with expert recommendations. TikTok misrepresents what experts recommend and its implementation of those recommendations.

5. TikTok Fails To Warn Young Users About Its Beauty Filters

247. Despite the known dangers caused by TikTok’s beauty filters and similar features, TikTok fails to provide any warning to its users (or their parents, when users are underage) that using the filters on its platform can be dangerous.

248. TikTok’s decision to design and deploy these beauty filters, especially in combination with other TikTok product features, has caused body image issues, eating disorders, body dysmorphia, and related issues.

249. TikTok did not disclose that it knew effects like beauty filters can harm its young users and did not implement the suggestions of its employees that it “provide users with educational resources about image disorders”; create a campaign “to raise awareness on issues with low self-esteem (caused by the excessive filter use and other issues)”; and add “a banner/H5

⁸⁸ *Community Principles*, TikTok (Apr. 17, 2024), <https://www.tiktok.com/community-guidelines/en/community-principles>.

page to these filters and/or short videos which make use of the filters, particularly the Bold Glamour one, including an awareness statement about filters and the importance of positive body image/mental health, [that] could potentially minimize the negative public perception surrounding beauty filters and their reported effect on user mental health.”

250. TikTok knows that its beauty filters are dangerous to young users yet continues to promote them without disclosing known to users and their parents.

251. By engaging in these and similar misrepresentations, and by failing to disclose critical, material information regarding its platform’s risks, TikTok deceives users. TikTok’s deception and lack of transparency prevents young users and their parents from making truly informed decisions about platform usage.

C. TikTok Misrepresents the Safety of the Platform by Failing to Disclose that It Deprives Users, Including Minors, of Safety Features When It Conducts Experiments to Test Engagement and Monetization Without Their Knowledge

252. TikTok routinely conducts experiments that test the behavior of its users, including minors, as it relates to various safety features. TikTok conducts such experiments using a methodology called A/B testing.

253. In an A/B test, TikTok places one group of users (group A) in the control group. Users in the control group continue to use the platform without any alterations to existing settings or features, maintaining the status quo.

254. TikTok places a second group of users (group B) in the experimental group (also referred to as the treatment group). For users in this group, TikTok alters the standard experience by adding, removing, or modifying a platform setting or feature for the duration of the experiment. A particular A/B test may have multiple treatment groups.

255. TikTok uses A/B tests to measure, among other things, the impact of a feature on user engagement, such as the number of users who use the platform in a day or month, or how long they remain on the platform during each session.

256. TikTok uses A/B testing to test the impact of proposed features before they are launched on the platform to the public at large. In such an experiment, TikTok makes available a proposed feature to users in the treatment group, but not to users in the control group or users at large.

257. TikTok also uses A/B testing to test the continued impact of a feature after it has been launched. Such tests are referred to as backtests or holdout tests. In such an experiment, TikTok withholds the feature being tested from users in the treatment group, but not from users in the control group or users at large.

258. TikTok selects users, including minors, to participate in A/B tests using random sampling.

259. TikTok does not notify users, including minors or their parents, when they have been selected to participate in an A/B test.

260. TikTok does not notify users, including minors or their parents, when they are a participant in an A/B test.

261. TikTok does not give users, including minors or their parents, an opportunity to opt out of being a participant in an A/B test.

262. TikTok has conducted backtest experiments in which TikTok deprived users, including minors, of launched features that TikTok represents make the platform safer. As a result, TikTok has subjected users whom TikTok included in such A/B tests to an experience that TikTok has made less safe by design.

263. For example, in or around December 2021, TikTok launched a “negative affect dispersion strategy” on its platform in the United States. Negative affect videos emphasize negative emotions such as sadness, anger, or fear and center on topics like depression, anxiety, other mental health disorders, loneliness, self-harm, and suicide. TikTok sought to reduce the prevalence of negative affect filter bubbles in its users’ feeds through a change to its algorithm that worked to disperse the negative affect content. After pre-launch testing of the strategy, TikTok found that users were “exposed to significantly less negative affect content” and to “significantly less higher-severity content post-dispersion.”

264. Around the same time, on December 16, 2021, TikTok published a post on its public newsroom website titled, “An update on our work to safeguard and diversify recommendations.”⁸⁹ In the post, TikTok stated:

To keep people’s For You feeds fresh – and interrupt repetitive patterns – our recommendation system works to intersperse diverse types of content along with those people already know they love...

⁸⁹ *An update on our work to safeguard and diversity recommendations*, TikTok Newsroom (Dec. 16, 2021), <https://newsroom.tiktok.com/an-update-on-our-work-to-safeguard-and-diversify-recommendations?lang=en>

However, certain kinds of videos can sometimes inadvertently reinforce a negative personal experience for some viewers, like if someone who's recently ended a relationship comes across a breakup video. We want to share more about some of the work underway to address this and improve the experience for viewers on TikTok....

As we continue to develop new strategies to interrupt repetitive patterns, we're looking at how our system can better vary the kinds of content that may be recommended in a sequence. That's why we're testing ways to avoid recommending a series of similar content – such as around extreme dieting or fitness, sadness, or breakups – to protect against viewing too much of a content category that may be fine as a single video but problematic if viewed in clusters.

265. Beginning in or about early 2022, TikTok launched a backtest of its negative affect dispersion strategy. A key purpose of the experiment was to test the impact of the strategy on user engagement.

266. As part of the backtest, TikTok withheld the negative affect dispersion strategy from approximately 10% of all users in the United States (over 10 million people).

267. One of these users was C.N., a 16-year-old teen from Long Island, New York. TikTok turned off the negative affect dispersion strategy from his account for 30 days, from January 25 to February 24, 2022. Three weeks into the backtest, on February 18, 2022, C.N. took his own life.

