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COMMONWEALTH OF KENTUCKY
SCOTT CIRCUIT COURT
DIVISION _____
CIVIL ACTION NO. _____
ELECTRONICALLY FILED

COMMONWEALTH OF KENTUCKY, *ex rel.*
RUSSELL COLEMAN, ATTORNEY GENERAL,

Plaintiff,

v.

TIKTOK, INC, BYTEDANCE INC.,
BYTEDANCE LTD., TIKTOK LTD., and
TIKTOK LLC,

Defendants.

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, the Commonwealth of Kentucky ("Kentucky" or "Commonwealth"), by and through its duly elected Attorney General, Russell Coleman, in its sovereign and *parens patriae* capacities, brings this suit[1] against the Defendants TikTok Inc.; TikTok LLC; TikTok, Ltd.; ByteDance Inc.; and ByteDance Ltd. (collectively, "Defendants" or "TikTok"), and in support thereof states as follows:

INTRODUCTION

1. This civil enforcement action is brought by the Kentucky Attorney General against Defendants for their role in creating and disseminating a social media platform ("Social Media

[1] The Complaint herein contains numerous redactions due to the confidentiality of certain factual assertions that arose through investigations conducted by the Kentucky Attorney General. Undersigned Counsel will provide the Court with an un-redacted copy of the Complaint under seal and upon the Court's request.

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Platform" or "Platform"), designed to addict and otherwise harm minors under the age of 18 ("Young Users") in the Commonwealth through unlawful business practices.

2. The Attorney General's investigation has revealed that Defendants and their Social Media Platform, TikTok, flagrantly and repeatedly engaged in unfair and deceptive conduct at the expense of consumers—young people particularly—across the country and in the Commonwealth.

3. Specifically, Defendants have designed TikTok to be an addiction machine, targeting Young Users and more insidiously children under the age of 13 ("Youngest Users") who, as Defendants well know, have developmentally limited capacity for self-control. TikTok intentionally manipulates the release of dopamine in Young Users' developing brains and causes them to use TikTok in an excessive, compulsive, and addictive manner that harms them both mentally and physically. Defendants have designed and instituted a business model that relies on keeping young users on TikTok for as long as possible, so that TikTok can collect maximum data from these users and expose them to more advertising and marketing. More advertising directed to young users means more revenue for Defendants. And so, rather than making their product safe, or disclosing the platform's harms, Defendants mislead the public about the ways TikTok harms children and teens.

4. This is particularly concerning because TikTok is one of the world's largest Social Media Platforms[2], the wildly popular TikTok. The *Wall Street Journal* reported that "TikTok's command of the U.S. digital-ad market more than doubled in 2022, . . . thanks to its nearly 100 million U.S. monthly active users, the virality of the platform and its hold over Gen Z, millennials

[2] In general, the term "Social Media Platform" refers to a website and/or app (often operating in conjunction, under the same name) that allows people to create, share, and exchange content (such as posts of text, photos, videos, etc.) with other users of the platform. Examples of popular Social Media Platforms include TikTok, Snapchat, Facebook, Instagram, and Messenger.

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and influencers."[3] Ad revenues from TikTok grew to an estimated 2% of all digital-ad spending in the United States in 2022, and its market share was expected to grow by 25%—thus to 2.5% of all digital-ad spending— in 2023.[4]

5. However, this revenue is dependent on an audience on TikTok to view those highly targeted advertisements. Thus, Defendants are incentivized to keep as many of their users on TikTok for as long as possible. But Defendants have crossed a line from simply enticing their audience to taking steps to keep that audience *addicted* to TikTok. TikTok designs and deploys features that make it increasingly difficult to quit using the app and attend to the most basic functions of our daily lives.

6. And, much like an illegal drug, TikTok has been designed to be an addiction machine, targeting people under the age of 18 ("Young Users") and more insidiously children under the age of 13 ("Youngest Users") who, as Defendants well know, have developmentally limited capacity for self-control. Children are the most vulnerable to these intentionally addictive design elements. As one specialist in social media addiction notes, "[a]dolescence is second only to infancy when it comes to growth. Therefore, the impact of social media on a developing teen's mind and body can be huge."[5] Social media platforms like TikTok, with design elements that intentionally keep children engaged for as long as possible—to the exclusion of all other activities—harm their users emotionally, developmentally, and physically. They lead to a

[3] Patience Haggin, *Google and Meta's Advertising Dominance Fades as TikTok, Streamers Emerge*, Wall St. J. (Jan. 4, 2023), https://www.wsj.com/articles/google-and-metas-advertising-dominance-fades-as-tiktok-netflix-emerge-11672711107 (last visited April 9, 2024).

[4] *Id.*

[5] https://www.newportacademy.com/resources/mental-health/teens-social-media-addiction/ (last visited April 9, 2024).

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condition known as "problematic internet use,"[6] which is associated with a range of harms, including but not limited to exposure to predators and online bullies, age-inappropriate content, damage to children's self-esteem, and increased risk of eating disorders and even suicide.

7. As the U.S. Surgeon General recently explained, children's and parents' attempts to resist social media is an unfair fight: "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."[7]

8. Unlike other consumer products that have appealed to children for generations—like candy or soda—with social media platforms there is no natural break point where the consumer has finished the unit of consumption. Instead, social media platforms are a bottomless pit where users can spend an infinite amount of their time. And Defendants profit from each additional second a user spends on their platform.

9. Defendants have designed TikTok to exploit that dynamic by embedding within the platform an array of design features that maximize youth engagement, peppering them with reminders to "log on" and making it psychologically difficult to "log off." Specifically, Defendants rely on design elements to make TikTok addictive to all users, and to Young Users in particular ("Design Elements"). These Design Elements—Low-Friction Variable Rewards, Social Manipulation, Ephemeral Content, Push Notifications, Harmful Filters, and Ineffective and

[6] Wen Li, et al*., Diagnostic Criteria for Problematic Internet Use among U.S. University Students: A Mixed-Methods Evaluation,* PLOS ONE (Jan. 11, 2016)

[7] Allison Gordon & Pamela Brown, *Surgeon General says 13 is 'too early' to join social media*, CNN (Jan. 29, 2023), https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html (last visited April 9, 2024).

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Misleading Parental Controls and Wellbeing Initiatives (each defined below)—each serve as an obstacle to Young User's free decision-making.

10. [redacted][8] [redacted][9]

11. TikTok's design and platform features have fueled the explosive increase in the amount of time that Young Users spend on the platform. [redacted] Indeed, for many Young Users, social media platforms are viewed as an indispensable part of their identity, a forum to share a carefully cultivated personality "highlight reel," and a place where they must constantly be "present"—whether they want to be or not.

12. All the while, Defendants understand that Young Users' time spent on their social media platform is not the product of free choice. [redacted]

8 [redacted].

9 [redacted]

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[redacted][11] Still, Defendants have not introduced any product changes to meaningfully reduce their platform's addictiveness.

13. [redacted][12] [redacted]

14. The widespread compulsive use that Defendants deliberately induced—and knowingly allow to continue unabated—has come at a massive cost. In effect, Defendants are conducting a potentially society-altering experiment on a generation of Young Users' developing brains. While this experiment's full impact may not be realized for decades, the early returns are alarming.

15. Researchers warn that compulsive use of social media platforms impose a wide range of harms, including but not limited to, increased levels of depression, anxiety, and attention deficit disorders; altered psychological and neurological development; and reduced sleep.[13] Additionally, young users are missing real world opportunities when the critical years of their youth are spent glued to social media platforms.

[10] [redacted].

[11] [redacted]

[12] [redacted]

[13] *See below*, for a list of harms attributed by researchers to social media use, in general, and/or TikTok in particular.

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16. Defendants deceived and continue to deceive Kentucky consumers—and, critically, parents—on a large scale. Here, Defendants misled consumers, parents, and guardians by concealing the various and significant risks TikTok presents to their users, particularly Young Users. Defendants further made multiple, affirmative misrepresentations and engaged in material omissions regarding the safety of their platform, to the detriment of Kentucky citizens.

17. TikTok has known for years that excessive, compulsive, and addictive use of its Platform is harmful to children and teenagers. Outside the United States, TikTok's parent company ByteDance actively strives to protect children from those harms by, for example, providing a different version of TikTok that reduces harm to minors. TikTok has every ability to take similar measures to protect young users across the United States.

18. But it chooses not to. In the United States, TikTok specifically targeted children and teenagers with an algorithm and Platform features designed to keep these young users on the platform as long as possible. TikTok's executives and employees have admitted that they target young Americans, stating:

a. "It's better to have young people as an early adopter, especially the teenagers in the U.S. Why? They [*sic*] got a lot of time."[14]

b. "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."[15]

[14] *Musical.ly's Alex Zhu on Igniting Viral Growth and Building a User Community (2016)* at 5:01, YouTube (May 23, 2021), bit.ly/3ENN76v.
[15] Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y. TIMES (Aug. 9, 2016), nyti.ms/40qYZDM [available at archive.is/xZNRp].

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19. [redacted]

a. [redacted][16]

b. [redacted]

[redacted][17]

20. Defendants deceptively market TikTok to conceal the platform's harmful effects. They lure children and teenagers with misrepresentations about the platform, fail to disclose material information about the harms that result from using the platform, and induce excessive, compulsive, and addictive use of the platform.

21. To convince kids to use TikTok—and their parents to allow them to do so—Defendants tell the world that the platform is safe, fun, and appropriate for teens and children. But these representations are deceptive because TikTok knows that it is harmful and addictive. TikTok also knows that once on the platform, many kids fall into a harmful, pervasive cycle of compulsive use.

22. In sum, through their acts, omissions, and statements, Defendants carefully created the impression that TikTok was and *is still* a safe platform where Young Users were unlikely to experience significant harm and where users' mental health was an important company priority. That representation was material, false, and misleading.

16 [redacted]

17

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23. Further, Defendants' business strategy that purposefully addicts Young Users to TikTok has caused widespread and significant injury to Kentucky citizens. This is an unfair practice that violates the MCPA.

24. Based on this misconduct, Kentucky brings this action pursuant to Kentucky's Consumer Protection Act ("KCPA"), KRS 367.110, *et seq*., and asserts claims for unjust enrichment, negligence, and negligence (failure to warn) as *parens patriae*.

PARTIES

25. Plaintiff, the Commonwealth of Kentucky, brings this action, by and through its Attorney General, Russell Coleman, in its sovereign capacity to protect the interests of the Commonwealth and its citizens. The Attorney General is authorized to take action against Defendants for violation of state laws and regulations. Russell Coleman is the duly elected Attorney General of Kentucky, an independent constitutional officer of the Commonwealth and its chief law officer, with full authority to initiate and prosecute all cases in which the Commonwealth has an interest. The Attorney General is vested with specific constitutional, statutory and common law authority to commence proceedings to enforce KRS 218A.240, KRS 315.235, KRS 367.110 et seq., to initiate actions necessary to exercise all common law duties and authority pertaining to the office of the Attorney General under the common law pursuant to KRS 15.020, and pursuant to the Attorney General's *parens patriae* authority, to bring an action in order to protect the Commonwealth's sovereign and quasi-sovereign interests. The Commonwealth is entitled to the protections of sovereign immunity. Pursuant to KRS 49.070(14), the filing of this action shall not be construed as a waiver of that immunity and no counterclaim, set-off, recoupment, cross-claim, or other form of avoidance may be asserted in this action against the

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Commonwealth. The Attorney General has determined that these proceedings are in the public interest.

26. Defendant TikTok Inc. ("TikTok") operates the social media platform known as "TikTok." TikTok was incorporated in California on April 30, 2015, with its principal place of business in Culver City, California.

27. Defendant TikTok LLC, which wholly owns Defendant TikTok Inc., is a Delaware limited liability company. Defendant TikTok LLC is headquartered in Culver City, California.

28. Defendant TikTok, Ltd., wholly owns TikTok LLC, is a Cayman Island corporation with its principal place of business in Shanghai, China.

