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IN THE CIRCUIT COURT OF
THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY

CIVIL DIVISION

CASE NO. :

OFFICE OF THE ATTORNEY GENERAL,
STATE OF FLORIDA,
DEPARTMENT OF LEGAL AFFAIRS,

Plaintiff,

v.

META PLATFORMS, INC. and INSTAGRAM, LLC,

Defendants.
_____/

**COMPLAINT**

Plaintiff, Office of the Attorney General, State of Florida, Department of Legal Affairs ("Attorney General"), sues META PLATFORMS, INC. ("Meta Platforms"), INSTAGRAM, LLC ("Instagram") (collectively "Defendants" or "Meta") for violations of the Florida Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes ("FDUTPA"), and alleges the following:

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## I. INTRODUCTION

1. For many years, Defendants have falsely and deceptively represented and continue to represent that their social media Platforms are a safe place for inspiration and expression.[1]

2. Far from being a safe place, Defendants' Platforms cause serious harm to children, parents, and the community at large by deploying algorithms and other features designed to hijack the attention of its users, barrage them with advertisements, and relentlessly mine their interactions for monetizable data. These features are designed to maximize user engagement and are particularly harmful to people under eighteen ("Young Users").

3. The U.S. Surgeon General's ("Surgeon General") Advisory called attention to an urgent public health issue stemming from excessive and problematic social media use and the growing concern regarding its effects on youth mental health.[2] In an interview with CNN, the Surgeon General explained that he believes it is not fair to expect children to know how to resist the lure of social media: "[y]ou 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

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[1] Defendants' social media platforms are Facebook and Instagram and are hereinafter "Social Media Platforms" or "Platforms."
[2] Health and Human Services, The U.S. Surgeon General's Advisory, Social Media and Youth Mental Health (2023).

to control how much time you're spending, you're pitting a child against the world's greatest product designers."[3]

4. Florida parents are involved in a desperate struggle to overcome the consequences of Meta's impact on their children. Yet, Meta consistently represents that its services are safe and provides children with an easy on-ramp to its Platforms, which parents are unable to effectively monitor and control.

5. In various court filings, Florida families including those in Pasco County, have alleged health issues and harm to children such as anxiety, depression, self-harm, eating disorders, and suicide, all stemming from social media use.

6. In a Pasco County court filing, one victim alleges that "[s]hortly after registering to use Meta platforms(s) at the age of thirteen, Plaintiff began engaging in addictive and problematic use of the platform(s)…[and] [p]rompted by the addictive design of Defendants' product(s), and the constant notifications that Defendants' platform pushed to [Plaintiff] 24 hours a day, [Plaintiff] began getting less and less sleep…[and] subsequently developed injuries including, but not limited to, attempted self-harm, self-harm, eating disorder, including anorexia."[4]

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[3] Allison Gordon and Pamela Brown, *Surgeon General Says 13 is 'Too Early' to Join Social Media*, CNN (Oct. 18, 2023), https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html.

[4] Amended Complaint at ¶¶ 63-5, *Downing v. Meta Platforms Inc., et. al.*, 8:22-cv-01877-VMC-AAS (M.D. Fla. Aug. 17, 2022). A short form Complaint was also filed in the *IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION*, Case No. 4:22-md-3047, Member Case No. 4:22-cv-06388 (N.D. Cal. Mar. 31, 2023).

7. In another Pasco County wrongful death case, the victim's mother sued Meta and alleged that "children like him do not open social media accounts in the hopes of becoming addicted, sleep deprived, anxious, angry, and depressed. Nonetheless, such children do become addicted, leading them to engage in foreseeable addict behaviors, such as lying to their parents, hiding their social media, losing control, and becoming irritable, even violent, when access is denied. These and other behaviors can and do result in serious harm to Defendants' minor users."[5]

8. Florida school districts, which include some of the largest school districts in the United States, are confronting the dire consequences of Meta's deceptive and unfair practices and unlawful collection of Young Users' and under-13 users' data. Many Florida school districts are ringing the alarm by bringing their own claims against Meta. These claims capture a correlation between growing social media use and a decline in students' mental, emotional, and social health.

9. For example, in this Circuit, both Pasco County and Pinellas County school districts have sued Meta to protect their students and families. These school districts allege that "[c]ompulsive social media use and addiction is negatively affecting student focus and behavior in districts across the country. Examples include reduced attention spans, reduced cognitive development or delayed

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[5] Complaint at ¶ 162, *Mitchell v. Meta Platforms Inc., et. al.*, 8:22-cv-1759-KKM-AEP (M.D. Fla. Aug. 4, 2022). A short form Complaint was also filed in the *IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION*, Case No. 4:22-md-3047, Member Case No. 4:22-cv-06418 (N.D. Cal. Mar. 30, 2023).

cognitive development, learning impacts, bad behavior, negative impacts on mental and physical health, depression, and **loss of life**." (emphasis added).[6]

10. These disturbing and harmful impacts are affecting over 85,000 students in 101 schools in Pasco County and over 94,000 students in Pinellas County, the eighth largest school district in Florida. Defendants' "platforms exploit the neurobiology of developing brains, and all the insecurities, status anxieties, and beauty comparisons that come along with it. In a bid for higher profits, Meta ignored or actively concealed the harms resulting from its addiction-based business model, which are widespread, serious, long-term, and in tragic instances, **fatal**." (emphasis added).[7]

11. Other Florida school districts have also sued Defendants for knowingly causing harms, including Hillsborough County, the third largest school district in the State of Florida and one of the largest school districts in the United States (over 224,000 students enrolled in 313 schools).[8] The School Board of Orange County, Florida, which represents the state's fourth largest school district and the eighth

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[6] The Pasco County School District sues the Defendants together with Osceola County, Sarasota County, and St. Lucie County School Districts. Complaint at ¶ 23, *The School Dist. of Pasco Cty., Fla., et. al. v. Meta Platforms, Inc.,* Case No. 24STCV12048 (Super. Ct. Cal. May 9, 2024); Complaint at ¶ 23, *The School Board Of Pinellas Cty, Fla., v. Meta Platforms, Inc., et. al.,* Case No. 24STCV11532 (Super. Ct. Cal. May 7, 2024).
[7] Complaint at ¶ 244, *The School Dist. of Pasco Cty., Fla., et. al. v. Meta Platforms, Inc.,* Case No. 24STCV12048 (Super. Ct. Cal. May 9, 2024); Complaint ¶ 241, *The School Board Of Pinellas Cty, Fla., v. Meta Platforms, Inc., et. al.,* Case No. 24STCV11532 (Super. Ct. Cal. May 7, 2024).
[8] *IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION,* Case No. 4:22-md-3947, Member Case No. 4:24-cv-01573, at 2 (N.D. Cal. Mar. 14, 2024).

largest public school district in the United States (over 209,000 students in 210 schools),[9] also filed suit against Meta, claiming "[t]here has been a surge in the proportion of youth in plaintiff's community who say they cannot stop or control their anxiety, who feel so sad and hopeless that they stop doing the activities that they used to love, who are considering suicide, who made plans to commit suicide, and who have attempted to commit suicide."[10]

12. Meta's scheme to exploit Young Users for profit involves several components: (1) through its development of its Social Media Platforms, Meta created a business model that focuses on maximizing Young Users' time and attention spent on its Platforms to collect data that will attract advertisers and increase revenue; (2) Meta designs manipulative Social Media Platform features that prompt Young Users' compulsive and extended Platform use; and (3) Meta falsely assures the public that its features are safe and suitable for Young Users.

13. The Attorney General is filing this action to stop Meta's deceptive, unfair, and unlawful conduct and to obtain injunctive relief and recover civil penalties and all appropriate statutory relief, through the Attorney General's statutory enforcement authority under state law.

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[9] About Us, Orange County Public Schools, https://www.ocps.net/about_us, (last accessed April 29, 2024).
[10] *The School Board of Orange County, Florida v. Meta Platforms, Inc. et al.*, Case No. 23 STCV19344, at 62 (Super. Ct. Cal. Aug. 14, 2023).

## II. PARTIES

14. Plaintiff, the Attorney General, is an enforcing authority for violations of FDUTPA, Chapter 501, Part II, Florida Statutes, and is afforded the authority to seek the full range of relief available under FDUTPA.

15. The Attorney General investigated the matters alleged herein and determined that this enforcement action serves the public interest.

16. Defendant Meta Platforms is a Delaware corporation with its principal place of business in Menlo Park, California.

17. Meta Platforms transacts or has transacted business in this County, throughout Florida, and the United States. At all times material to this Complaint, Meta has advertised, marketed, and distributed its Social Media Platforms to consumers in Florida and throughout the United States.