268. In March and April 2023, TikTok conducted an internal review of C.N.'s account in response to an inquiry from Bloomberg/Businessweek, which was preparing to publish an article about C.N.'s use of TikTok and his death. In an internal report, TikTok determined that C.N. "was continuously recommended content surrounding suicide, self-harm, depression, mental health struggles, and similar topics up to the date of his death. This repetitive stream of content topic was caused by his account hitting an internal backtest for dispersion models, so TikTok's filter bubble prevention strategies did not take effect on this user by design."

269. TikTok's removal of the dispersion strategy increased the prevalence of negative affect content for the users in the experimental group. TikTok found that, during the experiment, C.N. experienced "an onslaught of SSH [suicide and self-harm]-related content recommended to his account." In addition, TikTok found that "in the 2 weeks leading up to the user's death

(2/3/2022 – 2/18/2022), nearly 10% [of watched content] violated our Community Guidelines, mostly for Suicide and Self Harm.”

270. In April 2023, a member of TikTok’s U.S. Policy team commented that the backtest experiment presented a risk not only of negative publicity for TikTok, but “also a risk for the suicide of minors.”

271. Following its review of the backtest, TikTok concluded that “[t]o prevent future incidents” TikTok should lower the number of users in backtests from 10% to under 1%, and “use dynamic traffic AB tests to avoid hitting the same users for long periods of time (switching the length of time of potential user exposure from a half year/full year to 7 days).”

272. TikTok noted, however, that “[e]ven at 1% backtest traffic strategies, from February 2023 to April 4, 2023, at least 1.8 million US users have been excluded from dispersion strategies, putting them at risk for falling into bubbles. On a daily basis as of April 4, 2023, 42k users were impacted by these filter bubble backtest experiments.”

273. TikTok wrote that “[t]he user impact decision was a delicate balance across safety and the ability to measure impact on DAU [daily active users] and core metrics.”

274. In addition to backtest experiments, TikTok has also withheld at least one other safety feature from unknowing users as part of another form of undisclosed A/B testing known as placebo experiments (also referred to by TikTok as “ghost” experiments).

275. In these placebo or ghost experiments, TikTok identifies users who used or wanted to use a certain feature being tested. TikTok then places randomly selected users into a placebo group, such that when the users try to use the feature, the feature, unbeknownst to the users, does not work by design. TikTok then compares engagement and other metrics from users who were given the real feature, and those who were given the placebo—that is, non-functional—version.

276. For example, TikTok conducted placebo tests on the Algo Refresh feature. As discussed above, the purpose of the Algo Refresh feature, as represented by TikTok, is to give users the opportunity to refresh their feed when they want to, including when they become stuck in filter bubbles. When TikTok launched the Algo Refresh feature in March 2023, it announced

in a press release that “[w]hen enabled, this feature allows someone to view content on their For You feed as if they just signed up for TikTok.”⁹⁰

277. TikTok ran an A/B test on Algo Refresh the month after it was released, in April 2023. In that experiment, TikTok placed over 28,000 users, including users in the United States and minors, in a ghost experiment, such that their feeds did not actually refresh when they applied the Algo Refresh feature. TikTok repeated the experiment in May 2023 with over 16,000 users, including users in the United States and minors, in the ghost or placebo group.

278. TikTok also conducted a placebo experiment on users before it released the Algo Refresh feature to the general public. During that experiment in February to March 2023, TikTok provided a placebo, non-functional version of the Algo Refresh feature to over 19,000 users, including users in the United States and minors.

279. These placebo tests, like many other A/B tests, were used to measure, among other things, the impact on users’ stay duration (what TikTok calls a “guardrail metric”) and monetization metrics, such as ad revenue and ad cost per user.

280. Before the procedure for these Algo Refresh experiments was finalized, the product manager for Digital Well Being raised concerns about the placebo procedure, writing in an internal message, “hold on, I don’t think we should do this. Users may perceive this as not working and misleading... This feature is about algorithm transparency and control. A placebo group completely conflicts with that.” Nevertheless, TikTok continued with the placebo experiment, with another team member noting that “the placebo is a relatively common design in strategy testing. For example, when we backtest the dislike feature, we also disable the strategy, just keep a dislike feature.”

281. TikTok did not inform users whom it placed in placebo experiments, including minors or their parents, that they were selected to participate in such experiments; that they may be given placebo, non-functional versions of certain safety features; or, after the experiment concluded, that they were in fact given placebo features during a certain time. TikTok did not give users, including minors or their parents, the opportunity to opt out of A/B tests with placebo group setup.

⁹⁰ *Introducing a way to refresh your For You feed on TikTok*, TikTok Newsroom (Mar. 16, 2023), <https://newsroom.tiktok.com/introducing-a-way-to-refresh-your-for-you-feed-on-tiktok-us?lang=en>

282. When TikTok represents that the platform is “safe,” “appropriate for children and teenagers,” and that safety is its “top priority,” TikTok omits the material fact that it periodically subjects random samples of its users, including minors, to backtest and placebo experiments without their knowledge during which they are deprived of features that TikTok represents make the platform safer. TikTok also omits the material fact that it conducts such experiments to test the impact of the feature on metrics unrelated to safety, particularly user engagement and monetization.

283. When TikTok represents that its “recommendation system works to intersperse diverse types of content” while it “continue[s] to develop new strategies to interrupt repetitive patterns” and “test[s] ways to avoid recommending a series of similar content,” TikTok omits the material fact that such development or testing involves periodically subjecting random samples of its users, including minors, to backtest or placebo experiments without their knowledge during which they are deprived of features that TikTok represents make the platform safer. TikTok also omits the material fact that it conducts such experiments to test the impact of the features on metrics unrelated to safety, particularly user engagement and monetization.