29. Defendant ByteDance Inc. ("ByteDance") is a Delaware corporation with its principal place of business in Mountain View, California. ByteDance designs, distributes, and promotes multiple social media platforms, and is the owner of TikTok.

30. Defendant ByteDance Ltd. is the ultimate parent company of all other Defendants. It is incorporated in the Cayman Islands. Defendant ByteDance Ltd. is headquartered at Room 503 5F, Building 2, 43 North Third Ring Road, Beijing, 100086 China.

31. The TikTok Defendants have actively formulated, participated in, approved, directed, or otherwise controlled the acts or practices referenced throughout this Complaint. Each of the TikTok Defendants jointly advertised, marketed, developed, and distributed the TikTok platform to consumers throughout the United States since at least 2017. TikTok Defendants jointly control, distribute, and market TikTok. The five entities are integrated, and their boundaries are porous. Documents, employees, and information are shared across all five.

32. All of the allegations described in this Complaint were part of, and in furtherance of, the unlawful conduct alleged herein, and were authorized, ordered and/or done by Defendants'

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officers, agents, employees, or other representatives while actively engaged in the management of Defendants' affairs within the course and scope of their duties and employment, and/or with Defendants' actual, apparent and/or ostensible authority.

JURISDICTION AND VENUE

33. The Scott Circuit Court has personal jurisdiction over Defendants as they have purposefully availed themselves of this forum by conducting business in the Commonwealth and by causing harm as a direct and proximate result of their actions. Defendants regularly transacted and/or solicited business in the Commonwealth and/or derived substantial revenue from goods used or consumed or services rendered in the Commonwealth and/or contracted to supply or advertise goods or services in the Commonwealth and/or caused tortious injury by an act or omission in the Commonwealth and/or caused tortious injury in the Commonwealth by an act or omission outside the Commonwealth. Defendants have the requisite minimum contacts with Kentucky necessary to permit this Court to exercise jurisdiction.

34. Scott Circuit Court has subject matter jurisdiction over the claims submitted pursuant to KRS 23A.010, KRS 315.235, and KRS 367.190 as the claims enumerated herein arise exclusively under Kentucky statutory and common law and from the *parens patriae* authority of the Attorney General to act on behalf of the Commonwealth of Kentucky and its citizens. The Commonwealth's claims are in excess of any minimum dollar amount necessary to establish the jurisdiction of the Court.

35. Kentucky does not plead any cause of action or request any remedy arising under or founded in federal law. The instant Complaint does not confer diversity jurisdiction upon the federal courts pursuant to 28 U.S.C. § 1332. The Commonwealth is not a citizen of any state and this action is not subject to the jurisdiction of the Class Action Fairness Act of 2005. There is no

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federal subject matter jurisdiction pursuant to 28 U.S.C. § 1332(d) because the Commonwealth does not bring this case as a class action or as a mass action, and expressly and permanently disavows the existence of any alleged class or mass. The Commonwealth expressly and permanently does not seek, and disavows, any proposal to try its claims with 99 other persons.

36. Likewise, federal question subject matter jurisdiction pursuant to 28 U.S.C. § 1331 is not invoked by the Complaint, as it sets forth herein exclusively viable state law claims against Defendants. Nowhere herein does Plaintiff plead, expressly or implicitly, any cause of action or request any remedy that arises under federal law. The issues presented in the allegations of this Complaint do not implicate any substantial federal issues and do not turn on the necessary interpretation of federal law. No federal issue is important to the federal system as a whole under the criteria set by the Supreme Court in *Gunn v. Minton*, 568 U.S. 251 (2013).

37. Specifically, the causes of action asserted, and the remedies sought herein, are founded upon the positive statutory, common, and decisional laws of Kentucky. Further, the assertion of federal jurisdiction over the claims made herein would improperly disturb the congressionally approved balance of federal and state responsibilities. Accordingly, any exercise of federal jurisdiction is without basis in law or fact.

38. In this Complaint, to the extent that Plaintiff cites or alludes to federal statutes, regulations, or agency memoranda, Plaintiff does so only to establish Defendants' knowledge, to state the duties owed under Kentucky law, or to explain the hybrid nature of industry oversight, not to allege an independent federal cause of action and not to allege any substantial federal question under *Gunn v. Minton*.

39. Venue is appropriate in Scott Circuit Court under KRS 452.460, which allows venue in the county where the injury was suffered. Whereas the injury is against the

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Commonwealth, its agents or employees, or the Commonwealth as a whole, venue is proper in Scott Circuit Court.

FACTS

I. TIKTOK, GENERALLY

A. TikTok's Platform and Features

40. TikTok is a social media platform that centers on short videos created and uploaded by users and often set to music. Among other features, TikTok allows users to post or watch videos, create or watch live-streamed content, follow a video's creator, publicly "like" videos, comment on videos, add videos to their favorites, share videos with others, and search for videos.

41. TikTok allows users to create short videos, which often feature music in the background and can be sped up, slowed down, or edited with a filter. They can also add their own sound on top of the background music.

42. The principal interface of the app is the "For You" feed, which is an endless list of videos that are recommended to users based on their activity on the app.

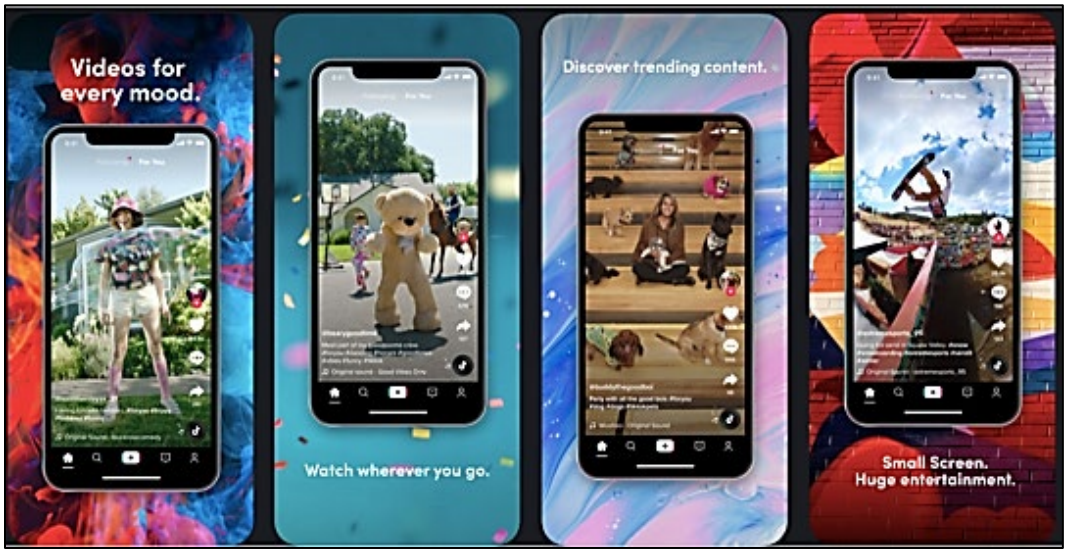

Fig. 1

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43. Content on the "For You" feed is generated by TikTok's algorithm depending on the content a user liked, interacted with, or searched. TikTok also allows users to navigate to a particular creator's page and see their content.

B. Company History: From Douyin to TikTok

44. Defendant ByteDance Ltd., acting through a subsidiary, released its first social-media platform, Douyin, in China in September 2016. Wanting to expand internationally, ByteDance Ltd. released a separate international version of the app called TikTok in 2017. However, content on Douyin is typically not available on TikTok, and vice versa.

45. To enter the American market, ByteDance Ltd. purchased the company Musical.ly Inc. for approximately $1 billion in November 2017. Musical.ly Inc. owned and operated the app "Musical.ly", a social media platform that allowed users to share themselves lip-syncing and dancing to music. As part of the transaction, ByteDance Inc. acquired Musical.ly's 60 million users, getting a head start building a userbase in the United States.

46. In August 2018, ByteDance Inc. changed the Musical.ly app's branding to TikTok.[18] And Musical.ly Inc. changed its corporate name to TikTok, Inc. in May 2019, following a settlement with the Federal Trade Commission to resolve allegations that Musical.ly violated federal online child protection laws in February 2019.

C. The Intertwined Nature of the TikTok Defendants

47. The TikTok Defendants, although legally distinct on paper, are all intimately involved in controlling TikTok. The roles are often blurred between the TikTok Defendants.

[18] Paresh Dave, *China's ByteDance Scrubs Musical.ly Brand in Favor of TikTok*, Reuters (Aug. 2, 2018), https://www.reuters.com/article/us-ByteDance-musically/chinas-ByteDance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW/ (last visited April 9, 2024).

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Defendant TikTok Inc. represents that there is no organizational chart because employees do not have formal titles.

48. For example, Defendants ByteDance Ltd. and TikTok Ltd. are intimately involved in making many of the decisions for TikTok, even though TikTok is unavailable in China. On information and belief, at least some of TikTok's "safety features" must be approved by ByteDance Ltd. and TikTok Ltd.

49. Each Defendant's boundaries are porous, and employees at all companies collaborate with each other. [redacted]

50. According to researchers who prepared a report for an Australian Senate Committee, ByteDance Ltd. insiders have told tech outlets that "TikTok is not developed enough to be a self-contained business unit"[19] "Therefore," the report continues, "TikTok draws on personnel, experience, and methods of ByteDance's Douyin app, software, and commercial model to achieve 'technology accumulation and business breakthroughs.'"[20]

51. The report also concluded that ByteDance Ltd. management consider the TikTok Defendants interchangeable.[21] Prominent leaders of TikTok state on their LinkedIn profiles that they are employed by "ByteDance/TikTok."[22]

[19] Rachel Lee, et al., *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, 42 (March 14, 2023), https://t.co/ROPtMMud89 (last visited April 9, 2024).

[20] *Id*.

[21] *Id*.

[22] *Id*.

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52. TikTok Inc. CEO Shou Chew, who also is compensated by ByteDance Ltd., admitted to Congress on March 23, 2023 that employees of ByteDance Ltd. are involved in creating TikTok and that he personally uses the Lark platform to communicate "with employees at ByteDance [Ltd.]"[23] Chew also reports to the chief executive officer of ByteDance Ltd.[24]

53. The above-mentioned report also shows particular examples of the TikTok Defendants' practice of cross-hiring. For example, in November 2022, TikTok Inc. posted a job for a "data scientist" based in Shanghai. ByteDance Ltd. posted an advertisement with the same description as well the next week. The hiring team for the ByteDance Ltd. post was from "TikTok."[25]

D. Defendants Offer TikTok in Exchange for Consumers' Valuable Consideration That Enables Defendants to Sell Advertising.

54. Like all social media platforms, TikTok does not charge money from its users for access. Instead, it monitors its users and surreptitiously collects data related to their online lives—including the way in which they use the product, the posts with which they interact, the friends they have, the places they go, the advertisements they view, and even what users do on other sites or apps.

[23] https://www.techpolicy.press/transcript-tiktok-ceo-testifies-to-congress/ (**Rep. Lizzie Fletcher (D-TX):** So Lark is available to third parties outside of the ByteDance system as well, like Slack? Yes. And do you personally ever use Lark to communicate with ByteDance? **Shou Chew:** With employees at ByteDance? Yes, I do.); *see also id.* (**Rep. Richard Hudson (R-NC):** Do you receive personal employment, salary, compensation, or benefits from ByteDance? **Shou Chew:** Yes, I do.) (last visited April 9, 2024).

[24] *See id.* (**Rep. Lizzie Fletcher (D-TX):** And who does [the account profile on Defendants' internal messaging system] identify as your manager? **Shou Chew:** I report to the CEO of ByteDance.)