18. Meta Platforms initially incorporated as Facebook Inc. ("Facebook") in 2004, and quickly dominated the social media market. Facebook later acquired other Platforms such as Instagram, resulting in a proliferation of the Young Users' market share throughout this Circuit, Florida, and the United States. Facebook's strategy was to purchase new Platforms that threatened its Young Users' market share and integrate the social mechanics of the new Platforms into Facebook's products.[11]

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[11] Subcommittee on Antitrust, Commercial and Administrative Law of the Committee on the Judiciary, *Investigation of Competition in Digital Market* (Mark Zuckerberg emails to David Ebersman February 28, 2012 and to unknown recipient April 9, 2012), (2020).

19. Meta Platforms operated and was known as Facebook until it rebranded its corporate name in 2021 to Meta, which transformed Facebook to the so-called "Metaverse," encapsulating its subsidiaries and products into a broader shared network governed by Meta Platforms.

20. Meta Platforms has continued to dominate the market of social media platforms and applications and has become the largest social media company in the world. Upon information and belief, Meta Platforms has a current value exceeding $500 billion.

21. Instagram offers a mobile application that enables users to share content such as photographs and videos online and over social networks. Instagram is a limited liability company incorporated in Delaware with its principal place of business in Menlo Park, California and is a wholly owned subsidiary of Meta Platforms after Facebook purchased it in April 2012, reportedly for $1 billion.[12]

22. Upon information and belief, due to its popularity with Young Users, Instagram's rapid success was the driving factor in its acquisition by Facebook and by the end of 2016, Instagram grew to over 600 million users.[13]

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[12] Meta Newsroom, *Facebook to Acquire Instagram*, Meta (April 9, 2012), https://about.fb.com/news/2012/04/facebook-to-acquire-instagram/#:~:text=MENLO%20PARK%2C%20CALIF.,cash%20and%20shares%20of%20Facebook.

[13] Instagram Blog, *600 Million Instagrammers and Counting*, Meta (Dec. 21, 2016), https://about.instagram.com/blog/announcements/600-million-instagrammers-and-counting.

23. In Florida, Meta maintains a Miami office staffed with various positions. In a recent posting, Meta advertised for a Miami-based Strategic Partner Manager, Payment Partnerships (Business Development & Partnerships) and a Payment Partnerships Manager, Financial Services (Business Development & Partnerships).[14] Meta's Associate General Counsel is also located in Miami, Florida.[15]

24. As detailed in the allegations below, Meta is engaging, has engaged, and continues to engage in unfair, deceptive, and unlawful activity in this County and throughout the State of Florida.

## III. JURISDICTION AND VENUE

25. This is an action for statutory and equitable relief against Defendants, brought pursuant to Section 501.207(1)(b), Florida Statutes.

26. The Attorney General seeks relief in an amount greater than Fifty Thousand Dollars ($50,000), exclusive of fees and costs.

27. The statutory violations alleged herein occurred in or affect more than one judicial circuit in the State of Florida, including the Sixth Judicial Circuit in and for Pasco County.

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[14] Job Posting for Strategic Partner Manager, Payment Partnerships, https://www.metacareers.com/jobs/436565892127023/ (last accessed April 29, 2024).
[15] *Tim Gallivan, Associate General Counsel Meta*, LinkedIn, https://www.linkedin.com/in/tim-gallivan-422274138, (last accessed April 29, 2024).

28. This Court has personal jurisdiction over Defendants in this action pursuant to Florida's long-arm statute, Section 48.193(1)(a), Florida Statutes, because of Meta's substantial contacts in Florida. As described more fully below, Defendants enter into user agreements with young Floridians, benefit from advertising opportunities in Florida, maintains a business office in Florida and directs marketing efforts toward Florida businesses.

29. Venue is proper in the Sixth Judicial Circuit in and for Pasco County, Florida pursuant to Section 47.051, Florida Statutes, because allegations in this Complaint establish that the cause of action accrued in Pasco County.

## IV. FACTUAL ALLEGATIONS

### A. Meta engages in trade or commerce through data collection and advertising in Florida

30. FDUTPA applies to "conduct or any trade or commerce" including the "advertising, soliciting, providing, offering, or distributing, whether by sale, rental, or otherwise, of any good or service, or any property." § 501.203(8), Fla. Stat. Meta continues to engage in trade or commerce in Florida by offering social media services to Floridians, collecting broad and sweeping data from Floridians, and providing a popular means of advertising to Floridians.

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**1. According to Meta's Terms of Use, Florida consumers pay for Meta's Social Media Platforms in the form of data, time, and attention**

31. Meta's core business model implemented on its Social Media Platforms monetizes users' data, time, and attention by increasing user engagement (known as "Time Spent") on its Platforms.

32. Billions of people throughout the world use Meta's multiple Platforms, with Instagram being one of the most popular globally and in Florida.

33. Through its mobile application and website, Instagram offers Florida consumers – including Young Users – the opportunity to explore various interests, follow accounts, and connect with friends.

34. No two consumers' experiences on Instagram are the same. Instagram offers a highly interactive Platform which serves a customizable experience to each consumer based on the individualized data collected by Meta, including consumer location and the interests and preferences those consumers express on the Platform.

35. While users can create accounts on Instagram without paying a fee, Meta does not provide any of its products for free; rather, it charges its users by collecting their data and requiring consumers to agree to terms that fuel Meta's advertising business.

36. When users create an Instagram account, they are required to enter into a contract with Meta Platforms and comply with Meta's "Terms of Use" in order to fully access Instagram. The Terms of Use provides: "[t]he Instagram Service is one

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of the Meta Products, provided to you by Meta Platforms, Inc. These Terms of Use therefore **constitute an agreement** between you and Meta Platforms, Inc." (emphasis added).[16]

37. In the section titled "How Our Service is Funded," the Instagram Terms of Use states that "[i]nstead of paying to use Instagram, by using the Service covered by these Terms, you acknowledge that we can show you ads that businesses and organizations pay us to promote on and off the Meta Company Products. **We use your personal data, such as information about your activity and interests, to show you personalized ads and sponsored content that are more relevant to you.**" (emphasis added). The Instagram Terms of Use further state that "We [Meta] allow advertisers to tell us things like their business goal and the kind of audience they want to see their ads. We then show their ad to people who might be interested. We also provide advertisers with reports about the performance of their ads to help them understand how people are interacting with their content on and off Instagram. For example, we provide general demographic and interest information to advertisers to help them better understand their audience."[17]

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[16] Instagram Help Center, *Terms of Use*, Meta, https://help.instagram.com/581066165581870/ (last accessed December 5, 2024).
[17] Facebook, *Terms of Service*, Meta, https://www.facebook.com/terms.php/ (last accessed December 5, 2024).

38. Essentially, under the Instagram Terms of Use, consumers pay for the Instagram experience by allowing Meta to collect and use consumers' data, which requires the consumers to invest their time and attention.

39. The extraordinary volume of data harvested from users is then provided to advertisers and is governed by Meta's Privacy Policy, which users must also agree to in order to create an account. This policy requires that users agree to the collection of user data for advertising purposes. Specifically, the Instagram policy states that users' personal information will be used "to provide a personalized experience to you." This information is held for an indeterminate amount of time, transferred across borders with other countries, and shared across Meta's companies.[18]

40. Users may not be aware that by accepting Meta's Privacy Policy, Meta will then continuously collect personal data about the consumer's activity on Instagram. This data includes, but is not limited to, the content the consumer creates, including posts comments or audio; content collected through Instagram's camera feature or the consumer's camera roll or voice-enabled features, such as masks, filters, avatars, and effects; messages the consumer sends and receives, including their content; categories of content, including the ways the consumer interacts with advertisements; applications and features a consumer uses, and what actions are

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[18] Meta, *Meta's Privacy Center*, https://privacycenter.instagram.com/policy/, (last accessed December 4, 2024).

taken in them; purchases or other transactions made, such as through Meta checkout experiences, including credit card information; hashtags used, and the time, frequency and duration of the consumer's activities on Meta's products; hardware and software the consumer uses; and the GPS, Bluetooth signals, nearby Wi-Fi access points, beacons and cell towers; and many other categories of data.[19]

**2. Advertising is the core of Meta's business model**

41. By capturing such broad and continuous data from each individual consumer, Meta capitalizes on targeted advertising opportunities, including advertising based on consumers' age, gender, location, interests and numerous other personal factors.