284. When TikTok represents that it has rolled out “a new feature that enables people to refresh their For You feed,”⁹¹ TikTok omits the material fact that, after rolling out the feature, it periodically subjects random samples of its users, including minors, to placebo experiments without their knowledge during which they are deprived of a functional version of that feature. TikTok also omits the material fact that it conducts such experiments to test the impact of the features on metrics unrelated to safety, particularly user engagement and monetization.

285. On May 4, 2023, TikTok provided written responses to the U.S. House Committee on Energy and Commerce in which it misrepresented the nature of its A/B testing practices.⁹² The Committee had posed written questions to TikTok to follow up on the Congressional testimony of TikTok CEO Shou Chew in March 2023. The Committee asked TikTok to “list all AB testing experiments involving content related to self-harm, suicide, or eating disorders, or body dysmorphia.” TikTok responded:

TikTok utilizes A/B testing in a variety of ways to help limit content related to self-harm, suicide, eating disorders, or body

⁹¹ *Introducing a way to refresh your For You feed on TikTok*, TikTok Newsroom (Mar. 16, 2023), <https://newsroom.tiktok.com/introducing-a-way-to-refresh-your-for-you-feed-on-tiktok-us?lang=en>.

⁹² *TikTok, Responses to Additional Questions for the Record* (May 4, 2023), <https://docs.house.gov/meetings/IF/IF00/20230323/115519/HHRG-118-IF00-Wstate-ChewS-20230323-SD030.pdf>

dysmorphia on its platform. For example, TikTok uses A/B testing to improve the accuracy of its content moderation models, which remove content that violates TikTok's Community Guidelines. TikTok also has introduced dispersion strategies to help users avoid "filter bubbles" or content users may find negative. For example, TikTok has implemented filter bubble dispersion strategies for extreme diet and fitness content and negative affect filter bubble dispersion strategies for suicide and self-harm. TikTok uses A/B testing to help inform, improve, and validate these strategies and techniques for dispersing videos.

286. The Committee also asked TikTok to identify trust and safety protocols that TikTok has "in place to prevent AB testing leading to user harms." TikTok responded:

TikTok maintains a set of Community Guidelines that include rules and standards for using TikTok. The guidelines apply to everyone and everything on the TikTok platform, including content that is presented to users during A/B testing. Although every video is subjected to increasing levels of automated and manual review as it gains in popularity, there is the potential that users may view videos that violate Community Guidelines. When a video is submitted, it first passes through dozens of AI models to determine if it has any risk of involving sexual, violence, or political content, if so, it will only be recommended after it passes manual review. Even if the machine review found no risks, once the video reaches a certain amount of views, meaning that it has a possibility of trending, it must then be manually reviewed. Additional reviews are conducted against more rigorous rules, such as consideration of local culture and norms, as videos reach larger and larger numbers of users.

287. The Committee further asked TikTok to "list all cases all cases where algorithmic AB testing has resulted in harms to TikTok's users." TikTok responded:

The safety of the TikTok community is of the utmost importance to TikTok and the Community Guidelines include rules and standards for using TikTok. The guidelines apply to everyone and everything on our platform, including content that is presented to users during AB testing.

288. When TikTok made statements regarding A/B testing in response to the inquiry from Congress, it omitted the material facts concerning the nature and risk of harm from its backtest of the negative affect filter bubble dispersion strategy that involved the late C.N.,

despite having performed a review of the backtest and its effect on C.N.'s account only weeks before its May 4, 2023 statements to Congress.

289. When TikTok made statements regarding A/B testing in response to the inquiry from Congress, it omitted the material fact that it periodically subjects random samples of its users, including minors, to backtest or placebo experiments without their knowledge during which they are deprived of features that TikTok represents make the platform safer. TikTok also omits the material fact that it conducts such experiments to test the impact of the features on metrics unrelated to safety, particularly user engagement and monetization.

290. By failing to disclose critical, material information regarding its A/B tests, including its intentional withholding of safety features or use of non-functional safety features, TikTok deceives users. TikTok's deception and lack of transparency prevents young users and their parents from making truly informed decisions about platform usage.

IV. TikTok Misrepresents the Platform is Not Directed to Children

291. For years, TikTok has represented their platform is not directed to children under 13 years of age and it does not knowingly collect personal information from children under 13 years old.

292. However, the platform is directed to children under 13 years of age and TikTok knowingly collects information from children under 13 years old.

A. TikTok Is Directed to Children

293. As early as 2018, the platform privacy policy stated: "The platform is not directed at children under the age of 13." Its current privacy policy states: "The platform otherwise is not directed at Children. If we become aware that personal information has been collected on the platform from a Child, we will delete this information and terminate the Child's account."⁹³

294. However, TikTok is "directed to children" because, among other reasons: (1) TikTok's "audience composition" includes millions of users under the age of 13; (2) users under the age of 13 are an "intended audience" of TikTok; (3) TikTok features child-directed subject matter, characters, activities, music, and other content; (4) models and celebrities on TikTok are children and/or appeal to children; and (5) TikTok features advertisements directed to children. See generally 16 C.F.R. § 312.2 (child-directedness factors under federal law).

⁹³ *Privacy Policy*, TikTok (Aug. 19, 2024), <https://www.tiktok.com/legal/page/us/privacy-policy/en>.

1. Audience Composition

295. TikTok’s “audience composition” includes millions of children under 13 years old.

296. According to a survey conducted in the United States in 2022, 47% of respondents aged 11 to 12 years were using TikTok.⁹⁴

297. In July 2020, TikTok classified more than a third of its 49 million daily users in the United States as being 14 years old or younger.⁹⁵ 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. Indeed, one internal TikTok document plainly acknowledges that TikTok is “directed to children” under this standard, stating that, “[u]nder COPPA, TikTok is an online service directed to children under 13 that collects, uses, or discloses personal information from children under 13.”