[25] Rachel Lee, et al., *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, 42 (March 14, 2023), https://t.co/ROPtMMud89 (last visited April 9, 2024); ***数据科学家-国际短视频-上海***, ByteDance via LinkedIn, https://bit.ly/40t63zF (last visited April 9, 2024); *Data Scientist/**数据科学家***, TikTok via LinkedIn, https://bit.ly/3n4bRkL (last visited April 9, 2024).

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55. The practical effect of this arrangement—free access to the TikTok platform in exchange for personal data—is best expressed in the documentary *The Social Dilemma*, which quotes Google's former design ethicist, Tristan Harris: "*if you're not paying for the product, then you are the product*."[26]

56. Because Defendants view TikTok users as their product, and because Defendants can best monetize and collect information about those users while they are on TikTok, Defendants are incentivized to keep users on the platform as long as possible, and as often as possible. Mr. Tristan Harris further explains this concept:

> Our attention is a limited resource. There are only so many waking hours in the day, and therefore only so many things we can focus on. When we pay attention to one thing, we're not paying attention to something else…
> This feeling of constant distraction is fueled by tech companies that rely on capturing your attention to make money, normally by selling it to advertisers.
> …
> Each app is caught in a race for your attention, competing not just against other apps, but also against your friends, your family, your hobbies, and even your sleep.
> …
>
> *[S]ocial media companies don't sell software, they sell influence. They collect in-depth data about how to influence your decisions, then sell that influence to the highest bidder. The more time they can get you to spend scrolling and clicking, the more data they can collect and the more ads they can sell.*[27]

57. Competition for users' attention is fierce, and social media platforms—including TikTok—are purposely designed to addict their users. Fundamentally, the TikTok platform is built not for user experience, but for maximization of profit and data. This maximization of profit is

[26] Abigail McCormick, *Review: The Social Dilemma* (Aug. 8, 2021), https://sauconpanther.org/2535/arts-and-entertainment/if-youre-not-paying-for-the-product-then-you-are-the-product/ (last visited April 9, 2024).

[27] Center for Humane Technology, *The Attention Economy – Why do tech companies fight for our attention?* (Aug. 17, 2021), https://www.humanetech.com/youth/the-attention-economy (last visited April 9, 2024).

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achieved through addiction. Defendants employ sophisticated principles—first identified by psychologists and other academics—which they manifest through design elements in their platform that exploits and addicts users.

58. These design elements are code-based components of the TikTok platform. [redacted][28] They operate consistently, and universally, across the platform, for all users, including the vulnerable children who Defendants know—to a certainty—are using TikTok.

E. Account Creation for TikTok.

59. To fully access TikTok, consumers must create an account. As part of the account-creation process, consumers enter into a contract with Defendants. By entering into these contracts, users agree to be bound by, respectively, TikTok's Terms of Service[29] and its Privacy Policy.[30]

[28] [redacted]

[29] https://www.tiktok.com/legal/page/us/terms-of-service/en (last visited April 9, 2024).

[30] https://www.tiktok.com/legal/page/us/privacy-policy/en (last visited April 9, 2024).

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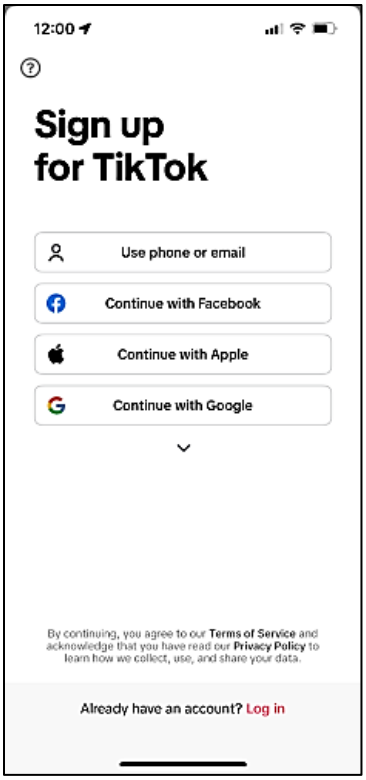

Fig. 2

60. As noted above, although users can establish accounts on TikTok without paying a fee, Defendants do not provide their products for free—rather, they charge users by collecting users' data and time, which Defendants then converts into advertising dollars.

61. In exchange for the right to use TikTok, consumers agree to terms that power Defendants' advertising business. For example, this is confirmed by TikTok's Privacy Policy:

> [W]e may…use your information to, among other things, show you suggestions, promote the Platform, and customize your ad experience…. We may link your contact or account information with your activity on and off our Platform across all your devices, using your email or other log-in or device information. We may use this information to display advertisements on our Platform tailored to your interests, preferences, and characteristics.[31]

[31] https://www.tiktok.com/legal/page/us/privacy-policy/en (last visited April 9, 2024).

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62. Pursuant to that Privacy Policy, each consumer must agree that Defendants may collect a host of data, ranging from information about the consumer's activity on TikTok (such as the content they like, the features and products they use on the platform, and accounts they follow, etc.); information regarding the messages the consumer sends and receives; the content the consumer provides through TikTok's camera feature and the consumer's camera roll; the ways the consumer interacts with ads, the time the user spends interacting with various pieces of content; the hardware and software the consumer is using, location-based signals (including granular GPS data); and many other categories of data.

63. Users' payment in the form of time, attention, and data enables Defendants to sell highly targeted, data-informed advertising opportunities, which is the foundation of Defendants' business.

F. Defendants Prioritize Acquiring Young Users and Maximizing Their Time Spent on Their Platform.

64. [redacted][redacted][32] In Defendants' business model, not all consumers are created equal. Young Users are Defendants' prized demographic. Defendants' advertising partners want to reach Young Users because they: (1) are more likely to be influenced by advertisements, (2) may become lifelong customers, and (3) set trends that the rest of society emulates.

65. Advertisers pay Defendants a premium to serve advertisements to Young Users, and many advertisers are willing to pay Defendants for the opportunity to reach Young Users in specific geographic markets, such as those in Kentucky.

[32] [redacted]

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66. In 2016, one of Defendants' principal executives explained why. Alex Zhu, who has occupied multiple leadership positions at TikTok and its affiliate companies,[33] stated in an interview that "***[t]eenagers 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.***"[34] He further explained that "[i]t's better to have young people as an early adopter, especially the teenagers in the U.S. Why? They got a lot of time[.]"[35]

67. [redacted][36]

[33] Mr. Zhu was founder and co-chief executive officer of TikTok's precursor, Musical.ly. Subsequently, he became chief executive officer of TikTok Inc. Currently, he is a ByteDance Ltd. executive. *Alex Zhu*, LinkedIn, https://www.linkedin.com/in/keepsilence/ (last visited April 9, 2024).

[34] Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y. Times (Aug. 9, 2016), https://nyti.ms/40qYZDM (last visited April 9, 2024).

[35] Landon Talarico, *Musical.ly's Alex Zhu on Igniting Viral Growth and Building a User Community* (2016), YouTube (May 23, 2021), https://bit.ly/3ENN76v (last visited April 9, 2024).

[36] [redacted]

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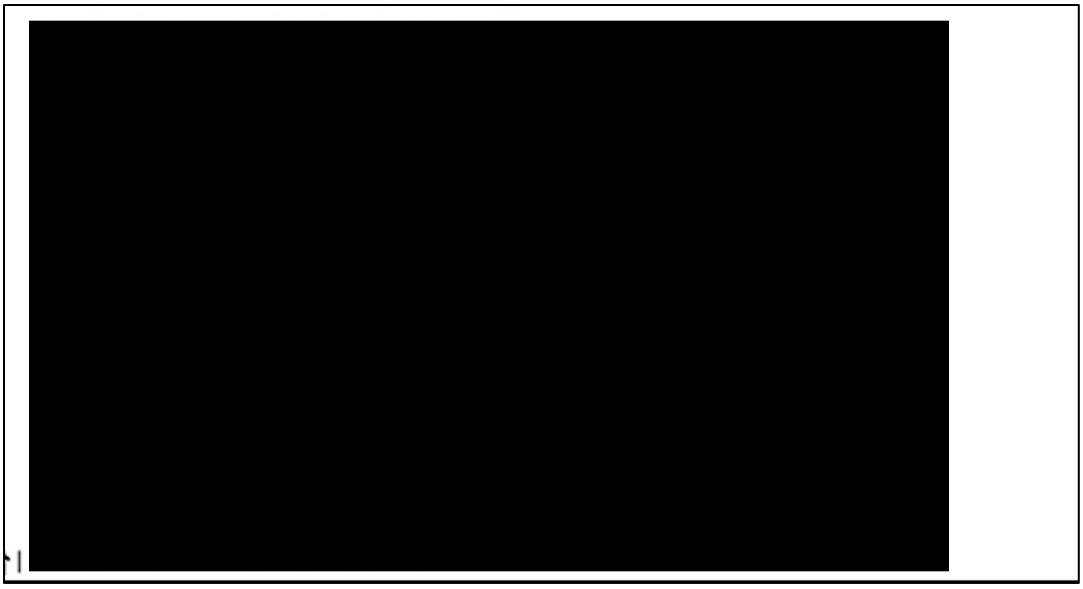

Fig. 3[37]

68. [redacted][38]

69. [redacted][39]

70. [redacted]

37 [redacted]

38 [redacted]

39 [redacted]

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[redacted][40] [redacted]

[redacted][41]

71. Accordingly, Defendants have pursued increasing Young Users' time spent on their platform as one of the Company's most important goals. Defendants immediately focused on the product's frequency of use and designed features that appeal to minors and encourage their use of the TikTok product.

72. However, this is not Defendants' uniform strategy across the globe. For example, in China children are *prohibited* from using many of TikTok's features or from spending too much time on the platform. There, the platform is called Douyin, and for users ages 14 and under, they may only access the platform in "teenage mode."[42] Users are only allowed to access the platform for 40 minutes a day, and only between the hours of 6 a.m. and 10 p.m.[43] Further, scrolling (discussed below) is interrupted by 5-second delays between each video, and all videos are screened to ensure that only "inspiring" content is shown to viewers.[44]

73. As the former Chief Software Officer for the Air Force and Space Force explains: "The [Douyin] algorithm is vastly different, promoting science, educational and historical content in China while making our citizens watch stupid dance videos with the main goal of making us imbeciles."[45]

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[40] [redacted]

[41] [redacted]

[42] Rikki Schlott, *China is hurting our kids with TikTok but protecting its own youth with Douyin*, New York Post (Feb, 25, 2023) (available at https://nypost.com/2023/02/25/china-is-hurting-us-kids-with-tiktok-but-protecting-its-own/) (last accessed June 5, 2024).

[43] *Id*.

[44] *Id*.

[45] *Id*.

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74. "At first glance, Douyin appears to be just like TikTok. But rather than allow unfettered access to endless videos, Douyin has a range of protective measures that both police the time spent on the platform — and the types of content consumed while viewing it."[46]

75. This difference in Young Users' experiences between the two platforms (TikTok and Douyin) shows that Defendants are aware that elements like endless scrolling, continued usage, and low-grade-but-otherwise-addicting content are harmful to children, but on TikTok, Defendants employ these elements without concern or regard for Young Users' wellbeing.

76. But at least as it concerns TikTok, Defendants are motivated to maximize Young Users' time spent on their platform not only because it is a meaningful stream of advertising business, but also, because the data that Defendants collect from that use is itself highly valuable.

77. In short, Defendants have many strong short-term and long-term financial incentives to increase the time that Young Users spend on TikTok. Defendants have chased that goal with incredible success, capturing an overwhelming amount of time and attention from a generation of Kentucky Young Users.

78. This approach has been profitable. TikTok generated an estimated $9.4 billion revenue in 2022.[47]

79. A significant portion of these earnings come from the Young Users and Youngest Users on Defendants' platform. A recent study estimated the revenue derived from Young Users and Youngest Users across the world's largest social media platforms, including TikTok, and concluded that there were roughly 19 million U.S.-based Young Users and Youngest Users (ages

[46] *Id*.
[47] https://www.businessofapps.com/data/tik-tok-statistics/ (last visited April 9, 2024).