42. By using this personal information, Meta can "[p]rovide insights and measurement reports to businesses, advertisers and other partners to help them measure the effectiveness and distribution of their or their clients' ads, content and services, to understand the kinds of people who are seeing their content and ads, and how their content and ads are performing on and off Meta Products, and [p]rovide aggregated user analytics and insights reports that help businesses, advertisers and other partners better understand the audiences with whom they may want to connect."[20]

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[19] Meta, *Meta's Privacy Center*, https://privacycenter.instagram.com/policy/, (last accessed December 4, 2024).
[20] Instagram Help Center, *Data Policy*, Meta, https://help.instagram.com/155833707900388, (last accessed Dec. 4, 2024).

43. In turn, Meta is motivated to maximize the Time Spent on its Platforms as the more time a consumer spends on the Platforms, the more advertising opportunities Meta can sell, and the more data Meta collects about the consumer.

44. The effective delivery of targeted advertisements is a pivotal factor in Meta's ability to generate revenue as advertisers can target advertisements by selecting from a variety of highly targeted user demographics collected by Meta.

45. When Meta succeeds in maintaining a user's interest through its content personalization algorithms, Meta is able to collect more data and serve even more targeted advertisements to the user. Meta can then apply its customizable algorithms to track advertisements which users engage with and tailor each user's feed with more personalized and effective advertising. The result is a highly profitable business which manipulates users' time, attention, and data into sales of highly targeted advertising.

46. Mark Zuckerberg, Meta's founder, chairman and CEO ("Zuckerberg") explained that "online advertising allows much more precise targeting and therefore more-relevant ads,"[21] and this business model was succinctly summarized by Zuckerberg in his April 2018 Senate Hearing response to a question by Senator

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[21] Mark Zuckerberg, *Understanding Facebook's Business Model*, Meta, Jan. 24, 2019, https://about.fb.com/news/2019/01/understanding-facebooks-business-model/.

Hatch on how Facebook could run a successful business without charging users: "*Senator, we run ads*." (emphasis added).[22]

47. At its core, Meta's business model relies on keeping users, including Young Users, perpetually on its Platforms to continually collect as much personal data as possible to attract advertisers.

### 3. Meta's business model targets Young Users by designing and deploying features to capture their attention and prolong Time Spent on its Platforms

48. In Meta's business model, not all consumers are created equal. Young Users are Meta's prized demographic, with increasing Young Users' Time Spent on its Platforms specifically identified as a top priority for the company in 2017.

49. Instagram is central to Meta's Young Users acquisition strategy. As Meta knows, Instagram is particularly appealing to Young Users and is Meta's most popular Platform with that demographic. Thus, Meta devotes vast resources to increasing Young Users' engagement and Time Spent on Instagram.

50. Meta's own internal studies confirm that Young Users have an outsized influence on their entire households' attitudes towards Instagram. According to a Meta internal study, teens are household influencers bringing family members to Instagram.

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[22] *Facebook, Social Media Privacy, And The Use And Abuse Of Data: Joint Hearing Before The Committee On Commerce, Science, And Transportation United States Senate And The Committee On The Judiciary United States Senate*, 115 Cong. 21 (2018) (statement of Mark Zuckerberg, Executive Chairman and CEO, Facebook).

51. Meta also pursues Young Users because Meta's advertising customers value that audience.

52. Upon information and belief, many advertisers pay Meta a premium to serve advertisements to Young Users because they are more likely to be influenced by advertisements, may become lifelong customers, and set trends that the rest of society emulates. Moreover, many advertisers are willing to pay Meta for the opportunity to reach Young Users in specific geographic locations, such as those in Pasco County and throughout Florida.

53. Even though Meta recently stopped allowing advertisers to target Young Users by gender, interests, activity on the Platforms, or precise location, Meta still utilizes the same strategies to collect Young Users' personalized data by tracking general location and age to keep them engaged through its personalized algorithm. As a result, Young Users continue to be targeted by advertisers on the Meta's Platforms, which generates massive revenue for Meta.

**4. Meta directed its business model to Florida**

54. Instagram is massively popular among Floridians, many of them Young Users. Being the third most populus state, upon information and belief, Florida has the third largest number of Instagram users in the country. The "Florida" hashtag has been used on Instagram over 75 million times, clearly demonstrating Instagram's popularity in Florida.

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55. By design, Meta created highly interactive Platforms which serve Florida Young Users a customizable experience, furthering Meta's business success and expanding its brand in Florida.

56. According to Meta's public advertising library, Meta regularly sells advertisements to countless entities throughout Florida, and in this county. Meta sells advertising to a large variety of Florida entities, from small businesses to large corporations with massive audiences.

57. In Pasco County specifically, local businesses and city-run venues purchase youth-directed advertising targeting Meta's users in Pasco County. Local advertisers include businesses and venues such as the New Port Richey Recreation and Aquatic Center, local youth dance and arts studios like the New Port Richey Forte School of Fine Arts, youth sports leagues which are hosted by community churches like Upward Sports, local roller rinks like SpinNations Skating Center (the largest roller rink in the Tampa Bay area), and youth birthday venues such as Off The Wall's location in New Port Richey. Examples of other Florida-based advertising includes Walt Disney World, Orlando Magic, Orlando City Soccer, Tampa Bay Buccaneers, and Tampa Bay Lightning, among others.

58. Meta systematically and continually serves advertisements on its Platforms throughout this County and throughout the State of Florida.

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59. These Florida-targeted advertisements are a direct result of Meta's exploitation of Floridians' personal data, including the data of Young Users, for commercial gain.

60. Meta commits resources to encourage Florida entities to utilize Meta's advertising offerings thereby generating profit for Meta. For example, in 2021, Meta's former Chief Operating Officer Sheryl Sandberg ("Sandberg") held a roundtable discussion and met with Tampa Bay small business owners. Sandberg highlighted several local Tampa Bay Facebook-fueled success stories as she touted the company's small business assistance programs during the coronavirus pandemic. Sandberg detailed initiatives to minority-owned businesses in 2020, including $40 million in grants to black-owned business, including 66 grants in Tampa Bay.[23]

61. Sandberg also spoke at the James L. Knight Center to launch Meta's Miami edition of the Facebook Community Boost program designed to teach entrepreneurs how to promote their businesses via Facebook.[24] Miami was one of the cities selected for the program and, through the Community Boost program, Meta made a significant investment aggressively promoting itself to small businesses, providing them with free pages and services to manage their digital presence in

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[23] Jay Cridlin, *Facebook's Sheryl Sandberg praises Tampa small business in Chamber chat*, Tampa Bay Times (June 6, 2021), https://www.tampabay.com/news/business/2021/06/11/facebooks-sheryl-sandberg-praises-tampa-small-businesses-in-chamber-chat/.

[24] Douglas Hanks and Rob Wile, *Sheryl Sandberg, back in Miami, says Facebook overlooked potential for abuse*, Miami Herald (Dec. 18, 2018), https://www.miamiherald.com/news/local/community/miami-dade/article223248555.html.

hopes of turning them into paid advertisers. According to Zuckerberg, "[i]t's important for (Facebook's) business. A lot of those folks end up advertising and being a part of the business."[25]

**B. Meta knowingly operates its Social Media Platforms in a manner that is unfair to Young Users**

62. Meta knows that the design and operation of its Platforms have been and continue to be harmful to Young Users.

63. Meta is acutely aware that Young Users have difficulty resisting its products. In May 2020, a Meta researcher gave an internal presentation on teen development and is the culmination of Meta's own extensive product research and supports its teen-focused strategy.

64. While addressing the neurological development of teens, Meta acknowledged that while the "teenage brain is about 80% mature," the frontal cortex, the area of the brain that controls judgment, planning, and foresight, is not fully developed.

65. Meta's internal study concluded that teen decision-making and behavior is mainly driven by emotion and the intrigue of novelty and reward, making them vulnerable to the addictive features of Meta's Platforms.

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[25] Jessica Guynn, *Facebook unveils 30-city program to boost small business' digital skills*, USA TODAY (Nov. 9, 2017), https://www.usatoday.com/story/tech/2017/11/09/facebook-friends-small-businesses-facebook-community-boost/847094001.

66. Meta also concluded that teens are unhappy with the amount of time they spend on Instagram, and they have a much harder time stopping the use of Meta's Platforms even though they want to.

67. Meta continued by focusing on the teen desire for novelty, exploration, and communication. The presenter remarked that every time a teen user finds something unexpected, their brains deliver them a dopamine hit.

68. Meta acknowledged that teens are insatiable when it comes to "feel good" dopamine hits and are susceptible to "rabbit holes" as teens seek out new experiences. The presenter noted that teens seek emotionally charged experiences in particular and that they have difficulty in distinguishing between reality and how other people actually think of them; in other words, their social comparisons and fear of judgment.