298. Moreover, in 2023, Britain’s data protection authority issued a \$15.9 million fine to TikTok because the platform had failed to abide by data protection rules intended to safeguard children online. It found that TikTok had inappropriately allowed up to 1.4 million children under the age of 13 to use the service in 2020.⁹⁶

299. Indeed, internal documents show that TikTok employees avoid public audiences with 12 and under participants for fear it would demonstrate young children are on TikTok. TikTok regularly acknowledges the fact that there are many children present on TikTok’s “13+ experience.”

2. Intended Audience

300. Children are an intended audience of TikTok, as TikTok acknowledged in a mandatory June 2019 Compliance Report submitted to the FTC: “The TikTok app targets children as one audience . . .”

⁹⁴ Stacy Jo Dixon, *Social media usage of pre-teens in the United States as of November 2022*, statista (Dec. 4, 2023), <https://www.statista.com/statistics/1417175/us-preteens-social-media-reach/>.

⁹⁵ 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>.

⁹⁶ *ICO fines TikTok £12.7 million for misusing children’s data*, Information Commissioner’s Office (Apr. 4, 2023) <https://ico.org.uk/about-the-ico/media-centre/news-and-blogs/2023/04/ico-fines-tiktok-127-million-for-misusing-children-s-data/>

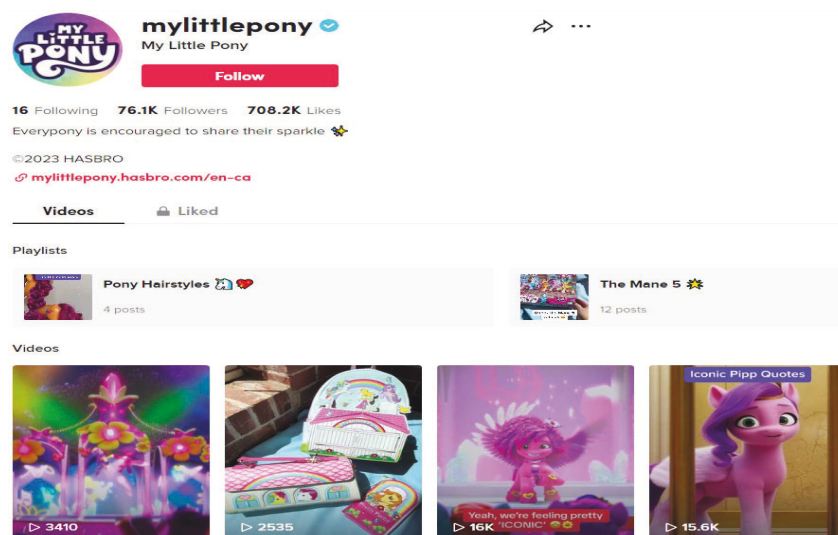
3. TikTok Features Child-Oriented Subject Matter, Characters, Activities, Music, and Other Content

301. TikTok publicly hosts thousands of accounts that feature content from well-known pre-teens' brands such as: My Little Pony, Pokémon, Pre-teens Tonight show, LOL Surprise, Cartoon Network, Bluey, and Kidz bop.

302. Each of these accounts contains child-oriented subject matter, characters, activities, music, and other content.

303. Take My Little Pony as an example. My Little Pony is a media franchise and a line of children's toys. The My Little Pony TikTok account includes videos featuring animated ponies in flamboyant colors that talk and interact with other characters in a human-like, social manner designed to appeal to children. The account proclaims that "[e]very pony is encouraged to share their sparkle." Other videos have pony dolls that play with each other, often with "My Little Pony" songs in the background.

Figure 11



304. TikTok knew about this child-directed content. Each TikTok account listed above is a "verified" account, which means that TikTok has independently reviewed the account upon receipt of an application, determined the account to be "[n]otable," and "confirmed the account belongs to the person or brand it represents."⁹⁷

⁹⁷ *Verified Accounts on TikTok*, TikTok, <https://support.tiktok.com/en/using-tiktok/growing-your-audience/how-to-tell-if-an-account-is-verified-on-tiktok> (last visited Oct. 6, 2024).

4. TikTok Prominently Features Celebrities and Models Who Are Children and/or Appeal to Children

305. TikTok hosts, maintains, and promotes thousands of accounts on TikTok that are dedicated to displaying images and videos of child models, child celebrities, and celebrities who appeal to children. To list only a few representative examples, TikTok currently hosts the following accounts or pages:

- a. Charli D'Amelio: Charli is a young TikTok influencer. While she is 20 years old now, she was only 15 when she joined TikTok, and many of her videos were created when she was younger. She won awards in 2021, 2022, and 2023 at the Nickelodeon Kids' Choice Awards, and co-hosted the awards in 2023.⁹⁸ The 2023 Kids' Choice Awards were ranked as the top cable telecast among pre-teens 2-14.⁹⁹
- b. Txunamy: Txunamy is a 15-year-old child actress and influencer. Her videos feature her in various natural scenes, posing as a model, dancing, or just walking around, often to modern music.
- c. Loren Gray: Loren is a musician and TikTok influencer. While she is 22 years old now, she was 13 when she joined TikTok (then Musical.ly).¹⁰⁰ Early in TikTok's lifespan, Loren was one of the most popular creators on the platform.¹⁰¹ Her videos primarily feature her dancing, singing, or lip-syncing.
- d. Eva Diana Kidisyuk: Eva is a 10-year-old child influencer. Her videos feature herself and her brother, and include children's songs, unboxings, vlogging, educational entertainment, and roleplays.