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0-17 years) on TikTok as of 2022.[48] Over $2 billion in TikTok's ad revenue came from that cohort in the same year,[49] which researchers believe accounted for over 35% of overall advertising revenue in 2022.[50] Upon information and belief, a portion of these income-generating Young Users and Youngest Users reside in Kentucky.

G. Defendants Direct Their Business Toward Kentucky.

80. Defendants transact business in every city and state in the United States. [redacted]

[redacted][51]

[48] Raffoul A, Ward ZJ, Santoso M, Kavanaugh JR, Austin S Bryn (2023) *Social media platforms generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue model.* PLoS ONE 18(12): e0295337, https://doi.org/10.1371/journal.pone.0295337 (last visited April 9, 2024); *id.* at Table 1.

[49] *Id*. at Fig. 1.

[50] *Id*. at Fig. 2.

[51] [redacted]

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Fig. 4[52]

81. Notably, Defendants allow advertisers to target Young Users based on their age and location,[53] and TikTok is popular among Young Users in Kentucky. [54] [55].

[52]

[53] *See, e.g.*, https://ads.tiktok.com/help/article/ad-targeting?lang=en (last visited April 9, 2024).

[54] *See, e.g.,*

[55]

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82. [redacted][56]

83. [redacted][57][58]

84. [redacted][59][60][61][62][63][64][65][66][67][68].

56 [redacted]
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85. [redacted][69][redacted][70][redacted][71][redacted][72][redacted][73]

86. [redacted]

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[redacted][74][redacted]

[redacted][75]

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88. [redacted][80]

[redacted][81]

89. [redacted]

74 [redacted]
75 [redacted]
76 https://www.tiktok.com/@tiktokimpact/video/7093664860973665579
77 https://www.tiktok.com/@tiktokimpact/video/7097238103416442154
78 https://www.tiktok.com/@tiktokimpact/video/7096944206781910318
79 [redacted]
80 [redacted]
81 [redacted]

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[redacted][82][redacted][83]

90. [redacted][84]

91. There is no shortage of reporting on teens' use of TikTok in Kentucky, albeit for troubling reasons. As one example, the Oldham County school district was required to send a message to parents to discourage their children from participating in a "TikTok challenge" that would result in obvious criminal behavior—to wit, "[t]he challenge encourages students to video themselves telling a teacher they have a bomb or a gun in their backpack."[85] Indeed, this "challenge" resulted in three Kentucky teens being charged with terroristic threatening.[86]

92. And, of course TikTok facilitates the sale of targeted advertisements among its user base. Indeed, this is Defendants' principal source of revenue. Per TikTok's own, Kentucky-specific analysis, "use of TikTok in Kentucky as an advertisement and marketing platform" resulted in $240 million in sales and related GDP in 2023, alone, and generated $50 million in

[82] [redacted]
[83] [redacted]
[84] [redacted]

[85] Dalton Godbey, *Oldham County Schools warning parents about dangerous new TikTok challenge*, WDRB (Aug. 18, 2023) (available at https://www.wdrb.com/news/oldham-county-schools-warning-parents-about-dangerous-new-tiktok-challenge/article_51aa2034-3dd7-11ee-b5f8-9be975173eb4.html)

[86] Alia Shoaib, *3 high school teens charged with 'terroristic threats' after TikTok bomb threat challenge*, Business Insider (Aug. 27, 2023) (available at https://www.businessinsider.com/tiktok-challenge-kentucky-high-schoolers-accused-of-terroristic-threats-2023-8).

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federal, state, and local tax revenue for that same year.[87] The same fact sheet explains that "63% of Kentucky consumers have spent money on retail items after interacting with branded content or an advertisement on TikTok," and "[a]fter watching a TikTok video, 53% of Kentucky consumers went on to purchase a product, 25% to visit a local business or attraction, and 19% to attend an in-person event."[88]

93. In sum, Defendants not only make TikTok available in Kentucky, they also—at a minimum—promote their brand in Kentucky, track TikTok's performance in Kentucky, study TikTok's impact on Kentucky residents, sell advertisements to Kentucky entities so that they can expand their businesses in Kentucky, work with TikTok accountholders to use the platform to promote their businesses, and engage in messaging campaigns within Kentucky in order to minimize the harmful effects of TikTok on Young Users in Kentucky. And by virtue of Defendants' business model, Defendants have entered into (at least) hundreds of thousands of contracts with consumers in Kentucky and sold the opportunity to serve ads specifically to those Kentucky consumers.

II. DEFENDANTS FAIL TO PREVENT—AND IN FACT KNOWINGLY ENABLE—SEXUAL EXPLOITATION OF MINORS ON TIKTOK

A. CSAM and Human Trafficking, Generally

94. The acronym CSAM stands for "Child Sexual Abuse Material" and is used to refer to imagery or videos which show a person who is a child and engaged in or is depicted being engaged in explicit sexual activity.

[87] TIKTOK: THE VALUE OF THE APP FOR CONSUMERS AND BUSINESS LEADERS IN KENTUCKY (available at https://a-us.storyblok.com/f/1018266/x/f2904aaf7f/tiktok_factsheet_ky.pdf)
[88] *Id*.

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95. Relatedly, human trafficking is a crime involving the exploitation of a person for labor, services, or commercial sex.[89] Although human trafficking may exist in many forms, as used herein the term refers to sex trafficking, which the U.S. Department of Justice defines as "the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age."[90]

96. As used herein, the terms "human trafficking" and "CSAM" refer to the "range of crimes and activities involving the sexual abuse or exploitation of a child for the financial benefit of any person or in exchange for anything of value (including monetary and non-monetary benefits) given or received by any person," often referred to as Commercial Sexual Exploitation of Children ("CSEC").[91] Use of the terms "human trafficking" and "CSAM" should be read to include crimes that fall within the definition of CSEC to the extent such crimes are occurring on or enabled by Defendants on the TikTok Platform, as described below.

97. At times, the Complaint also refers to "grooming," which is "a gradual process whereby an abuser wins the trust and cooperation of a potential victim, starting with interactions that may seem normal and benign, like paying special attention or offering compliments and gifts."[92] Grooming occurring on the Internet, including on TikTok (as described below) can be carried out by adults in their own capacities or "often involves adults creating fake profiles and

[89] U.S. Department of Justice, "Human Trafficking" (available at: https://www.justice.gov/humantrafficking) (last visited Dec. 2, 2023).
[90] *Id*.
[91] U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, "Sexual Exploitation of Children," available at: https://ojjdp.ojp.gov/programs/sexual-exploitation-children (last visited Dec. 2, 2023).
[92] Anne Barnard, *What does 'grooming' mean in sexual abuse cases?* N.Y. TIMES, Dec. 2, 2021, (available at https://www.nytimes.com/2021/12/02/nyregion/grooming-sexual-abuse.html) (last visited Nov. 29, 2023).

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posing as children or teens in order to befriend someone and gain their trust," and "may be the first step towards sexual abuse or online stalking or harassment."[93]

B. TikTok knowingly allows CSAM and Human Trafficking, Resulting in Harms to Kentucky

98. Human trafficking and distribution of CSAM or CSEC are morally repugnant and illegal practices to be prevented and prosecuted whenever possible. Federal law renders any person who "benefits, financially or by receiving anything of value, from participation in a venture" engaged in trafficking of children, or by force, fraud or coercion both criminally and civilly liable. 18 U.S.C. § 1591(a)(2); *see also,* 18 U.S.C. § 2251 (federal statute barring sexual exploitation of children); 18 U.S.C. § 2252 (federal CSAM statute).

99. TikTok's own Community Guidelines recognize the importance of eliminating material related to human trafficking, CSAM and CSEC, providing that "We do not allow showing, promoting, or engaging in youth sexual or physical abuse or exploitation. This includes child sexual abuse material (CSAM), grooming, sextortion, sexual solicitation, pedophilia, and physical or psychological harm of young people."[94]

100. Despite these representations, TikTok's algorithms, fueled by likes, comments, and searches, have created a marketplace – bigger, wider, and more active and open than any that could be fostered in the non-virtual world – to connect pedophiles, predators, and others engaged in the

[93] Rape, Abuse & Incest National Network, "Grooming: Know the Warning Signs," (July 10, 2020) (available at https://www.rainn.org/news/grooming-know-warning-signs) (last visited Dec. 2, 2023).
[94] TikTok Community Guidelines, Safety and Civility, Youth Sexual and Physical Abuse, (available at https://www.tiktok.com/community-guidelines/en/safety-civility) (last visited October 4, 2024).

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commerce of sex and allow them to hunt for, groom, sell, and buy sex with children and sexual images of children at an unprecedented scale.

C. Defendants Have Long Been Aware of CSAM and Human Trafficking on TikTok.

101. Defendants designed various TikTok features that promote and dramatically exacerbate sexual exploitation, the spread of CSAM, sextortion, and other socially maladaptive behavior that harms children.

102. These design features enable the spread of this illegal material and create material risks to Young Users. Yet they provide value to Defendants in the form of increased user activity.

103. TikTok contains a "Your Private Videos," feature, where users can create and store private videos that are only visible to the user, better known as "Post-in-Private" accounts, which some refer to as posting in "Only Me" mode. [95] However, these accounts are used by predators to store, create, post, and share CSAM. As explained in an exposé in Forbes, "[f]rom the outside, there's nothing to see; on the inside, there are graphic videos of minors stripping naked, masturbating, and engaging in other exploitative acts. Getting in is as simple as asking a stranger on TikTok for the password."[96]

> "There's quite literally accounts that are full of child abuse and exploitation material on their platform, and it's slipping through their AI," said creator Seara Adair, a child sexual abuse survivor who has built a following on TikTok by drawing attention over the past year to exploitation of kids happening on the app. "Not only does it happen on their platform, but quite often it leads to other platforms—where it becomes even more dangerous."[97]

[95] Gracelynn Wan, These TikTok Accounts Are Hiding Child Sexual Abuse Material In Plain Sight, Forbes (Nov. 14, 2022) (available at https://www.forbes.com/sites/alexandralevine/2022/11/11/tiktok-private-csam-child-sexual-abuse-material/?sh=749d6cb63ad9)
[96] *Id*.
[97] *Id*.

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104. Even more alarming, TikTok's algorithm actually *amplifies* CSAM to predators using the Post-in-Private feature. Within days of following a small number of "Post-in-Private" accounts, TikTok's algorithm begins recommending dozens of other "Post-in-Private" accounts to follow, making it easy for predators to view and share even more CSAM.[98]

105. And most alarming of all, Defendants refuse to address Post-in-Private accounts, even when confronted with incontrovertible evidence of abuse on TikTok. From the same Forbes article:

> Adair first discovered the "posting-in-private" issue in March, when someone who was logged into the private TikTok account @My.Privvs.R.Open made public a video of a pre-teen "completely naked and doing inappropriate things" and tagged Adair. Adair immediately used TikTok's reporting tools to flag the video for "pornography and nudity." Later that day, she received an in-app alert saying "we didn't find any violations."[99]

106. The Post-in-Private feature, and the subculture it has created on TikTok, lures Young Users, who are then victimized by grooming, sextortion, and even trafficking. Indeed, TikTok users purporting to be minors also participate in these secret groups. One person who was recruiting girls to post in his newly created private account messaged that he was looking for girls over 18, but that 15- to 17-year-olds would suffice. ("I give the email and pass[word] to people I feel can be trusted," he said. "Doesn't work every time.") Other posts recruited girls ages "13+" and "14-18."[100] In another instance, girls claiming to be 13, 14 and 15 years old asked to be let into a group.[101]

[98] *Id*.
[99] *Id*.
[100] *Id*.
[101] *Id*.