69. The report found that these self-evaluations and social comparisons lead to poor grades, low self-esteem, and symptoms of depression with teens and young adults experiencing the highest levels of social comparison.

70. Even though Meta has long known that its Young Users are particularly susceptible to the harmful design of its products, Meta continues to design its products to target and exploit its most vulnerable users.

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### 1. Meta's Social Media Platforms induce Young Users' harmful, compulsive, and extended use

71. Meta develops and implements features intended to induce Young Users into spending as much time as possible on its Platforms in order to maximize profits.

72. Meta leverages its understanding of Young Users' diminished capacity for self-control through employing an array of features that lead Young Users to use its Platforms habitually and compulsively, especially Instagram, resulting in significant bodily and mental harm.

#### a. Appearance-altering filters increase Young Users' engagement while causing serious mental harm

73. Meta offered cosmetic beauty filters, features that allow its users to digitally alter their appearance, simulating facial plastic surgery and preying on the insecurities of its Young Users, leading to serious mental health disorders, including eating disorders.

74. Meta's internal research shows that the use of cosmetic selfie filters increases engagement on its Platforms while causing significant harms to its users.

75. Meta reinstated the use of a filter that mimics the effects of plastic surgery despite concerns voiced by Meta executives based on Meta's own researchers' consistent findings that these types of filters are particularly damaging for young women.

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76. In or around 2017, eager to capitalize on the commercial success cosmetic filters brought to rival platforms such as Snapchat, Meta made a concerted effort to integrate these filters into its Instagram Platform.

77. In a 2017 internal presentation, Zuckerberg recognized the implementation of these filters as a strategic goal that would tap into Instagram's teen community.

78. The plan was for Instagram to introduce these filters which would lead to more sharing of augmented content and ultimately result in increased engagement with the Platform.

79. Meta intended for the use of these filters to be habit-forming, with Young Users checking every day to see if new filters were added by Meta.

80. Meta employees became concerned about the harm these filters could cause to users, particularly young women.

81. One employee stated that they faced "competitive pressure" due to the high market demand for filters but acknowledged that the implementation of these features may be unhealthy.

**b. Likes and social comparisons encourage competitive engagement**

82. Meta's Platforms contain design features that encourage teens' social comparison of themselves based on popularity or appearance, such as likes ("Likes").

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83. Likes are quick way for users to select other users' photos or videos and express validation or approval.

84. Users show Likes by simply clicking or tapping the on-screen heart or thumbs up and the total number of Likes are tallied and displayed for users to view.

85. Meta has elected to retain the Like feature despite concern regarding its impact on Young Users.

**c. Features like infinite scroll, autoplay, and reels induce perpetual, passive Platform Use**

86. Another feature designed to maximize Young Users' attention is the infinite scroll ("Infinite Scroll") design. Infinite Scroll partially displays additional information at the bottom of the user's screen, such that the user is typically unable to look at a single post in isolation.

87. The previewing of new material continues indefinitely as the user scrolls down the feed.

88. The Infinite Scroll format makes it difficult for Young Users to disengage and close the app, because there is no natural end point for the display of new information.

89. Instead, the Platform displays new information that has yet to be viewed, causing Young Users to worry about "missing out" (this phenomenon is called "Fear of Missing Out," or "FOMO").

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90. Infinite Scroll is also used in Instagram's "Explore" page; a never-ending display of content algorithmically curated by Meta for each user.

91. Meta also deploys the "Autoplay" feature to keep Young Users on Instagram and other Platforms by automatically and continuously showing videos.

92. The use of Autoplay is especially important to Meta's Reels surface, which shows short-form videos that play automatically and loop indefinitely. Reels was designed and introduced as Meta's answer to its competitor TikTok as both platforms compete over user attention.

93. Reels offers Young Users an endless feed of short-form videos individually customized to the users' interests and based on data collected from each user.

94. Reels is designed to maximize engagement by automatically and perpetually playing short videos as the user swipes the screen up to play the next video ensuring the user will remain engaged with the app.

**d. Ephemeral nature of the Platforms exploits Young Users' Fear of Missing Out**

95. In 2016, Instagram introduced the stories surface ("Stories"), which was a copycat of Snapchat stories, allowing the user to post ephemeral photo and video slideshows that disappear within 24 hours.[26]

[26] Josh Constine, *Instagram launches "Stories," a Snapchatty feature for imperfect sharing*, TechCrunch (Oct. 12, 2023), https://techcrunch.com/2016/08/02/instagram-stories/.



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96. Instagram Stories are shown at the top of the user's feed and because these videos are only available for a short period of time, users are incentivized to consistently use the Instagram Platform. Children are conditioned to frequently open Meta's Platforms so they will not experience Fear of Missing Out.

97. Another example is the live feature ("Live") on the Platforms which gives users the ability to livestream videos to followers.[27] The videos released through Live are only available in real-time. If a Young user does not quickly join the live stream, the user will miss out on the chance to view the entire video.[28]

98. The desire to consume this ephemeral or time-sensitive content leads to Young Users checking their accounts during inappropriate times, including late at night or during school hours. Meta has designed its Platforms to train users to regularly check the Platforms, resulting in compulsive use with many users being unable to take any significant break, like while on vacation or at school.

**e. Multiple Accounts function encourages pervasive interaction with the Platforms**

99. Meta introduced "Multiple Accounts" capability in 2016, which allows Young Users to register and access up to five accounts without having to log out of any account to access another. This seamless ability to access many accounts at a

[27] Instagram Help Center, *Live*, Meta (Dec. 10, 2024), https://help.instagram.com/272122157758915/?helpref=hc_fnav.

[28] Instagram Help Center, *Notification Settings*, Meta (Dec. 10, 2023), https://help.instagram.com/105448789880240.



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time has a harmful multiplier effect to Young Users who have access to multiple continuous personalized feeds and other features designed to promote Time Spent.

100. Meta hoped teens would use the Multiple Accounts feature. For example, in a 2019 internal chat revealed that Meta wanted teens to "feel more comfortable sharing and engaging" with Multiple Accounts in order to "drive up" engagement and signal to "younger teens who are coming onto the platform" to do the same. A Meta Data Scientist recommended that Meta should consider targeting those secondary accounts "with more upsells." Another internal chat from July 2021 revealed that Meta uses its algorithms to suggest other users to follow teen accounts, so that teens get more followers and increase their Time Spent on the Platform. This longstanding practice at Meta is illustrated by a 2018 chat referencing "increasing engagement" of "teens by driving more connections."

101. This sentiment at Meta is further demonstrated by Instagram's Senior Director of Project Management asserting it would be a "promising strategy" for Meta to prioritize and promote Multiple Accounts to teens by "increas[ing] awareness and value of multiple accounts."

**f. Notifications continually engage Young Users**

102. Meta utilizes a wide variety of audiovisual and haptic alerts to maintain engagement with its users, even when they are no longer on the Platforms.

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103. These notifications are essentially Meta's advertisements for itself, drawing its users' valuable attention away from their daily life to spend more time on Meta's Platforms and engaging with its content.

104. These notifications include, but are certainly not limited to, alerts that users are active on Live, alerts that a user's content has been liked or commented on, and alerts that someone has requested to follow a user's account. Users can receive these alerts both inside the Platform's notifications section as well as via push notifications, which appear as an alert on a user's phone. These alerts are often accompanied by a haptic alert, such as a vibration or pulse made by the phone. Users may also be emailed by Meta, urging them to open the application and view the content.

105. Notifications are meticulously structured by Meta to not annoy or spam the user but still entice the recipient to reengage with its content. Meta intentionally sends these notices on a variable or intermittent schedule which enhances the addictive nature of this content.

**g. Restricting time spent features are wholly ineffective**

106. Meta has implemented time management tools, that in reality, have been largely ineffective in curbing the power of its addictive features.

107. In 2018, Meta launched "Daily Limit," a feature lauded as being able to restrict the amount of time users spend on Instagram each day. Despite the name,

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it merely serves as a pop-up notification when a user reaches the maximum amount of time they wish to spend on Instagram each day, which can be easily dismissed while the user continues to seamlessly scroll on the app.

108. In December 2021, Instagram launched the "Take a Break" tool, just one day before Adam Mosseri, the Head of Instagram ("Mosseri") was scheduled to appear before Congress to testify on the safety of children on Meta's Platforms. Take a Break sends users a pop-up notification when a user has spent more than a certain amount of time using the app with no interruption. However, the Take a Break tool has been largely ineffective because the Take a Break notification is easily dismissed for a rapid return to more endless scrolling by Young Users.

109. In designing its Daily Limit and Take a Break features, Meta did not design the features effectively to empower Young Users to restrict their Time Spent.