⁹⁸ Dylan Horetski, *Charli D'Amelio, Bella Poarch & MrBeast win big at 2023 Kids' Choice Awards*, dexerto (Mar. 6, 2023), <https://www.dexerto.com/entertainment/charli-damelio-bella-poarch-mrbeast-win-big-at-2023-pre-teens-choice-awards-2079242/>; Denise Petski, *Nate Burleson & Charli D'Amelio To Host Nickelodeon's Kids' Choice Awards; 'Stranger Things' Leads 2023 Nominations — Full List*, Deadline (Jan. 31, 2023), <https://deadline.com/2023/01/nate-burleson-charli-damelio-host-nickelodeons-pre-teens-choice-awards-stranger-things-leads-2023-nominations-full-list-1235244799/>.

⁹⁹ Katie Campione, *Nickelodeon's Kids' Choice Awards Grows Audience By 40%, Ranks As Top Telecast Among Ages 2-14*, Deadline.com (Mar. 7, 2023), <https://deadline.com/2023/03/2023-nickelodeons-pre-teens-choice-awards-ratings-1235282177/>.

¹⁰⁰ Kat Tenbarge, *The most popular TikToker is on track to lose her throne, and she's looking to Taylor Swift and Shawn Mendes for the next leg of her career*, Bus. Insider (Mar. 13, 2020), <https://www.insider.com/loren-gray-tiktok-popular-music-the-man-taylor-swift-2020-3/>.

¹⁰¹ *Id.*

306. Each celebrity TikTok account listed above is a “verified” account, meaning that TikTok has independently reviewed the account upon receipt of an application, determined the account to be “[n]otable,” and “confirmed the account belongs to the person or brand it represents.”¹⁰²

307. TikTok has even “partnered” with some of the most popular TikTok celebrities appealing to children, including the D’Amelio family, and has paid them directly to produce content for TikTok. These creator agreements generally require the creator to post a minimum amount of new content per month. For example, one contract with the D’Amelio family required Charli D’Amelio to post at least 54 videos per month, and also required a certain number of TikTok livestreams from different members of the D’Amelio family.

5. TikTok Features Advertisements Directed to Children

308. TikTok shows users advertisements that are directed to children. These advertisements are directed to children because, among other reasons, they feature characters, franchises, and subject matter appealing to children. To list only a few representative examples:

- a. Bluey: This advertisement promoted a theatrical adaption of the popular children’s show Bluey, depicting actors wearing costumes resembling Bluey characters, with visuals and music taken from the television show.

Figure 12

¹⁰² *Verified Accounts on TikTok*, TikTok, <https://support.tiktok.com/en/using-tiktok/growing-your-audience/how-to-tell-if-an-account-is-verified-on-tiktok> (last visited Oct. 6, 2024).



- b. SpongeBob: This advertisement promotes a videogame adaptation of the popular children's animated television show SpongeBob SquarePants,

showing clips from the show and footage from the game.¹⁰³ The game is rated as appropriate for users 4 and older on Apple's App Store.¹⁰⁴

Figure 13



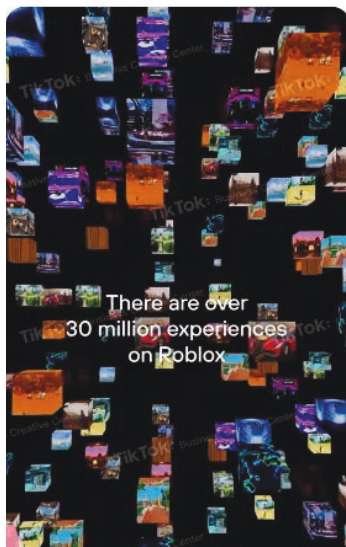
- c. Roblox: Roblox is a videogame that is incredibly popular among children. In April 2020, Roblox boasted that two-thirds of all U.S. pre-teens between 9 and 12 years old used Roblox, and it was played by a third of all Americans

¹⁰³ *About this Ad*, TikTok ads manager, <https://ads.tiktok.com/business/creativecenter/topads/7045014135049846785/pc/en?countryCode=US&from=001110&period=30> (last visited Oct. 6, 2024).

¹⁰⁴ *SpongeBob: Krusty Cook-Off*, App Store, <https://apps.apple.com/us/app/spongebob-krusty-cook-off/id1433784188> (last visited Oct. 6, 2024).

under the age of 16.¹⁰⁵ This advertisement promotes the videogame, showing activities users can do within the game, including dance routines.¹⁰⁶

Figure 14



B. TikTok Knowingly Allows Children on the Platform

309. TikTok represents that it requires new users to enter their age, and that for United States users who are under 13 years old, it doesn't provide them with access to the platform but rather a separate experience with "additional safety and privacy protections designed specifically for an audience that is under 13 years old."¹⁰⁷ If TikTok detects that a user under the age of 13 years old creates an account on the platform, as discussed above, TikTok represents that it will ban them.¹⁰⁸

310. Despite these representations, TikTok has knowingly allowed children under 13 years old to create and use TikTok accounts on the platform—which lack such safety and privacy protections—without their parents' knowledge or consent.

¹⁰⁵ Taylor Lyles, *Over half of US kids are playing Roblox, and it's about to host Fortnite-esque virtual parties too*, The Verge (July 21, 2020), <https://www.theverge.com/2020/7/21/21333431/roblox-over-half-of-us-pre-teens-playing-virtual-parties-fortnite>.

¹⁰⁶ *About this Ad*, TikTok ads manager, <https://ads.tiktok.com/business/creativecenter/topads/7323282833940774914/pc/en?countryCode=US&from=001110&period=30> (last visited Oct. 6, 2024).

¹⁰⁷ *Age Appropriate Experiences*, TikTok, <https://www.tiktok.com/legal/page/global/age-appropriate-experiences/en> (last visited Oct. 6, 2024); *TikTok for Younger Users*, TikTok Newsroom (Dec. 19, 2019), <https://newsroom.tiktok.com/en-us/tiktok-for-younger-users>

¹⁰⁸ *Youth Safety and Well-Being*, TikTok, <https://www.tiktok.com/community-guidelines/en/youth-safety> (last visited Oct. 6, 2024).