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107. Other TikTok users' bios and comments ask people to move the private posting and trading off TikTok to other social platforms including Snap and Discord, notwithstanding the fact that TikTok explicitly forbids content that "directs users off platform to obtain or distribute CSAM."[102] In one such case, a commenter named Lucy, who claimed to be 14, had a link to a Discord channel in her TikTok bio. "PO$TING IN PRVET / Join Priv Discord," the bio said. That link led to a Discord channel of about two dozen people sharing pornography of people of all ages, mostly female. Several of the Discord posts had a TikTok watermark—suggesting they had originated or been shared there—and featured what appeared to be underage girls engaging in a variety of sex acts. The Discord server owner threatened to kick people out of the group if they didn't contribute fresh material.[103]

108. The post-in-private feature could be strengthened to prohibit—or at least provide an obstacle to—predators sharing account login credentials (and thereby sharing the CSAM within their groups). For example, TikTok could require two-factor authentication for post-in-private accounts or logins, which would require not just a password, but also a separate SMS text sent to the account owner's cell phone (thereby frustrating the account owner's ability to let others log into his account). This is only one example, but it is an easy one to implement, and TikTok failed to do so.

109. Indeed, TikTok consistently has ignored warnings—and even identification of CSAM and predators on the Platform—from advocates. For example, Ms. Adair states that after being ignored by TikTok when trying to report harmful content through the channels listed by Defendants, she tried to contact individual TikTok employees to appeal to them to do their jobs,

[102] *Id.*
[103] *Id.*

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going "a spree on LinkedIn," sending messages to employees in trust, security and safety to escalate the problem.[104]

110. Although TikTok's features enable predators, TikTok does not have any feature to allow users to specifically report CSAM.

111. Federal law mandates that Defendants report suspected CSAM to the National Center for Missing and Exploited Children ("NCMEC") under 18 U.S.C. § 2258A. To limit and avoid its reporting requirements under federal law, Defendants purposely designed TikTok—which it knows are used by children, including children under 13—not to incorporate modern CSAM detection technology. This technology would be free for Defendants to implement within TikTok's product design.

112. Furthermore, in violation of 18 U.S.C. § 2258A, Defendants knowingly fail to report massive amounts of material in violation of 18 U.S.C. § 2256 and 18 U.S.C. § 1466A. And, as evidenced above, Defendants knowingly do not take feasible, adequate, and readily available measures to remove these contraband materials from TikTok in a timely fashion.

113. While Defendants have stepped up their reporting to NCMEC—reporting 362,108 reports in the last half of 2023—these efforts illustrate how wantonly negligent TikTok has been historically, with only 596 reports made in 2019 and 22,692 in 2020. Defendants' disregard for the safety of Young Users on TikTok has endangered countless children, including children in Kentucky.

[104] *Id*.

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114. This disregard for the safety of Young Users is made even more egregious due to Defendants' representation that they will "take immediate action to remove content, terminate accounts, and report cases to NCMEC and law enforcement as appropriate."[105]

115. [redacted] In 2021, the Wall Street Journal published a series of articles about TikTok and risks to Young User safety on the Platform.[106] [redacted][107] [redacted][108]

116. Another defective feature of TikTok is its livestream product, "TikTok LIVE." Although ByteDance's policy restricts access for anyone under eighteen to "TikTok LIVE," TikTok's design, as discussed above, does not incorporate an age verification protocol, so it is easy for underage users to access this feature. As discussed in further detail below, TikTok allows users to purchase coins and other virtual gifts to provide to TikTok LIVE posters.

[105] Protecting Against Exploitative Content, TikTok (available at https://newsroom.tiktok.com/en-us/protecting-against-exploitative-content)

[106] *See, e.g.,* Rob Barry, *et al*., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall Street Journal (Sep. 8, 2021) (available at https://www.wsj.com/articles/tiktok-algorithm-sex-drugs-minors-11631052944)

[107] [redacted]

[108] [redacted]

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117. The existence of these virtual rewards greatly increases the risk of adult predators targeting adolescent users for sexual exploitation, sextortion, and CSAM. According to Leah Plunket, an assistant dean at Harvard Law School, "TikTok LIVE" is "the digital equivalent of going down the street to a strip club filled with 15-year-olds."[109] Indeed, "Livestreams on [TikTok] are a popular place for men to lurk and for young girls—enticed by money and gifts—to perform sexually suggestive acts."[110]

III. DEFENDANTS UTILIZE MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO HOOK YOUNG USERS AND KEEP THEM ON TIKTOK IN PERPETUITY.

A. By Defendants' Design, TikTok Induces Compulsive Use Among Young Users.

118. For generations, companies have marketed products to Young Users – from bikes to Barbies to baseball cards. Unquestionably, products like those appealed to a young audience, and their creators marketed them accordingly and achieved success.

119. Defendants could have followed a similar course. They could have offered a version of TikTok that was simply appealing, but not addictive.

120. Instead, Defendants intentionally designed TikTok to exploit known vulnerabilities in Young Users' neurological development, making the platform profoundly difficult—and in some cases impossible—for children and teens to resist.

[109] Alexandra Levine, *How TikTok Live Became a Strip Club Filled with 15 Year Olds*, Forbes (Apr. 27, 2022), (available at https://www.forbes.com/sites/alexandralevine/2022/04/27/how-tiktok-live-became-a-strip-club-filled-with-15-year-olds/?sh=5d6cf08d62d7)
[110] *Id*.

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121. [redacted][111]

122. [redacted]

123. [redacted]

124. [redacted][113]

125. [redacted][114]

111 [redacted]

112 [redacted]

113 [redacted]

114 [redacted]

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126. [redacted][115]

B. Defendants Implement Specific Design Elements Into TikTok That Induce Compulsive Use or Otherwise Harm Young Users.

127. Defendants exploit Young Users' diminished capacity for self-control (and related propensity for addiction) through an array of platform features, including the challenged Design Elements.

128. Collectively, these features cause Young Users to spend more time on TikTok than they otherwise would.

129. Several categories of engagement-optimizing design features are especially pernicious: Low-Friction Variable Rewards; Social Manipulation; Ephemeral Content; Push Notifications; Harmful Filters; and Ineffective and Misleading Parental Controls and Wellbeing Initiatives. The State discusses each, in turn.

i. Low-Friction Variable Rewards

130. The "Low-Friction Variable Reward" design element (also called the "Hook Model"[116]) is a powerful cognitive manipulation principle, first identified by the psychologist B.F. Skinner in the early 20th Century.[117] It is premised on the observation that when test subjects—both humans and other animals—are rewarded unpredictably for a given action, they will engage

[115] [redacted]

[116] Bart Krawczyk, *What is the hook model? How to build habit-forming products*, Log Rocket Frontend Analytics (Dec. 2, 2022), https://blog.logrocket.com/product-management/what-is-the-hook-model-how-to-build-habit-forming-products/ (last visited April 9, 2024).

[117] B. F. Skinner, *Two Types of Conditioned Reflex: A Reply to Konorski and Miller*, 16 J. Gen. Psychology, 272-279 (1937), https://doi.org/10.1080/00221309.1937.9917951 (last visited April 9, 2024).

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in the action for a longer period of time than if the reward is predictable.[118] In his testing, Skinner observed that lab mice responded voraciously to random rewards. The mice would press a lever and sometimes they would receive a small treat, other times a large treat, and other times nothing at all. Unlike the mice that received the same treat every time, the mice that received variable rewards seemed to press the lever compulsively.

131. At a chemical level, this is because the brain generates more dopamine in response to an uncertain reward than in response to an expected and reliable one.[119] The tendency of variable rewards to drive compulsive behavior is sometimes referred to as the "Vegas Effect," and is the primary mechanism at work in slot machines, keeping players sitting in front of machines for hours on end (machines that, due to their limited mental development, Young Users and Youngest Users are of course forbidden from using or interacting with).[120]

1. Endless Scroll

132. One example of a variable reward design feature is the infinite or endless scroll mechanism with variable content that is deployed across social media platforms. When a platform uses endless scroll, a user is continuously fed more pieces of content, with no endpoint, as they scroll down a feed or page. When platforms load content into streams viewed by endless scroll, a user can never predict what will come next or how interesting it will be. The user is rewarded at

[118] Laura MacPherson, *A Deep Dive into Variable Designs and How to Use Them*, DesignLi (Nov. 8, 2018), https://designli.co/blog/a-deep-dive-on-variable-rewards-and-how-to-use-them/ (last visited April 9, 2024); Mike Brooks, *The "Vegas Effect" of Our Screens*, Psychol. Today (Jan. 4, 2019), https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens (last visited April 9, 2024).

[119] Anna Hartford & Dan J. Stein, *Attentional Harms and Digital Inequalities*, 9 JMIR Mental Health 2, 3 (Feb. 11, 2022), https://pubmed.ncbi.nlm.nih.gov/35147504/ ("At the level of our neural reward system, an uncertain reward generates a more significant dopamine response than those generated by a reliable reward.") (last visited April 9, 2024).

[120] Mike Brooks, *The "Vegas Effect" of Our Screens*, Psychol. Today (Jan. 4, 2019), https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens (last visited April 9, 2024).

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unpredictable intervals and levels with pieces of content they find funny, entertaining, or otherwise interesting.[121]

133. Critically, the action required by the user is "low-friction" – that is to say, there is little commitment required of the user beyond simply scrolling through the app. This enables the user to engage in the pursuit of the next "rewarding" piece of content in perpetuity.

134. TikTok employs the endless scroll, supplying Young Users with unpredictable variable rewards by strategically and intermittently surfacing content that Defendants predict users will want to see. Defendants are not just making a "lucky" guess about the type of content that children--and others--would wish to engage with. These predictions are incredibly precise and effective, as they are made using the private and personal user data TikTok siphons from its users to create individualized user profiles—including of children who uses the apps.

135. In 2021, the New York Times obtained a copy of an internal TikTok document titled "TikTok Algo 101," which purported to explain how the social media platform's algorithms work.[122] Per the Times article, "The document explains frankly that in the pursuit of the company's 'ultimate goal' of adding daily active users, it has chosen to optimize for two closely related metrics in the stream of videos it serves: 'retention' — that is, whether a user comes back — and 'time spent.' In sum, "*[t]he app wants to keep you there as long as possible.*"[123]

136. One technologist quoted in the article went further, stating that the document confirmed:

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[121] GCFGlobal.org, *Digital Media Literacy: Why We Can't Stop Scrolling*, https://edu.gcfglobal.org/en/digital-media-literacy/why-we-cant-stop-scrolling/1/ (last visited April 9, 2024).

[122] Ben Smith, *How TikTok Reads Your Mind*, New York Times (Dec. 5, 2021), https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html (last visited April 9, 2024).

[123] *Id.* (emphasis added).

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> [T]hat watch time is key. The algorithm tries to get people addicted rather than giving them what they really want…[I]t's a crazy idea to let TikTok's algorithm steer the life of our kids…Each video a kid watches, TikTok gains a piece of information on him. In a few hours, the algorithm can detect his musical tastes, his physical attraction, if he's depressed, if he might be into drugs, and many other sensitive information. There's a high risk that some of this information will be used against him. It could potentially be used to micro-target him or make him more addicted to the platform.[124]

137. The document outlines the rough equation that TikTok uses to make its endless scroll as addictive as possible, relying on three variables – likes, comments, and playtime: "*Plike X Vlike + Pcomment X Vcomment + Eplaytime X Vplaytime + Pplay X Vplay*." These variables are then applied to its algorithm, in order to provide the user with a continuous stream of complimentary content (again, with the stated goal of keeping the user on the app for as long as possible).

138. This equation is particularly concerning given the short length of the videos played on TikTok. Specifically, due to the length of the videos, Defendants are able to addict their audiences in a short period of time (and additionally obtain significantly more data about each user in a short period of time). The quick turnaround of the above-identified formulae means that TikTok can rapidly measure the user's reactions to the stimuli that are being provided. This enables them to identify the users' niche interests far more quickly than other platforms, and begin providing curated content more quickly as well. Put another way, the "math" of Defendant's platform is designed so that it is more engaging, and by extension more addictive.