**2. Compulsive and excessive use of Meta's Social Media Platforms harms Young Users**

110. The use of social media among Young Users in the United States has been dramatically increasing since 2012 when Meta acquired Instagram. Instagram went from just 50 million users in 2012 to over 600 million users by 2016, with a significant share of its user base composed of Young Users.

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111. The increased use of Meta's Platforms results in psychological and health harms among Young Users, including increased rates of major depressive episodes, anxiety, sleep disturbances, suicide, and other mental health concerns.[29]

112. As Meta maintained focus on designing features to increase Time Spent on its Platforms, heavy users of social media began to exhibit worse mental health outcomes in comparison to light users.[30]

113. Hours spent on social media have become strongly associated with poor psychological health including but not limited to, self-harm behaviors, depressive symptoms, low life satisfaction, and low self-esteem.[31] Making matters worse, heavier social media use has led to poorer sleep patterns (e.g., later sleep and wake times on school days and trouble falling back asleep after awakening) and poorer sleep quality in general.[32]

114. These physical and mental effects are particularly harmful for Young Users as they are less able to self-regulate the Time Spent on the Platforms. The

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[29] *See, e.g.*, Jonathan Haidt & Jean Twenge, Social Media and Mental Health: A Collaborative Review (unpublished manuscript, on file with New York University), *available at* tinyurl.com/SocialMediaMentalHealthReview (last visited Oct. 23, 2023); Jacqueline Nesi et al., *Handbook of Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).
[30] *See, e.g.*, Jean Twenge & W. Keith Campbell, *Digital Media Use Is Linked to Lower Psychological Well-Being: Evidence from Three Datasets*, 90 Psychiatric Q. 311 (2019).
[31] Jean Twenge & Eric Farley, *Not All Screen Time Is Created Equal: Associations with Mental Health Vary by Activity and Gender*, 56 Soc. Psychiatry & Psychiatric Epidemiology 2017 (2021).
[32] Holly Scott et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional Findings from the UK Millennium Cohort Study*, 9 BMJ Open 1 (2019); Garrett Hisler et al., *Associations Between Screen Time and Short Sleep Duration Among Adolescents Varies by Media Type: Evidence from a Cohort Study*, 66 Sleep Med. 92 (2020).

positive feedback loop – when habitual users of social media are less able to regulate their behavior which leads back to more social media use – is especially acute for Young Users who have an even harder time regulating the problematic "feedback" behavior.[33]

115. Young Users, who are at a formative stage of development, are especially vulnerable to excessive social media use and its ensuing impacts. Research shows that heavy social media use among Young Users going through puberty interferes with a sensitive period for social learning which can have negative impacts on long-term life satisfaction.[34]

116. Moreover, Young Users are particularly attuned to FOMO and often feel drawn to be connected to social media at night and frequently wake up during the night to check social media notifications.[35] In fact, Young Users who use social media for more than five hours per day are three times more likely than non-users to not sleep enough, contributing to the associated physical and mental health impacts,

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[33] Maria T. Maza et al., *Association of Habitual Checking Behaviors on Social Media with Longitudinal Functional Brain Development*, 177 JAMA Pediatrics 160 (2023).
[34] *See, e.g.*, Amy Orben et al., *Windows of Developmental Sensitivity to Social Media*, 13 Nature Comm. 1649 (2022).
[35] Anushree Tandron et al., *Sleepless Due to Social Media? Investigating Problematic Sleep Due to Social Media and Social Media Sleep Hygiene*, 113 Computers in Human Behavior 106487 (2020).

and are many times more likely to have clinically relevant symptoms of depression than non-users.[36]

117. Beginning with Instagram's rise in popularity in 2012, there has also been an increase in youth hospitalizations for suicide ideation and suicide attempts. In 2008, prior to the rise of Instagram, hospital visits for suicidal ideation and attempts represented only 0.66% of visits among all age ranges. By 2015, as Instagram's popularity grew, that share almost doubled, with suicidal ideation and attempts accounting for 1.82% of all visits, with the highest rates of increase among youth ages 12 to 17 years old.[37]

118. The Young User mental health crises fueled by social media use has been particularly harmful for young women.

119. Prior to Instagram's explosion in popularity, major predictors for mental health well-being of U.S. girls and young women were stable or trending down, but beginning in 2012, the rates of suicides, self-poisonings, major depressive episodes, and depressive symptoms among young women jumped dramatically.[38]

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[36] Sampasa-Kanyinga et al., *supra* note 18; *see also* Marian Freedman & Michael G. Burke, *Social Media and Sleep Duration-There Is a Connection!*, 35 Contemp. Pediatrics J. (2018); Twenge & Farley, *supra* note 16.

[37] Gregory Plemmons et al., *Hospitalization for Suicide Ideation or Attempt: 2008-2015*, 141 Pediatrics 1, 4-5 (2018); *see also* Brett Burstein et al., *Suicidal Attempts and Ideation Among Children and Adolescents in US Emergency Departments, 2007-2015*, 173 JAMA Pediatrics 598, 598-600 (2019).

[38] Jean Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2012 and Links to Technology Use: Possible Mechanisms*, 2 Psychiatric Res. Clinical Prac. 19 (2020).

120. A particularly alarming trend is that increased rates of suicidal ideation and attempts have led to an overall higher rate of completed suicide among young women and in 2013 alone – the year after Instagram's surge in popularity among Young Users – the suicide rate for 13-year-old girls jumped by around 50%.[39]

121. This youth mental health crisis fueled by Platforms like Instagram will only worsen. The increase in consumption of digital and social media by Young Users during the COVID-19 pandemic exacerbated excessive and compulsive social media use, which has been linked to a further surge in "ill-being" and media addiction. Instagram users between 13 and 15 years old reported to Meta that COVID-19 led to more feelings of isolation and extra time spent on the Platforms, which in turn led to more reports of bullying and feeling left out.[40]

**C. Meta engages in deceptive conduct by omitting and misrepresenting material facts about its Social Media Platforms**

122. Despite knowing that its widely-popular Platforms were harmful, Meta knowingly misrepresented, either affirmatively or by omission, that its Platforms are a safe place for Young Users. Meta made such misrepresentations even after being informed, by its own internal findings and academic research that use of its Platforms leads to addictive and compulsive use by Young Users.

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[39] Haidt & Twenge, *supra* note 14, at 316.
[40] Laura Marciano et al., *Digital Media Use and Adolescents' Mental Health During the Covid-19 Pandemic: A Systematic Review and Meta-Analysis,* 9 Front Pub. Health 793868 (2021).

### 1. Knowledge of harmful content and features

123. Meta has long known that its Platforms are directly contributing to the worsening youth mental health crisis. Nevertheless, it designed Platform features it knew would cause or exacerbate harms to children and preyed on Young Users' vulnerability.

#### a. Internal documents

124. Demonstrated by its own internal documents, Meta has known for years that its Social Media Platforms' features entice Young Users to compulsively use its Platforms.

125. Internally, Meta employees recognized this compulsive use by Young Users while deliberately avoiding an external narrative using the word "addiction." In a reported conversation in 2020 between Meta employees, one Meta employee noted that "[t]he feedback, essentially, is that (1) teens feel addicted to [Instagram] and feel a pressure to be present, (2) like addicts, they feel that they are unable to stop themselves from being on [Instagram], and (3) the tools we currently have aren't effective at limiting their time on the ap[p]." In response, another employee clarified that they would never call it an addiction outside of internal Meta conversations.

126. Meta's own internal research reportedly shows the mental health impacts of its Platforms on Young Users amplifies many of the age-old challenges of being a teenager. The constant interaction with social media means that Young

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Users are unable to escape social pressures and disengage from social media's infiltration into their lives. More specifically, Meta's research confirmed that its Social Media Platforms are among the worst in harming Young Users.

127. The report shows that Young Users are coping with a variety of emotional issues, including not having "enough friends" or having friends "who aren't really their friends" (52%), having "to create a perfect image" and not being "honest about feelings" (67%), wanting to "hurt [or] kill themselves" (14%), feeling "down, sad, []depressed[,] [a]lone, or lonely" (62%) and feeling "not good enough [or] [a]ttractive" (70%).

128. Another internal report from 2018 determined that out of all users who self-reported suicidal thoughts or self-injury, between 45% and 60% are teens. Meta understands that teens seek out SSI (suicide and self-injury) on its Platforms, claiming that seeing SSI admissions on Instagram is significantly associated with posting SSI content and increasing Time Spent.

129. Notably, Meta knows that appearance or social comparisons are harmful for its users, especially young women. A 2021 internal report found that "topics that elicit appearance comparison comprise 1/4 of the content people see on Instagram, and 1/3 for teen girls."