311. For example, TikTok did not require users who created an account by entering their Facebook or Google credentials to enter their age, even where the same user had previously stated they were under 13 years old. In fact, where users told TikTok they were under 13 years old but then created an account by entering their Facebook or Google credentials, TikTok imported their earlier-stated age for the account on the platform, but failed to provide any of the safeguards the company represented would be applied for such users. This loophole resulted in approximately 100,000 accounts on the platform with a listed age younger than 13 years old.

312. This was not an isolated incident, and TikTok routinely allowed users younger than 13 to create or maintain accounts on the platform. For example:

- a. Internal TikTok documents from 2018 demonstrate that it knew over 50,000 active TikTok accounts had references to being under age 13 in their profiles. Even after these accounts were identified, they remained active for months. When asked if removing these 50,000 accounts belonging to children was urgent, an employee responded that it was “no rush.”
- b. In February 2020, upon learning that news crews would not attend a public panel that included minor TikTok users, a TikTok employee stated, “I’m sort of glad the news crews cancelled. This student panel is primarily under 13 and they’re all talking about what they post and why they post and how they know they’re not supposed to have an account.”
- c. An internal document from 2020 detailing TikTok’s moderation efforts noted that “[t]here are many [under] 13-users on the platform, and we need to fulfill our platform obligations to discover and deal with these users.”
- d. An internal TikTok Trust and Safety Memo from May 2020 states that “more and more users under the age of 13 are on the platform.”
- e. In September 2020, one TikTok employee noted a study on the prevalence of child-created Child Sexual Abuse Material (“CSAM”) on TikTok, stating “[t]he findings here are concerning and seem to confirm suspicions that we have a large base of users under 12 on our platform, AND that they are sharing CSAM content.”
- f. Following an August 2021 “sweep” for accounts containing written age admissions in their user-supplied biographic information, TikTok discovered a

batch of 10,000 active TikTok accounts on which the user had disclosed their age as under 13. When asking what to do about the under-13 accounts, one employee commented “kinda feels like we are on notice at least for these accounts?”

- g. An internal 2022 document from TikTok’s “Trust and Safety” team acknowledged the prevalence of under-13 accounts, saying “[t]here are a large number of underage accounts on the platform . . . there are potentially many millions of accounts we need to discover and [take] action [on].”

313. Before April 1, 2020, TikTok’s content moderation team followed a defective internal policy when removing accounts that TikTok “suspected” belonged to a user under age 13. Under that policy, TikTok would not remove such accounts unless (1) the user had self-identified as being under 13 years old (*e.g.*, stating their age in their account’s biographical information) and (2) the user had also posted at least four videos in which the user appeared to be under 13 years old. In other words, if a user declared that they were nine years old in their biography, but had only posted three videos in which they appeared to be under 13 years old, TikTok would allow that account to remain on TikTok.

314. As recently as June 2023, if TikTok receives a report stating that a user is under 13 years old, it instructs its employees to review the reported user’s profile information and videos featuring that user. This amended policy allows for the deletion of accounts that self-identify as under 13 years old. However, if the user has not self-identified as under age 13, TikTok instructs its employees to allow the account to remain on TikTok unless there are four separate, recent videos featuring the user where the user appears to be under nine years old. Again, if a TikTok employee determines that a user appears to be six years old but has only uploaded three videos, or appears ten years old, TikTok will not remove the account.

315. Internal documents show that accounts belonging to children under age 13 are common on TikTok’s “13+ experience” and the number of these accounts is skyrocketing. TikTok removed 1,768,660 accounts “suspected” to belong to children under age 13 between March 1, 2019, and April 30, 2020. Between September 2020 and March 2022, TikTok removed well over 20 million accounts “suspected” to belong to users under the age of 13.

316. A document from April 2023 shows that TikTok was aware of approximately 797,000 monthly active U.S. users who had no date of birth associated with their account. That

same document reveals that approximately 20,500,000 U.S. users without an associated birthdate were active on the platform within the preceding twelve months, and that in total, over 96,000,000 U.S. users were allowed to use TikTok without entering a birthdate. TikTok was aware that significant numbers of these accounts without an associated birthdate likely belonged to users under the age of 13.

317. In addition to such inadequate policies, on information and belief, TikTok simply failed to remove thousands of children's accounts that (a) parents had requested be deleted and/or (b) TikTok's own content moderators or quality assurance reviewers had tagged as belonging to children.

**FIRST CAUSE OF ACTION PURSUANT TO
EXECUTIVE LAW § 63(12):
REPEATED AND PERSISTENT FRAUDULENT BUSINESS CONDUCT**

318. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

319. Executive Law § 63(12) authorizes the OAG to bring an action to enjoin repeated or persistent fraudulent business conduct.

320. As set forth above, TikTok has engaged in repeated and persistent fraudulent acts, including but not limited to:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.
- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

321. By these actions, TikTok has engaged in repeated and persistent fraudulent conduct in violation of Executive Law § 63(12).

**SECOND CAUSE OF ACTION
PURSUANT TO EXECUTIVE LAW § 63(12):
VIOLATIONS OF GENERAL BUSINESS LAW § 349:
DECEPTIVE BUSINESS PRACTICES**

322. The plaintiff repeats and re-alleges paragraphs 1 through 317 and incorporates them by reference herein.

323. Executive Law § 63(12) authorizes the OAG to bring an action to enjoin repeated illegal acts or persistent illegality in the carrying on, conducting, or transaction of business.

324. GBL § 349 prohibits deceptive acts and practices in the conduct of any business, trade, or commerce or in the furnishing of any service in the state of New York.