[124] *Id*.

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139. Alex Zhu, one of the app's founders, explains that continuous engagement is critical: "Even if you have tens of millions of users," Zhu explained, "you have to keep them always engaged."[125]

2. Auto-Play

140. Another form of navigation manipulation called "Autoplay," is similar to endless scrolling, and is especially prevalent on social media platforms, like TikTok, that provide video content for users. Simply put, once one video is over, another one begins without any further prompting from the user. Much like endless scroll, videos surface automatically and continuously play, once they are loaded, thereby encouraging Young Users to remain on the platform *ad infinitum*.

141. TikTok deploys the autoplay feature to keep Young Users on the platform. [redacted][126]

142. [redacted][127]

143. [redacted]

[125] Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app you've probably never heard of*, Bus. Insider (May 28, 2016), https://www.businessinsider.com/what-is-musically-2016-5 (last visited April 9, 2024).

[126] [redacted]

[127] [redacted]

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[redacted][128]

144. [redacted]

[redacted][129]

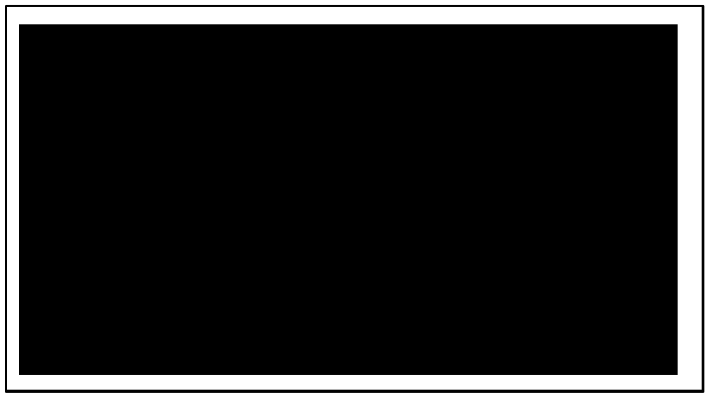

Fig. 7[130]

145. [redacted]

[redacted][131] This method trains its users to crave the next video.

128 [redacted]

129 [redacted]

130 [redacted]

131 [redacted]

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146. [redacted][132]

147. Due to low-friction variable rewards like Endless Scroll and Auto-Play, the "For You" TikTok feed is profoundly—and intentionally—addicting to Young Users.

i. Social Manipulation

148. Defendants utilize social manipulation to keep children addicted to their platform. At its most basic form, this design practice leverages a child's desire for social relationships to encourage more time spent on the platform and more engagement with the platform (which in turn leads to more opportunities for Defendants to monetize the child users).

149. Children are particularly vulnerable to social manipulation techniques. Younger adolescents have specific developmental needs for social connectedness and are particularly attuned to social validation.[133] This can "lead to greater relinquishing of security in certain arenas to gain social validation and belonging, for example, disclosing publicly to participate in online communities and accrue large amounts of likes, comments, and followers."[134] One pair of researchers investigating the phenomena write:

> [T]o tweens and teens, the kind of "rewards" social media promise are even more meaningful. Teens are primed to crave and value social validation, which is part of how they make sense of where they fit into their social worlds. Their biological sensitivity to social feedback makes them more susceptible to the pull of social media, which is at the ready with a promise of 24/7 access to likes and praising

[132] [redacted]

[133] Nicholas D. Santer et al., *Early Adolescents' Perspectives on Digital Privacy,* Algorithmic Rights and Protections for Children (2021) at 6, 30.

[134] *Id.* at 6 (citing J.C. Yau & S. M. Reich, *"It's Just a Lot of Work": Adolescents' Self-Presentation Norms and Practices on Facebook and Instagram*, 29 J. Res. on Adolescence 196, 196-209 (2019)).

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> comments. Capacities for self-regulation and impulse control are also a work in progress during the teen years, which adds to the challenge of pulling away.[135]

150. Many social manipulation design features induce anxiety in children that they or their content may not be as popular as that of their peers. In the words of a Massachusetts high school student who spoke with Common Sense Media, "[I]f you get a lot of likes, then 'Yay,' you look relevant, but then if you don't get a lot of likes and/or views, it can completely crush one's confidence, especially knowing that you're not the only one who's able to see it."[136] Not only are children spotting and seeing posts, but now they are obsessing over the popularity of their posts and those of others.

1. Quantified Popularity of a Young User's Account or Content

151. This design element "gamifies" a user's popularity by displaying (publicly, privately, or both) the number of friends or connections a user has, the number of interactions their content has received, and sometimes the names or usernames of specific other users who have interacted with the user or their content. Metrics that may be displayed include views, likes, dislikes, reactions, and comments received on content.

152. These tallies act as quantified proof of popularity and exploit children's natural tendency to pursue social relevance. If Young Users' posts get quantifiable attention from other users, they feel validated, but the less attention they get, the worse they feel.

153. TikTok displays quantified popularity metrics for each user's account, as well as for each video shared on the platform.

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[135] Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults Are Missing)*, MIT Press, at 33 (2022) (citing Lucy Foulkes and Sarah-Jayne Blakemore, *Is There Heightened Sensitive to Social Reward in Adolescence?*, 40 Current Opinion Neurobiology 81 (2016)).

[136] Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17, 2021), https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good (last visited April 9, 2024).

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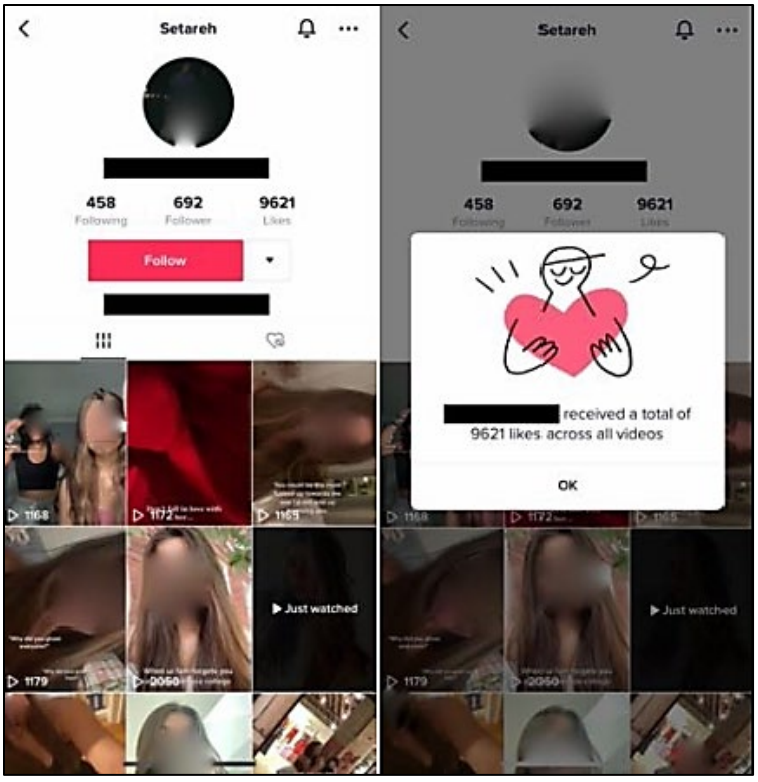

Fig. 8 – *TikTok displays the total number of likes each user has received across all videos.*

154. TikTok's promise of (and pressure to attain) popularity has a profound impact on Young Users:

> For young viewers who see social media influencer as a popular career path, the allure is obvious. Teachers talk about students skipping class to record dances in the bathroom; Buddhist shrines in Nepal feature "No TikTok" signs. John Christopher Dombrowski, a Cornell University student whose TikToks about science facts have earned him 2.8 million followers, told the Information he's paid his college tuition with ad-deal money from Adidas and Lancôme. "Social media is the new American Dream," he said.[137]

155. "Likes" and "comments" are also features that cause social comparison harms. TikTok counts and publicly displays the number of likes, comments, and shares that each video receives.

[137] Drew Harwell, *How TikTok Ate The Internet*, Washington Post (Oct. 14, 2022), https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/ (last visited April 9, 2024).

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156. [redacted][138]

157. Further, social manipulation—and the desire for quantified recognition on the platform—results in Young Users doing profoundly dangerous things, with Defendants' encouragement.

158. For example, "hashtag challenges" are trends on TikTok that encourage users to take some action, film it, and post it on TikTok.[139]

159. To take one of many examples, one popular challenge is the "Blackout Challenge." According to Bloomberg Businessweek, this challenge dares children to choke themselves, leading to harrowing experiences like the following:

> The 5-year-old boy's panicked cries echoed down the hallway of the Arroyos' three-bedroom clapboard house in Milwaukee. It was February 2021, and he'd been playing with his 9-year-old sister, Arriani, before bedtime. Their mother was at a Bible study class, and their father was in his basement workshop, out of earshot. The boy had watched Arriani climb atop a toy chest, wrap a metal dog leash around her neck and hook the buckle to the wardrobe door hinge. Now she was hanging 2 feet from the ground, kicking and desperately scratching at her neck.
> . . .
>
> The game had a name: the blackout challenge. Kids around the world were choking themselves with household items until they blacked out, filming the adrenaline rush they got regaining consciousness and then posting the videos on social media. It's a modern incarnation of choking dares that have been around for decades, only now they're being delivered to children by powerful social media algorithms and reaching those too young to fully grasp the risk.[140]

[138] [redacted]

[139] Breanna Miles, *What Is a TikTok Challenge?*, Lifewire (Jan. 30, 2020), https://www.lifewire.com/what-is-a-tiktok-challenge-4782176 (last visited April 9, 2024).

[140] Olivia Carville, *TikTok's Viral Challenges Keep Luring Young Kids to Their Deaths*, Bloomberg Businessweek (Nov. 30, 2022), http://bit.ly/3IPQiM2 (last visited April 9, 2024).

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160. Defendants know Young Users seek dangerous challenges on TikTok. [redacted][141]

161. [redacted][142]

162. TikTok's showing the number of views, likes, comments, and shares increases the number of minors partaking in dangerous challenges and the harm they suffer.

1. Coins

163. TikTok sells "Coins" to its users which they can in turn send to their favorite TikTok video-creators—known as gifts.[143]

164. However, this creates a bizarre set of relationships among users—including Young Users—on the platform, in which users who stream content via the Live feature are incentivized to ask their followers (people watching the Live stream) for Coins, which they then can exchange for hard currency. As one publication explains: "Fans can use Coins to send gifts during

[141] [redacted]

[142] [redacted]

[143] *Get Coins*, TikTok, www.tiktok.com/coin (last visited April 9, 2024); [redacted]

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livestreams, shown as specific emoticons at the bottom of the screen. When you send a gift on TikTok LIVE, a notification pops up for everyone in the stream. Sometimes, the creator might give you a shoutout. TikTok converts gifts into virtual credits called Diamonds. The number of credits depends on the creator's popularity in livestreams. They can exchange them for real-world money."[144]

165. [redacted][146]

166. [redacted]

167. [redacted]

- [redacted][147]

[144] https://www.androidpolice.com/tiktok-buy-recharge-coins/ (last visited April 9, 2024).

[145] [redacted]

[146] [redacted]

[147] [redacted]

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168. [redacted][148]

169. [redacted]

i. Ephemeral Content

170. As research shows and Defendants know, Young Users are developmentally wired such that the fear of missing out ("FOMO") is a "repeatedly identified driver of smartphone and social media use[.]"[149] This coincides with a psychological concept identified by B.F. Skinner as "avoidance," meaning that an individual performs a behavior to avoid a negative outcome.[150]

171. Defendants induce constant engagement by making certain content ephemeral. For example, TikTok has taken to pushing "live" content—meaning content shown live by creators, who interact in real-time with TikTok users. Live content is available only once—while the poster is livestreaming.