130. In fact, Meta's own research is critical of its inability to keep children under 13 off of its Platforms. In a 2018 report, a Meta researcher discusses the

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difficulty of dealing with negative press regarding the prevention of inappropriate minor/adult contact while Meta does "very little to keep U13s off our platform."

131. Meta's internal market research tracks the number of under-13 users on its Platforms. One graph, for example, describes the MAP (monthly active people) penetration on Instagram by birth year, including users who would have been 11 years old at the time. The purpose of this research is not to make Meta's Platforms safer for its Young Users, but to examine Meta's market share over a user-base that, according to Meta, is not even allowed to own an account on its Platforms.

132. Even Zuckerberg and Meta's executives were aware of under-13 users on its Platforms. In a 2018 report received by Zuckerberg, the estimated number of under-13 users was roughly 4 million, or around 30% of all 10- to 12-year olds in the United States.

133. Meta's teen mental health research shows that Meta's Platforms are addictive to teens, and the tools Meta provides, such as Take a Break and Daily Limit are ineffective.

**b. Outside sources notified Meta of harms to Young Users**

134. Meta's internal review into the harms of its Platforms on Young Users echoes the findings of external academics and researchers such as Jonathan Haidt and Dr. Jean Twenge. Jonathan Haidt, a New York University Professor who studies the effects of social media on the mental health of teens, met and exchanged emails

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with Zuckerberg and other senior Meta executives to discuss Meta's Platforms' effects on "teen girls, whose rates of depression and self-harm have increased the most."

135. Research from Haidt and Dr. Twenge finds that the increased use of social media platforms, including Meta's Platforms, leads to major depressive episodes, anxiety, sleep disturbances, suicide, and other mental and physical health disorders, particularly among Young Users.[41]

**2. Despite knowledge, Meta omits reporting harmful effects**

136. Meta claims that it promotes safety and effectively prevents harmful content from reaching its users; however, it knowingly publishes misleading statistics to create a false sense of transparency.

**a. CSER, TRIPS, and BEEF**

137. In an effort to create an impression that it aggressively enforces its Community Standards, Meta publishes the Community Standard Enforcement Report ("CSER"), which describes the percentage of content posted that Meta removes for violating Instagram and Facebook's Community Standards or Guidelines. In reality, the CSER omits data, creating the impression that Meta's Platforms are safe and only rarely exposes its users to harmful content and

[41] *See*, e.g., Jonathan Haidt & Jean Twenge, Social Media and Mental Health: A Collaborative Review (unpublished manuscript, on file with New York University), available at tinyurl.com/SocialMediaMentalHealthReview (last visited Oct. 23, 2023); Jacqueline Nesi et al., Handbook of Adolescent Digital Media Use and Mental Health, Cambridge Univ. Press (2022).



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experiences. Meanwhile, Meta also uses surveys to measure the experiences of its users on its Platforms, including Young Users, by asking about the users' exposure to harmful content and experiences. Two such surveys are the Tracking Reach of Integrity Problems Survey (TRIPS) and the Bad Experiences and Encounters Framework ("BEEF"), which measure the exposure of users to harmful content on Instagram. A BEEF survey showed that users, particularly Young Users, were constantly experiencing negative experiences including bullying, exposure to self-harm, unwanted sexual advances, negative social comparisons, and a myriad of other harmful content.

138. When compared to Meta's contemporaneous internal BEEF and TRIPS data, the statements in the CSER misled the public into believing Meta's Platforms are far safer than they actually are. For example, in the third quarterly CSER for 2021, Meta estimated that "between 0.05% to 0.06% of views were of content that violated our standards against bullying and harassment [on Instagram]." This created the false impression that its users rarely experience any bullying or harassment on its Platforms.

139. To the contrary, Meta's BEEF survey data showed that among Instagram users aged 13 to 15 years old over a period of seven days, 10.8% had been the target of bullying and 27.2% had witnessed bullying on the Platform.

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140. Despite Meta having knowledge about the high rates of harmful user experiences, it deceives the public with a façade that Instagram and Facebook are safe because Meta enforces its community standards policies. In reality, Young Users have suffered and continue to suffer mental health impacts and other consequences due to their compulsive and extended use of the Platforms designed to lure in users and make it difficult for them to disengage.

**b. Project Daisy**

141. The display of Like counts, a feature that Meta created and added to its Platforms, is included on each display of content on Instagram and Facebook and exacerbates social or Like comparison.

142. Extensive internal studies have made Meta aware that the quantification and public display of Like counts on its Platforms is harmful to Young Users' mental health. Rather than eliminate the feature or disclose its negative effects, Meta publicly downplayed the negative effects of this feature on Young Users.

143. The harmful effect of social comparison was evident in Meta's 2020 internal research experiment named Project Daisy. In this experiment, Meta conducted two tests on its users titled Pure Daisy and Popular Daisy.

144. For the users in the Pure Daisy group, the Like counts on all posts except for the user's own posts were hidden. For the Popular Daisy group, the Like

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counts on average users' posts were hidden while the Likes on highly followed accounts remained visible.

145. In both trials, Meta found that hiding Like counts led to decreases in negative social comparisons. Based on the outcome of this experiment, Meta's own researchers recommended hiding Like counts across the entire Platform and outside experts suggested that hiding these counts should be the default setting for teen users. The implementation of Daisy was internally considered to be "one of the clearest things (supported by research) that [Meta] can do to positively impact social comparison and well-being on Instagram."

146. Despite Mosseri publicly promising that Instagram would implement Daisy and hide Like counts, Meta's leadership remained conflicted and ultimately cancelled Project Daisy. Meta's leadership was not conflicted over the efficacy of Daisy; but rather how Daisy may negatively impact Meta's future revenue.

147. After Meta ended Project Daisy, Meta's leadership attempted to justify its decision by deceptively stating that Daisy may be "annoying" to some users and that it "didn't have as strong an impact as we'd hoped." In truth, Meta's choice to value its projected revenue over the well-being of its users led to the abandonment of this project.

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### 3. Affirmative misrepresentations

148. Despite Meta's assurances to parents, lawmakers, and users that its Social Media Platforms are suitable for Young Users and designed to promote their well-being, Meta continues to develop and implement features that induce Young Users' harmful, extended and compulsive social media use.

#### a. Misrepresentations that Meta's Platforms are not psychologically or physically harmful for Young Users, when they are in fact so designed

149. Meta continuously and deceptively promotes the safety of its Platforms. For example, in 2019, Mosseri told CBS that the well-being of its users is a top priority.[42]

150. Meta also deceives the public by misrepresenting that its Social Media Platforms do not allow content that promotes psychological or physically harmful behavior, while actively choosing to retain Platform features known by Meta to promote those very problems, despite expert warnings about the resulting harm to Young Users.

151. The compulsive use of Meta's Platforms by Young Users promotes unhealthy body expectations. For example, one Florida youth alleged in a court filing that "[s]oon after starting to use Instagram, she was hooked; her use spiraled out of

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[42] CBS Morning News, *Instagram is seriously considering hiding likes, app's head reveals, CBS News* (Oct. 18, 2023), https://www.cbsnews.com/video/instagram-is-seriously-considering-hiding-likes-appshead-reveals/.

her control, injuring her self-image and self-esteem by a harmful barrage of images and videos that, among other things, promoted unrealistic body images and crushing dietary restrictions. Before her fourteenth birthday, as a result of her compulsive Instagram use, S.P. was diagnosed by her physician with anorexia and a host of associated mental and physical symptoms."[43]

**b. Misrepresentations that Meta's Platforms are not addictive or not designed to cause extensive or compulsive use**

152. Meta has long denied that its Social Media Platforms are designed to be addictive. In fact, Meta employs design features that work to override Young Users' attempts to disengage from Meta's Platforms. Meta makes it difficult for Young Users to stop using Meta's products, independent of the content with which the users interact. In 2018, Facebook told the BBC that "at no stage does wanting something to be addictive factor into" the design process for its products.[44]

153. However, Sean Parker ("Parker"), founding president of Facebook, stated in an interview that the creators of Meta's products, including Facebook and Instagram, knew of the addictive nature of these Platforms and yet "did it anyway."[45]

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[43] Amended Complaint at ¶¶ 63-5, *Page v. Meta Platforms Inc.*, et. al., 8:22-cv-01877-VMC-AAS (M.D. Fla. Aug. 17, 2022). A short form Complaint was also filed in the IN RE: SOCIAL MEDIA ADOLESCENT ADDICTION/PERSONAL INJURY PRODUCTS LIABILITY LITIGATION, Case No. 4:22-md-3047, Member Case No. 4:22-cv-06388 (N.D. Cal. Mar. 31, 2023).
[44] Hilary Andersson, *Social media apps are 'deliberately' addictive to users*, BBC (July 4, 2018), https://www.bbc.com/news/technology-44640959.
[45] Erica Pandey and Sean Parker, *Facebook was designed to exploit human "vulnerability"*, Axios (Nov. 9, 2017), https://www.axios.com/2017/12/15/sean-parker-facebook-was-designed-to-exploit-human-vulnerability-1513306782 at 00:55.