325. As set forth above, TikTok has engaged in repeated and persistent deceptive acts and practices, including but not limited to:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.
- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

326. By these actions in violation of GBL § 349, TikTok has engaged in repeated and persistent illegality in violation of Executive Law § 63(12).

**THIRD CAUSE OF ACTION
PURSUANT TO EXECUTIVE LAW § 63(12):
VIOLATIONS OF GENERAL BUSINESS LAW § 350:
FALSE ADVERTISING**

327. The plaintiff repeats and re-alleges paragraphs 1 through 317 and incorporates them by reference herein.

328. Executive Law § 63(12) authorizes the OAG to bring an action to enjoin repeated illegal acts or persistent illegality in the carrying on, conducting, or transaction of business.

329. GBL § 350 prohibits false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in the state of New York.

330. As set forth above, TikTok has engaged in repeated and persistent false advertising, including but not limited to:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.
- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

331. By these actions in violation of GBL § 350, TikTok has engaged in repeated and persistent illegality in violation of Executive Law § 63(12).

**FOURTH CAUSE OF ACTION
VIOLATIONS OF GENERAL BUSINESS LAW § 349**

332. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

333. GBL § 349 prohibits deceptive acts and practices in the conduct of any business, trade, or commerce or in the furnishing of any service in the state of New York.

334. As set forth above, TikTok has engaged in deceptive acts and practices in violation of GBL § 349, including, but not limited to:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.
- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

**FIFTH CAUSE OF ACTION
VIOLATIONS OF GENERAL BUSINESS LAW § 350**

335. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

336. GBL § 350 prohibits false advertising in the conduct of any business, trade, or commerce or in the furnishing of any service in the state of New York.

337. As set forth above, TikTok has engaged in false advertising in violation of GBL § 350, including, but not limited to:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.

- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

**SIXTH CAUSE OF ACTION
PURSUANT TO EXECUTIVE LAW § 63(12)
ILLEGAL CONDUCT — VIOLATION OF FTC ACT §5**

338. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

339. Executive Law § 63(12) authorizes the OAG to bring an action to enjoin repeated illegal acts or persistent illegality in the carrying on, conducting, or transaction of business. Section 5(a) of the Federal Trade Commission Act (15 U.S.C. § 45(a)(1)) prohibits “unfair or deceptive acts or practices in or affecting commerce.”

340. An act or practice is unfair if it causes or is likely to cause substantial injury to consumers, which is not reasonably avoidable by consumers, and such substantial injury is not outweighed by countervailing benefits to consumers or to competition. 15 U.S.C. § 45(n).

341. As set forth above, TikTok has engaged in repeated illegality by committing unfair acts and practices in the marketing and promotion of the TikTok app and platform by:

- a. Misrepresenting to consumers, expressly and by implication, that its platform is safe and appropriate for teens and pre-teens;
- b. Misrepresenting to consumers, expressly and by implication, the effectiveness of built-in features designed to combat addictive use/harms including parental controls, community standards, and age verification;
- c. Failing to disclose, or disclose adequately, material information to consumers regarding its A/B tests, including tests that deprive users of features that TikTok represents improve platform safety.
- d. Misrepresenting to consumers, expressly and by implication, that the platform is not directed to children under 13 years old; and,
- e. Failing to disclose the adverse health consequences of the TikTok app and platform.

342. TikTok's conduct has caused and is likely to cause substantial injury to consumers in New York and throughout the United States that cannot be reasonably avoidable and is not outweighed by countervailing benefits.

343. By engaging in the acts and practices described above, which include violations of Section 5(a) of the FTC Act, TikTok has engaged in and continues to engage in repeated illegal acts or persistent illegality in violation of Executive Law § 63(12).

**SEVENTH CAUSE OF ACTION
PRODUCT LIABILITY – DESIGN DEFECT**

344. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

345. Defendants are responsible for the design, development, management, operation, testing, control, production, marketing, and advertisement of the TikTok platform.

346. The TikTok platform is designed and intended to be a product that is distributed and sold to the public through retail channels like the Apple App Store and the Google Play Store.

347. The TikTok platform is marketed and advertised to the public for the personal use of consumers.

348. The design, engineering, and programming inherent in the TikTok platform are inherently defective.

349. The TikTok platform was and continues to be unreasonably dangerous when it left Defendants' possession and control. The defects continued to exist through the products' distribution to and use by consumers who use the products without any substantial change in the product's condition.

350. The risks inherent in the design of the TikTok platform significantly outweigh any benefit of its design.

351. The TikTok platform is not reasonably safe and was defectively designed to be addictive to young users, who are particularly vulnerable and unable to appreciate the risks posed by the platform and are thus susceptible to harms from the product.

352. Defendants failed to adequately test the safety of the features they developed and implemented for use on the TikTok platform. When Defendants did perform limited product

testing, they determined that the product caused ongoing harm to young users but failed to adequately warn users or remedy the product's defects.

353. Defendants knew or should have known, by the exercise of reasonable care, that the TikTok platform would cause injury, especially to young users who would use the product without inspection for its addictive nature.

354. Defendants knew or should have known, by the exercise of reasonable care, of safer design and programming that would mitigate foreseeable dangers to young users.

355. Defendants could have utilized cost-effective, reasonably feasible alternative designs including algorithmic changes and changes to the addictive features described above, to minimize the harm of the TikTok platform. These changes include but are not limited to:

- a. Prioritizing user mental health for adolescents over "engagement";
- b. Redesigning algorithms to limit addictive engagement;
- c. Warning of health effects of use and extended use upon sign-up;
- d. Requiring stronger, well-accepted controls for ensuring that certain features are disabled for those users under a certain age;
- e. Implementing protective limits to the length and frequency of sessions;
- f. Allowing users to fully reset the personalization of their "Feed" upon request;
- g. Creating a beginning and end to a user's "Feed;"
- h. Limits on the strategic timing and clustering of notifications to lure back users;
- i. Designing more effective age-gating mechanisms; and,
- j. Designing products that did not include the defective features listed and described in this Complaint while still fulfilling the social networking purposes of a social media product.