[148] [redacted]

[149] Laura Marciano, Anne-Linda Camerini, Rosalba Morese, *The Developing Brain in the Digital Era: A Scoping Review of Structural and Functional Correlates of Screen Time in Adolescence*, Front. Psychol., Vol. 12 (Aug. 27, 2021), https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full (last visited April 9, 2024).

[150] GameQuitters, *Are Video Games Designed to Be Addictive?*, https://gamequitters.com/are-video-games-addictive/ (last visited April 9, 2024).

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172. [redacted][151]

173. This preys on Young Users' FOMO. Once hooked on the live content, Young Users are more likely to compulsively and continuously log on to TikTok so they can view it. Young Users view content at inappropriate times such as during school, or when Young Users should be sleeping.

174. [redacted][152]

175. Unlike content delivery systems that permit a user to view existing posts on a schedule convenient for the user, ephemeral content is only available on a temporary basis, thus incentivizing users to engage with the content (1) immediately and (2) constantly.

176. Defendants could make posts able to be stored by their users, or simply make that content available for viewing days or weeks after they are created. This would allow Young Users to take meaningful breaks from TikTok (for instance, during the school week or while on vacation) without missing content. Instead, they deploy ephemeral content because they know Young Users' FOMO will keep them glued to the platform. The ephemeral nature of TikTok's content gives Defendants a pretext to send endless streams of push notifications to users' smartphones to constantly alert them of content they are going to miss day and night.

i. Push Notifications

151 [redacted]

152 [redacted]

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177. Defendants cause Young Users to increase their time spent on their platform by inundating them with notifications when they are off TikTok, in an effort to entice them to return to social media. By default, TikTok peppers users (including Young Users) with frequent alerts or notifications intended to cause users to open the application.

178. TikTok's push notifications alert users on their smartphones even when the app is closed and the user is not actively using their smartphone. They can come as buzzes, lights, sounds, or messages and draw the user's attention to their platform.

179. Another push notification feature that exacerbates FOMO and social pressures to be on TikTok is the "Now" feature, wherein TikTok sends daily push notifications prompting users to take a 10-second video or photo and share what they are doing at a given moment using both the front and back camera of the phone simultaneously.[153]

180. [redacted]

181. [redacted][154]

182. While some notifications exist to alert users to interactions their accounts have had on TikTok—such as receiving a new follower or message—many push notifications are

[153] *TikTok Now*, TikTok https://web.archive.org/web/20230327001832/https://support.tiktok.com/en/using-tiktok/exploring-videos/tiktok-now (archived version as of Mar. 17, 2023).

[154] [redacted]

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completely disconnected from users' actual engagement with TikTok. Instead, the reason those notifications exist is to draw users back to TikTok.

183. TikTok's notifications themselves—which consist of vibrations, pulses, flashes of light, badges, banners, chimes, tones, and other triggers—do not convey content to users and are otherwise non-expressive. Without expressive content inherent to the notifications, TikTok's notifications are merely sensory stimuli, much like the flashing lights and noises from a slot machine are sensory stimuli. These stimuli exist to "train" users to spend more time on TikTok.

184. These alerts are disruptive for all users but are especially harmful for minor children, who are particularly vulnerable to distraction and psychological manipulation. Independent academics have observed that these notifications impact the brain in similar ways as narcotic stimulants:

> While it's easy to dismiss this claim as hyperbole, [social media platforms] ***leverage the very same neural circuitry used by slot machines and cocaine to keep us using their products as much as possible***….Although not as intense as [sic] hit of cocaine, positive social stimuli will similarly result in a release of dopamine, reinforcing whatever behavior preceded it . . . Every notification… has the potential to be a positive social stimulus and dopamine influx.[155]

185. Preying on that vulnerability, by default TikTok notifies Young Users whenever anything happens on the platform that may affect the Young User, or warrant an action from them.

186. [redacted][156]

187. As Defendants have known for years, Young Users have a difficult time resisting these notifications.

[155] https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/ (last visited April 9, 2024).

[156] [redacted]

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ii. Harmful Filters

188. Defendants incorporate a host of filters—which are formally called "Effects" on the platform—into TikTok, allowing Young Users to edit their posts with augmented-reality visual and aural effects. Many of these filters are cosmetic in nature, inducing the user to alter their appearance in a manner more in line with perceived (and often harmful) notions of attractiveness.

189. For example, Defendants have created and made available Effects that further perpetuate a narrow beauty norm.

190. One such Effect is "Bold Glamour," which changes people's facial features and simulates makeup. As of March 8, 2023, it had been used over 16 million times in videos.

191. A *Vice* article describes the Bold Glamour effect as one that "convincingly alters facial features to look more conventionally attractive and simulates a soft glam makeup look[. It] has some users freaking out that it conveys unrealistic beauty standards without viewers realizing that the look comes from software." The article quotes one user as saying: "As someone who experienced body (dysmorphia) growing up this makes me sick to my stomach; tik tok u can't be enabling this . . . it's sickening for our youth[.]"[157]

192. One young adult TikToker provided before-and-after screenshots to The Wall Street Journal showing the filter's effect:

[157] Lauren Fichten, *'This is a Problem': A New Hyper-Realistic TikTok Beauty Filter Is Freaking People Out*, Vice (Feb. 28, 2023), https://www.vice.com/en/article/pkg747/tiktok-beauty-filter-bold-glamor-problem (last visited April 9, 2024).

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Fig. 10[158]

193. These types of filters have created lasting damage among Young Users. Plastic surgeons have reported a surge in patients seeking alterations so that they can look more like selfies to which these types of filters have been applied.[159]

194. One social psychologist summarized the effect as "the pressure to present a certain filtered image on social media [which] can certainly play into [depression and anxiety] for younger people who are just developing their identities."[160] *E.g.*,

[158] Sara Ashley O'Brien, *With 'Bold Glamour' Transformations, TikTok Effect Sparks Beauty Debate*, Wall St. J. (March 10, 2023), https://www.wsj.com/articles/bold-glamour-tiktok-effect-beauty-debate-d877d6 (last visited April 9, 2024).

[159] https://www.americanspa.com/medical-spa/how-tiktok-influencing-plastic-surgery (last visited April 9, 2024).

[160] Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), https://abcnews.go.com/Technology/lines-blur-realvirtual-beauty-filters/story?id=77427989 (last visited April 9, 2024).

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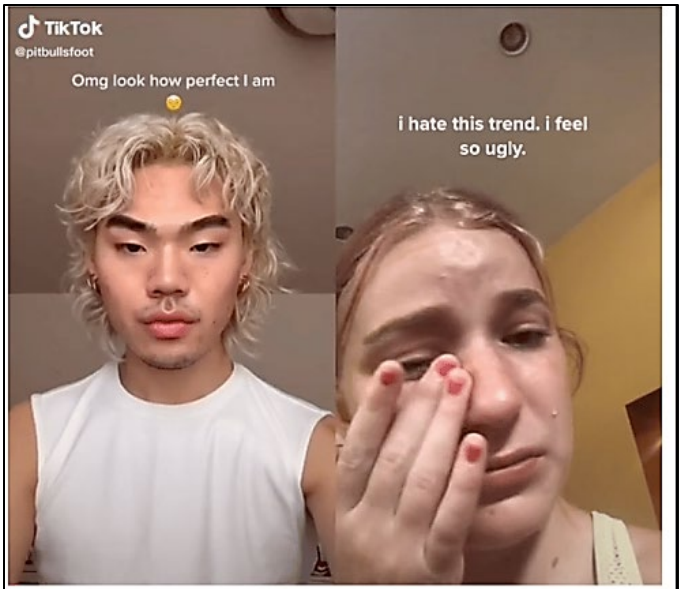
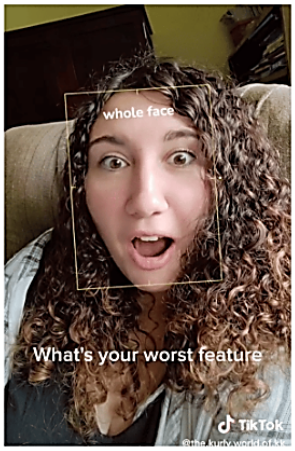


This TikToker is emotional during an "inverted filter" duet comparing the symmetry of her face to another.

Fig. 11[161]



This influencer reacts to being told her "whole face" is her worst feature.

Perhaps one of the most shocking filters is *Worst Features*. There are several variations of this filter. Essentially, the user's face is examined and their "worst feature" is pointed out by the filter. Some videos show the results as a nose, eyebrow, or double chin. Some even show the results as the whole face.

Relying on a social media platform's contrived algorithm to evaluate one's attractiveness is a recipe for disaster, especially in adolescence.

Fig. 12[162]

[161] https://gabb.com/blog/tiktok-filters/ (last visited April 9, 2024).

[162] *Id.*

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195. A 2022 study[163]—focusing exclusively on TikTok users—showed that TikTok is detrimental to body image, with usage being associated with body dissatisfaction. TikTok also caused indirect effects by increasing upward appearance comparison[164] and body surveillance, which in turn increases body dissatisfaction. While researchers hypothesized that being exposed to body positive media could function as a protective factor against TikTok causing negative body image, the results actually showed the complete opposite, with people who consumed high levels of this type of media engaging in increased appearance comparison.[165]

196. [redacted][166]

197. [redacted][167]

[163] Danielle Bissonette Mink, Dawn M. Szymanski, *TikTok use and body dissatisfaction: Examining direct, indirect, and moderated relations*, Body Image, Volume 43, 2022, Pages 205-216, ISSN 1740-1445, https://doi.org/10.1016/j.bodyim.2022.09.006 (last visited April 9, 2024).

[164] "Upward appearance" refers to appearance-based social comparisons, specifically those made to others with perceived "better" bodies, while "body surveillance" is a preoccupation with monitoring one's physical appearance and attractiveness. *See, e.g.*, https://www.cognitivebehaviorassociates.com/blog/does-tiktok-cause-body-dysmorphia/#:~:text=Research%20has%20shown%20that%20TikTok,increases%20body%20dissatisfaction%20even%20more (last visited April 9, 2024).

[165] Danielle Bissonette Mink, Dawn M. Szymanski, *TikTok use and body dissatisfaction: Examining direct, indirect, and moderated relations*, Body Image, Volume 43, 2022, Pages 205-216, ISSN 1740-1445, https://doi.org/10.1016/j.bodyim.2022.09.006 (last visited April 9, 2024).

[166] [redacted]

[167] [redacted]

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198. [redacted]

199. Defendants continuously prioritize engagement over the safety of TikTok's Young Users, while publicly denying that they do this.

iii. Ineffective and Misleading Parental Controls and Wellbeing Initiatives

200. TikTok recently introduced some new features that prompt users who spend more than 100 minutes in the app to consider taking a break.[168] However, this is merely a suggestion, and the value of mentioning to an addict that they may want to cease engaging in their addiction is not a particularly effective tool.

201. Moreover, the prompt only appears the *next* time the user opens the app, and does nothing to limit the current session, even after the 100-minute mark.[169]

202. [redacted][170]

[168] Jordan Furlong, *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 April 9, 2024).

[169] *Id.*

[170] [redacted]

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203. [redacted][171]

204. [redacted][172] [redacted][173]

[171] [redacted] Yingzhi Yang and Brenda Goh, *ByteDance names head of China news unit as global TikTok R&D chief*, Reuters (Feb. 24, 2021), https://www.reuters.com/article/us-usa-tiktok-bytedance/bytedance-names-head-of-china-news-unit-as-global-tiktok-rd-chief-sources-idUSKBN2AO26F (last visited April 9, 2024).