154. Despite knowing how addictive its Platforms were, Meta leaders continued to tout the benefits of its Platforms while denying that its Platforms are addictive.

155. In 2021, Antigone Davis, Vice President and Global Head of Safety of Meta ("Davis"), testified before Congress that Meta does not build its products to be addictive; further, she disputed the addictive nature of Meta's products.[46]

156. In another March 2021 congressional hearing, Zuckerberg stated "what our products do is help people stay connected to people they care about, which I think is one of the most fundamental and important human things that we do . . ."[47]

157. Zuckerberg played up the benefits of Meta's Platforms to the committee, stating that "overall, the research that we have seen is that using social apps to connect with other people can have positive mental health benefits and well-being benefits by helping people feel more connected and less lonely."[48]

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[46] *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm: Hearing Before the Subcomm. on Consumer Protection, Product Safety, and Data Security of the H. Comm. on Commerce, Science, and Transportation*, 117th Cong. 38 (2021) (statement of Antigone Davis, VP Global Head of Safety, Facebook).

[47] *Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation: Virtual Joint Hearing Before the Subcomm. on Communications and Technology and the Subcomm. on Consumer Protection and Commerce of the H. Comm. on Energy and Commerce*, 117th Cong. 100 (2021) (statement of Mark Zuckerberg, Executive Chairman and CEO, Facebook).

[48] *Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation: Virtual Joint Hearing Before the Subcomm. on Communications and Technology and the Subcomm. on Consumer Protection and Commerce of the H. Comm. on Energy and Commerce*, 117th Cong. 56 (2021) (statement of Mark Zuckerberg, Executive Chairman and CEO, Facebook).

**c. Misrepresentations that Meta restricts Young Users from accessing harmful content its Platforms**

158. In 2021, Davis testified to Congress, "[w]e have put in place multiple protections to create safe and age-appropriate experiences for people between the ages of 13 and 17."[49]

159. Meta's leadership claims " . . . we don't allow young people to see certain types of content and have age-gating around certain types of content."[50] Davis also testified: "[w]hen it comes to those between 13 and 17, we consult with experts to ensure that our policies properly account for their presence, for example, by age-gating content."[51]

**d. Misrepresentations that Meta effectively excludes under-13 users from its Platforms**

160. Meta claims that it effectively monitors its Platforms for underage users but in reality, Meta does not use effective age-gating procedures on its Platforms. In fact, it was only in response to pressure from regulators and the public that Meta

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[49] *Protecting Kids Online: Facebook, Instagram, And Mental Health Harm: Hearing Before The Subcommittee On Consumer Protection, Product Safety, And Data Security Of The Committee On Commerce, Science, And Transportation United States Senate*, 117 Cong. 10 (2021) (Statement of Antigone Davis, VP Global Head of Safety, Facebook).
[50] *Protecting Kids Online: Facebook, Instagram, And Mental Health Harm: Hearing Before The Subcommittee On Consumer Protection, Product Safety, And Data Security Of The Committee On Commerce, Science, And Transportation United States Senate*, 117 Cong. 35 (2021) (Statement of Antigone Davis, VP Global Head of Safety, Facebook).
[51] *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm: Hearing Before the Subcomm. on Consumer Protection, Product Safety, and Data Security of the H. Comm. on Commerce, Science, and Transportation*, 117th Cong. 35 (2021) (statement of Antigone Davis, VP Global Head of Safety, Facebook).

purported to implement an age gate as part of its Platforms' account registration process.

161. Upon information and belief, this age-gate is ineffective because it does not prevent under-13 users from creating and using social media accounts. Meta's Platforms have a significant number of users who self-report as under the age of 13.[52]

162. Meta claims that it is effective at keeping children under 13 off its Platforms. In the 2021 Congressional Testimony, Davis, in response to a question as to whether children under 13 are on their Platforms, stated "Senator, children under the age of 13 are not allowed on Instagram or Facebook" and "there are a number of different things we do. We have an age screen when someone tries to join Instagram."[53]

163. If an underage account is reported to Meta, Meta claims that "we will delete the account if we can't verify the account is managed by someone over 13 years old." Zuckerberg told Congress, "if we detect that someone might be under the age of 13, even if they lied, we kick them off."

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[52] Katherine Schaeffer, *7 facts about Americans and Instagram*, Pew Research Center (Oct. 7, 2021), https://www.pewresearch.org/short-reads/2021/10/07/7-facts-about-americans-and-instagram/.

[53] *Protecting Kids Online: Facebook, Instagram, And Mental Health Harm: Hearing Before The Subcommittee On Consumer Protection, Product Safety, And Data Security Of The Committee On Commerce, Science, And Transportation United States Senate*, 17, 35 Cong. 35 (2021) (Statement of Antigone Davis, VP Global Head of Safety, Facebook).

164. However, Meta is aware that underage users are creating accounts on its Platforms but fails to acknowledge the extent of their presence or implement effective procedures to prevent their access. Meta claims "we know that young people can lie about their date of birth. We want to do more to stop this from happening . . ."[54]

165. Meta admits to wanting to appeal to Young Users. For example, in September 2021, in a statement in response to a news article regarding underage users on Instagram, Meta claimed that "[l]ike all technology companies, of course we want to appeal to the next generation, but that's entirely different from the false assertion that we knowingly attempt to recruit people who aren't old enough to use our apps."[55]

166. This creates the misleading impression that there are no users under the age of 13 on its Platform despite Meta's internal records which show them tracking users as young as 11 years old.

**e. Misrepresentations that Meta does not prioritize Time Spent**

167. In 2021, Davis testified that Meta "made changes to our news feed to allow for more meaningful interactions, knowing that that would impact the time

[54] Instagram Blog, *Continuing to Make Instagram Safer for the Youngest Members of Our Community*, Meta (March 17, 2021), https://about.instagram.com/blog/announcements/continuing-to-make-instagram-safer-for-the-youngest-members-of-our-community.

[55] Georgia Wells and Jeff Horwitz, *Facebook's Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show*, WSJ (Sept. 28, 2021), https://www.wsj.com/articles/facebook-instagram-kids-tweens-attract-11632849667.

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spent" and that Meta did this "because we were trying to build a positive, more positive experience . . ."[56]

168. In his March 25, 2021, Congressional Hearing, Zuckerberg stated that it is a "common misconception that our teams—our goals, or even have goals, of trying to increase the amount of time that people spend" and "I don't give our News Feed team or our Instagram team goals around increasing the amount of time that people spend."[57]

169. In preparation for Zuckerberg's hearing, Meta executives including Davis, prepared talking points which included misleading statements such as: "The impact that our products have on the well-being of everyone is a top priority. It's not how much time you spend online, it's how you spend it."

170. However, and in reality, Meta has designed its Platforms to exploit the teenage brain's susceptibility to the addictive features of its Platforms. Meta's features strongly contribute to the amount of time teens spend on Meta's Social Media Platforms, such as Instagram.

171. Meta designs its products with the goal of consuming as much of the user's time as possible. In a 2017 interview, Parker asks "how do we consume as

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[56] *Protecting Kids Online: Facebook, Instagram, and Mental Health Harm: Hearing Before the Subcomm. on Consumer Protection, Product Safety, and Data Security of the H. Comm. on Commerce, Science, and Transportation*, 117th Cong. 39 (2021) (statement of Antigone Davis, VP Global Head of Safety, Facebook).
[57] Transcript of Congressional Hearing, *Disinformation Nation: Social Media's Role in Promoting Extremism and Misinformation*, 1, 69, (Mar. 25, 2021), http://archive.today/RSmPb.

much of your time and conscious attention as possible? That means that we need to [give a] sort-of dopamine hit once in a while because someone liked or commented on a photo or a post . . . that's gonna get you to contribute more content, and that's gonna get you . . . more likes and comments."[58]

**f. Misrepresentations that Meta does not place a monetary value on Young Users**

172. In October 2021, and in response to a 60 Minutes' report critiquing Meta's products, Meta made the following public statement: "protecting our community is more important than maximizing our profits."[59]

173. Meta misrepresented its purported prioritization of teen well-being and safety over profits and continues to fail to disclose the serious risks its features pose to Young Users' mental health. Meta deceptively claimed for years that its top priority is the well-being of users, and that its Social Media Platforms are safe and age-appropriate Platforms for Young Users.