356. Alternative designs were available that would reduce young users' addictive engagement with the TikTok platform, and which would have effectively served the same purpose of the TikTok platform while reducing the gravity and severity of danger posed by its defects.

357. The TikTok platform is defective in design and poses a substantial likelihood of harm because it fails to meet the safety expectations of ordinary consumers when used in an intended or reasonably foreseeable manner, and because the product is less safe than an ordinary

consumer would expect when used in such a manner. Adolescents are among the ordinary consumers of the TikTok platform. Indeed, Defendants market, promote, and advertise the platform to pre-teen and young consumers. Adolescent consumers do not expect the TikTok platform to be addictive when the product is used in its intended manner by its intended audience.

358. As set forth above, these defects in the TikTok platform have caused harm to young users in New York.

359. The conduct of the Defendants, as described above, was intentional, fraudulent, willful, reckless, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its their actions, including to the health, safety, and welfare of their customers, and warrants an award of punitive damages.

**EIGHTH CAUSE OF ACTION
PRODUCT LIABILITY – FAILURE TO WARN**

360. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

361. The TikTok platform is dangerous to an extent beyond that contemplated by the ordinary user who uses the product because it encourages unhealthy, addictive engagement and compulsive use.

362. Defendants had actual knowledge of dangers and harms associated with the design, engineering, and programming of the TikTok platform.

363. The dangerous design defect of the TikTok platform leads to overexposure to harmful content.

364. Defendants failed to provide adequate instructions or warnings to inform users that the TikTok platform was defective and not reasonably safe.

365. Defendants sold and distributed the TikTok platform to users in a defective and unreasonably dangerous condition by failing to adequately warn about the risk of harm to youth as described herein, including a risk of addictive engagement and compulsive use by youth, which can lead to a cascade of harms described above.

366. The TikTok platform is defective and unreasonably dangerous because, among other reasons described herein, Defendants failed to exercise reasonable care to inform users

that, among other things, the TikTok platform causes addiction, compulsive use, and other physical and mental injuries.

367. Sufficient warnings could have helped young users avoid the risks and harms discussed above, but Defendants chose not to warn despite their awareness of these risks and harms.

368. Defendants' failure to adequately warn was a direct and proximate cause of harms described in this Complaint.

369. As a result of the defective design features of the TikTok platform products, young users in New York suffered the harms described in this Complaint.

370. The conduct of the Defendants, as described above, was intentional, fraudulent, willful, reckless, and displayed an entire want of care and a conscious and depraved indifference to the consequences of its their actions, including to the health, safety, and welfare of their customers, and warrants an award of punitive damages.

NINTH CAUSE OF ACTION NEGLIGENCE

371. The plaintiff repeats and realleges paragraphs 1 through 317 as if fully set forth herein.

372. Defendants had a duty to exercise reasonable care in the development, setup, management, maintenance, operation, marketing, advertising, promotion, supervision, and control of the TikTok platform so as to avoid creating unreasonable risk of harm from the use of the product.

373. Defendants knew or should have known that marketing and advertising their products to young users would increase the users' risk for mental health problems, poor mental health, and poor well-being.

374. Defendants knew, or by the exercise of reasonable care, should have known, that ordinary young users of the TikTok platform would not realize the potential risks and dangers of using the platform.

375. Defendants owed a heightened duty of care to young users who are more susceptible to these risks.

376. Defendants knew or, by the exercise of reasonable care, should have known, that the reasonably foreseeable use of the TikTok platform was dangerous, harmful, and injurious to young users.

377. Defendants knew or, by the exercise of reasonable care, should have known that the TikTok platform posed an unreasonable risk of harm to young users, which risks were known and knowable, including in light of the internal data and knowledge Defendants had regarding the platform.

378. Defendants knew or, by the exercise of reasonable care, should have known of safety measures that would mitigate, reduce, and eliminate the above-described hazards, but failed to implement those safety measures.

379. A reasonable company under the same or similar circumstances as the Defendants would have developed, maintained, and operated their platforms in a manner that is safer for and more protective of young users.

380. Defendants breached their duty of care by failing to develop, maintain, and operate the TikTok platform in a manner that is safer for and more protective of young users.

381. As a direct and proximate cause of Defendants' breach, young users were subject to the harms and injuries described in this Complaint.

382. Defendants' breach of their duties was a substantial factor in causing harms and injuries to young users in New York.

383. The conduct of Defendants was reckless, warranting an award of punitive damages in an amount sufficient to punish Defendants.

PRAYER FOR RELIEF

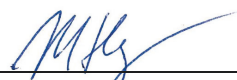
WHEREFORE, plaintiff requests an order and judgment:

- a. Permanently enjoining TikTok from violating the laws of the State of New York, including Executive Law § 63(12) and GBL §§ 349, 350;
- b. Directing TikTok to disgorge profits from ads directed to New York teen and pre-teen users as a result of TikTok's fraudulent, deceptive, and illegal acts;
- c. Directing TikTok to pay a civil penalty of \$5,000 for each violation of GBL Article 22-A, pursuant to GBL § 350-d;
- d. Directing TikTok to pay punitive damages in an amount the Court deems just and proper;
- e. Directing such other equitable relief as may be necessary to redress TikTok's violations of New York law;
- f. Awarding plaintiff costs of \$2,000 pursuant to CPLR § 8303(a)(6); and,
- g. Granting such other and further relief as the Court deems just and proper.

August 31, 2026

Respectfully submitted,

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