**g. Misrepresentations that Meta was not restricting access to internal research findings**

174. Although Meta has claimed it supports external researchers by providing user data, it has consistently restricted access to information that would

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[58] Erica Pandey and Sean Parker, *Facebook was designed to exploit human "vulnerability"*, Axios (Nov. 9, 2017), https://www.axios.com/2017/12/15/sean-parker-facebook-was-designed-to-exploit-human-vulnerability-1513306782 at 00:14.
[59] Clare Duffy, *Facebook whistleblower revealed on '60 Minutes,' says the company prioritized profit over public good*, CNN (Oct. 4, 2021), https://www.cnn.com/2021/10/03/tech/facebook-whistleblower-60-minutes/index.html.

inevitably show that Meta's Platforms and features are harmful and addictive. Additionally, Meta downplays or attempts to dismiss any information that disrupts its false narrative that Meta's products are safe for its users.

175. In September 2021, a whistleblower's leak of internal Meta documents led to a series of Wall Street Journal articles detailing Meta's knowledge of its harmful and addictive Platforms and features.[60]

176. This whistleblower leak led to a public relations firestorm. Meta, including its executive staff, publicly criticized and downplayed the negative findings in the leaked documents, despite them coming from Meta's own research teams. Meta swiftly and publicly stated that, contrary to the recently published information, its Platforms were safe for teens, especially for teen girls.[61]

177. Meta's response to the findings of the leaked documents was led by Meta's Vice President of Research, who wrote a September 2021 blog post in which she suggested that the leaked presentations used "shorthand language . . . and d[id] not explain the caveats on every slide" because they were "created for and used by people who understood the limitations of the research."[62]

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[60] Georgia Wells & Jeff Horwitz, Facebook's Effort to Attract Preteens Goes Beyond Instagram Kids, Documents Show, Wall Street J. (Sept. 28, 2021), https://archive.ph/KQWUf.
[61] Pratiti Raychoudhury, *What Our Research Really Says About Teen Well-Being and Instagram*, Meta (Sept. 26, 2021), https://archive.ph/Yod7d; Karina Newton, *Using Research to Improve Your Experience*, Instagram (Sept. 14, 2021), https://archive.ph/HKyUh; Natasha Lomas, *Seeking to respin Instagram's toxicity for teens, Facebook publishes annotated slide decks*, TechCrunch (Sept. 30, 2021), https://archive.ph/6zgV2.
[62] Pratiti Raychoudhury, *What Our Research Really Says About Teen Well-Being and Instagram*, Meta (Sept. 26, 2021) https://archive.ph/Yod7d.

178. This sentiment was not shared among Meta's executives, including Instagram's Head of Research, who just weeks before the whistleblower leaks praised the research as one of Meta's more robust studies with a solid methodology.

179. The September blog post was also met with internal criticism after its author claimed that "research shows that on 11 of 12 well-being issues, teenage girls who said they struggled with those difficult issues also said that Instagram made them better rather than worse." The next day, in an internal chat, a Meta researcher noted that while the post was "technically accurate, [l]eading with '[Instagram] makes things better in 11 out of 12 areas' sounds a bit optimistic . . . In the case of problematic use, technically teen girls said [Instagram] makes it better, but it's like 35% (better) vs. 33% (worse)."

180. Not only did Meta publicly criticize its own research, Meta also attempted to sequester its own researchers by "locking down access to some of the extra sensitive pieces of work." Mental health and well-being researchers were instructed to "make sure that any of our shareable deliverables or insights docs that you own on the mental well-being space are locked down."

181. During her September 30, 2021 congressional hearing, Davis was asked by Senator Blackburn how Meta was "restricting access to data internally" and whether Meta's "policies changed since the Wall Street Journal articles." Despite

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Meta's sequestering of information, Davis responded, "not that I'm aware of certainly."

**h. Misrepresentations that Meta uses internal research findings to improve product safety on a regular basis**

182. Meta publicly claimed in a statement published by Gizmodo on October 3, 2021, that it does "internal research to ask hard questions and find out how we can best improve the experience for teens."[63]

183. While it is clear that Meta has researched the harmful effects of its Platform on Young Users, this statement misleadingly suggests that Meta uses this research to improve the health or safety of its users. Instead, its goal is to increase Time Spent on its Platforms and to increase revenue, even at the expense of its users' health.

## V. CAUSE OF ACTION

### COUNT I

### Violation of the Florida Deceptive and Unfair Trade Practices Act (All Defendants)

184. Plaintiff Attorney General adopts, realleges, and incorporates by reference the preceding paragraphs as if fully set forth herein.

185. This is an action against all Defendants for violation of FDUTPA.

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[63] Matt Novak, *9 Horrifying Facts From the Facebook Whistleblower's New 60 Minutes Interview*, Gizmodo, https://gizmodo.com/9-horrifying-facts-from-the-facebook-whistleblowers-new-1847791184.

186. Defendants' promotion, marketing, and advertising of its products in the State of Florida involves trade or commerce within the meaning of FDUTPA, which states in relevant part: "[u]nfair methods of competition, unconscionable acts or practices, and unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful." § 501.204, Fla. Stat.

187. The provisions of FDUTPA shall be "construed liberally" to promote and "protect the consuming public and legitimate business enterprises from those who engage in unfair methods of competition, or unconscionable, deceptive, or unfair acts or practices in the conduct of any trade or commerce." § 501.202, Fla. Stat.

188. Meta engages in unfair practices that offend public policy and are immoral, unethical, oppressive, unscrupulous or substantially injurious to consumers.

189. Meta's unfair acts include but are not limited to Meta's choice to increase engagement with Young Users while knowingly designing its Social Media Platforms to include features known to promote compulsive, prolonged, and unhealthy use by children, and Meta's failure to adopt effective age-gating procedures to prevent access by underage users.

190. Meta employs features such as beauty filters, Likes and social comparison, Infinite Scroll, Autoplay, Reels, ephemeral content, Multiple Accounts

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function, notifications, and time management tools that extract additional time and attention from children and Young Users whose developing brains were not equipped to resist those manipulative tactics.

191. Defendants' acts and omissions alleged herein also have caused and continue to cause substantial injury to children and Young Users of its Platforms that could not be reasonably avoided by consumers and does not result in any countervailing benefit to consumers or competition.

192. In connection with the advertising, marketing, and promotion of their products, Defendants made and continue to make deceptive representations to the public that are likely to mislead consumers acting reasonably under the circumstances. These include, but are not limited to, the following false or misleading statements made by Meta that they knew or should have known to be false:

A. Meta's Platforms are not psychologically or physically harmful for Young Users;

B. Meta's Platforms are not addictive or not designed to cause extensive or compulsive use;

C. Meta restricts Young Users from accessing harmful content its Platforms;

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D. Meta effectively excludes under-13 users from its Platforms;

E. Meta does not prioritize Time Spent;

F. Meta does not place a monetary value on Young Users;

G. Meta was not restricting access to internal research findings;

H. Meta uses internal research findings to improve product safety on a regular basis; and

I. Other false and deceptive representations.

193. In connection with the advertising, marketing, and promotion of its products, Defendants made and continue to make deceptive omissions to the public that are likely to mislead consumers acting reasonably under the circumstances. These include, but are not limited to, the following omissions by Meta:

A. The Community Standard Enforcement Report indicates that the incidence or prevalence of negative or harmful user experiences on Meta's Social Media Platforms was lower than it actually was when compared to BEEF and TRIPS; and

B. The results of Project Daisy showed the benefit of removing Like counts, but ignored by Meta and not released to the public.

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194. Defendants engage in representations, acts, practices, or omissions which are material, and which are likely to mislead consumers acting reasonably under the circumstances.

195. Defendants knew or should have known that their conduct was unfair or deceptive.

196. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of FDUTPA. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

## PRAYER FOR RELIEF

Wherefore, Plaintiff requests that the Court:

A. Pursuant to Sections 501.201 *et. seq.*, of FDUTPA, enter judgment in favor of Plaintiff and against Defendants;

B. Temporarily and permanently enjoin Defendants to prevent future violations pursuant to Section 501. 207(b) of FDUTPA;

C. Award civil penalties and attorney's fees for willful violations of FDUTPA pursuant to Sections 501.2075 and 501.2077 of FDUTPA; and

D. Grant such legal or equitable relief authorized by Sections 501.201, *et. seq.* of FDUTPA.

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