[172] [redacted]

[173] MM Guardian, *TikTok Is Now the Most Used App by Teens & Pre-Teens in the US*, PR Newswire (Mar 23, 2021), https://www.prnewswire.com/news-releases/tiktok-is-now-the-most-used-app-by-teens--pre-teens-in-the-us-301253639.html (last visited April 9, 2024); *see also* [redacted]

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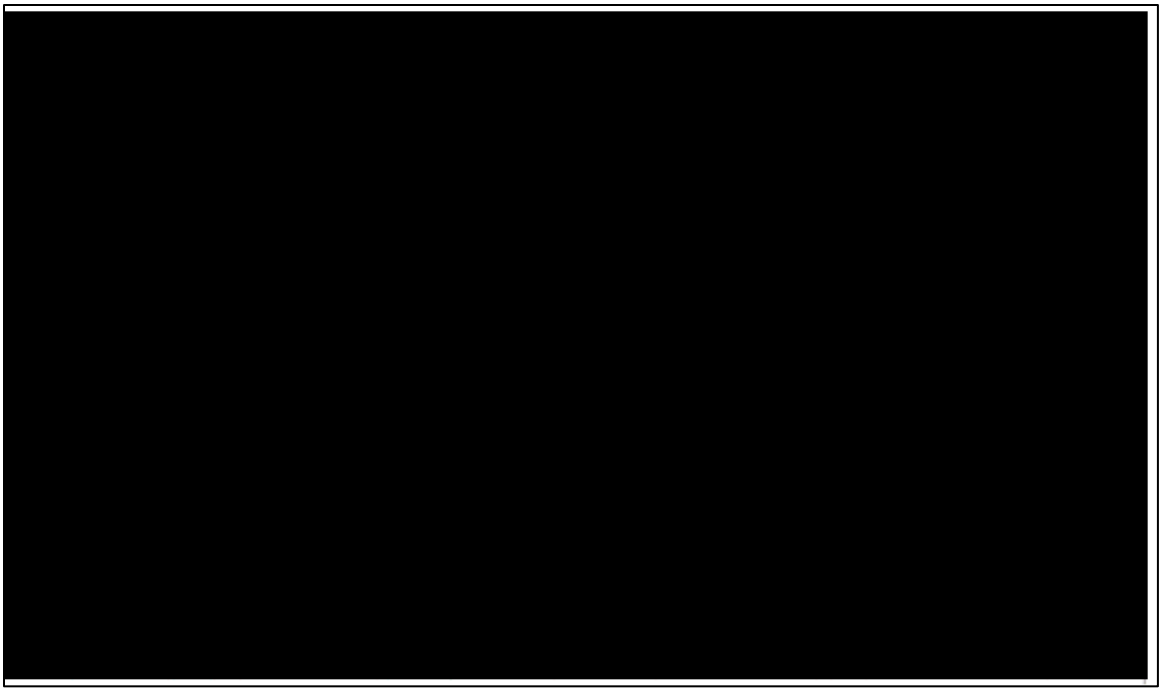

Fig. 13[174]

C. The Challenged Platform Features Have No Relation to Traditional Publishing Activities—Any Content They Utilize Is Distinct From Their Functionality and the Harm They Cause.

205. The State does not challenge or seek to curtail the publishing of any specific type of third-party content by challenging the above-described addicting and harmful Design Elements.

206. Notably, these Design Elements—Low-Friction Variable Rewards; Social Manipulation; Ephemeral Content; Push Notifications; Harmful Filters; and Ineffective and Misleading Parental Controls and Wellbeing Initiatives—are not tethered to any specific third-party content. Indeed, the substance of any content incorporated into or used by the Design

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Elements is immaterial. Instead, the Design Elements themselves create the risk and harm of addiction, which is separate and apart from other harms caused by the content.

207. Regardless of the substance of *any* content on TikTok—either first- or third-party—the purpose of the Design Elements is to extract additional time and attention from young users whose developing brains were not equipped to resist those manipulative tactics.

IV. DEFENDANTS KNOW THAT TIKTOK'S HARMFUL AND ADDICTION-CAUSING DESIGN ELEMENTS WORK AS INTENDED, AND THAT TIKTOK INDUCES WIDESPREAD COMPULSIVE USE AMONG YOUNG USERS.

208. Due to Defendants' design choices, TikTok already has hooked a generation of Young Users.

209. Defendants know [redacted]

210. [redacted][175]

211. As TikTok's CEO has admitted, Defendants have "invested a significant amount in understanding the issues that could arise from . . . teenage use[.]"[176] However, since Young Users' compulsive use benefits Defendants' bottom line, they have not taken meaningful steps to rescue Young Users from this emerging crisis.

[175] [redacted]

[176] N.Y. Times Events, *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube (Nov. 30, 2022), https://bit.ly/3YlRFI2 (last visited April 9, 2024).

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212. [redacted][177]

213. [redacted][178]

214. [redacted][179]

215. [redacted]

216. Defendants further are aware of the safety risks of their Design Elements. As noted above, TikTok is routinely cited in reports of crimes committed against Young Users, and itself is the target of numerous lawsuits resulting from injuries—even fatal injuries—suffered by its Young Users.

217. [redacted]

177 [redacted]

178 [redacted]

179 [redacted]

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[redacted]

[redacted][180]

218. [redacted]

[redacted][181]

219. [redacted]

[redacted][182]

220. [redacted]

[redacted][183]

[redacted]

180 [redacted]

181 [redacted]

182 [redacted]

183 [redacted]

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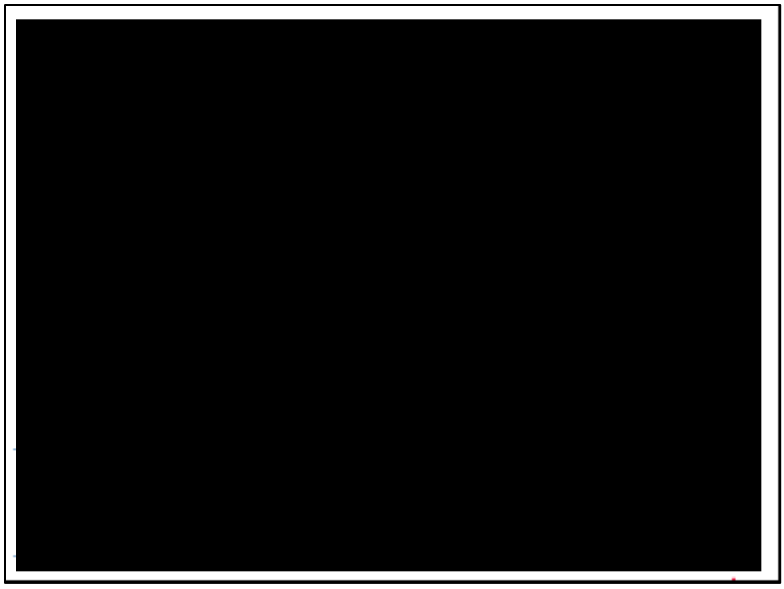

Fig. 14[184]

221. [redacted]

222. [redacted]

223. [redacted][185]

[184] [redacted]

[185] [redacted]

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224. [redacted] Externally, they did not disclose any of this material information.

A. The Specific Harms to Young Users Caused By TikTok.

i. Mental Health Harms Brought About Form "Problematic Internet Use"

225. Maximizing children's time and activities online is linked with worse psychological well-being in children in concrete and serious ways that cannot be ignored in the context of the current youth mental health crisis. Defendants have caused Young Users to experience mental health harms, such as increased rates of major depressive episodes, anxiety, eating disorders, body image problems, sleep disturbances, suicidal ideation, and suicide attempts.[186] In addition, Defendants have caused Young Users to have diminished social capacity and other developmental skills by virtue of the "opportunity cost" associated with devoting significant time to social media, rather than partaking in other developmentally important, in-person life experiences.

226. The United States Surgeon General's May 2023 Advisory, titled "Social Media and Youth Mental Health" (the "Advisory"), describes some of the harms caused by Defendants.[187] As the Advisory explains, "[a] Surgeon General's advisory is a public statement that calls the American people's attention to an urgent public health issue . . . Advisories are reserved for

[186] *See, e.g.*, Jonothan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative Review* (New York University, unpublished manuscript), tinyurl.com/SocialMediaMentalHealthReview (last visited April 9, 2024); Jacqueline Nesi, et al., *Handbook of Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

[187] U.S. Dep't of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory 4 (2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf (last visited April 9, 2024).

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significant public health challenges that require the nation's immediate awareness and action."[188] According to the Surgeon General, Young Users' social media use is one such significant public health challenge.

227. As the Advisory explains, "[e]xcessive and problematic social media use, such as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and feelings of exclusion among adolescents."[189]

228. "Problematic internet use"—psychologists' term for excessive internet activity that exhibits addiction, impulsivity, or compulsion[190]—creates profound mental health harms for Young Users. The Advisory also identifies "changes in brain structure," "altered neurological development," "depressive symptoms, suicidal thoughts, and behaviors," "attention deficit/hyperactivity disorder (ADHD,)" and "depression, anxiety and neuroticism," as additional harms to Young Users associated with compulsive social media use.[191]

229. Problematic internet use, in turn, is linked to a host of additional problems. For example, in one study of 564 children between the ages of 7 and 15, researchers found that problematic internet use was positively associated with depressive disorders, attention deficit hyperactivity disorder, general impairment, and increased sleep disturbances.[192] An analysis of

[188] *Id.*

[189] *Id.*

[190] Chloe Wilkinson, et al., *Screen Time: The Effects on Children's Emotional, Social, and Cognitive Development* at 6 (2021), https://informedfutures.org/screen-time/ (last visited April 9, 2024).

[191] U.S. Dep't of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory 4 (2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf (last visited April 9, 2024). To be clear, this Complaint is focused on harms arising out of compulsive or "problematic" platform use, not harms caused by exposure to any individual, specific pieces or categories of content on TikTok.

[192] Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020), https://doi.org/10.1186/s12888-020-02640-x (last visited April 9, 2024).

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peer-reviewed studies involving cognitive findings associated with problematic internet use in both adults and adolescents found "firm evidence that PIU . . . is associated with cognitive impairments in motor inhibitory control, working memory, Stroop attentional inhibition and decision-making."[193] Another study of over 11,000 European adolescents found that among teens exhibiting problematic internet use, 33.5% reported moderate to severe depression; 22.2% reported self-injurious behaviors such as cutting; and 42.3% reported suicidal ideation.[194] The incidence of attempted suicide was also ten times higher for teens exhibiting problematic internet use than their peers who exhibited healthy internet use.[195]

230. The Design Elements discussed herein plainly impede children's ability to put their devices down, even when they want to use them less. For example, a high school student told Common Sense Media:

> One of the challenges I face with social media is getting off it. Once I get on, I have to really force myself off it because it's so addictive. All I'm doing is scrolling, but I'm subconsciously looking for an end so I can feel accomplished. But the scrolling never stops.[196]

231. In 2020, a longitudinal study investigated whether social media platform addiction predicted suicide-related outcomes and found that children and adolescents addicted to social

[193] Konstantinos Ioannidis, et al., *Cognitive Deficits in Problematic Internet Use: Snap-Analysis of 40 Studies*, 215 British Journal of Psychiatry 639, 645 (2019), https://pubmed.ncbi.nlm.nih.gov/30784392 (last visited April 9, 2024).

[194] Michael Kaess, et al., *Pathological Internet use among European adolescents: psychopathology and self-destructive behaviours*, 23 Eur. Child & Adolescent Psychiatry 1093, 1096 (2014), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4229646/ (last visited April 9, 2024).

[195] *Id.*

[196] Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17, 2021), https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good (last visited April 9, 2024).

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media use are more likely to engage in self-injurious behavior, such as cutting and suicide.[197] Other studies examining the link between these increases found that adolescents who spent more time on screen activities were significantly more likely to have high depressive symptoms or have at least one suicide-related outcome, and that the highest levels of depressive symptoms were reported by adolescents with high social media use and fewer in-person social interactions.[198]

232. Fueled by social media addiction, youth suicide rates are up an alarming 57%.[199] In the decade leading up to 2020, there was a 40% increase in high school students reporting persistent sadness and hopelessness,[200] and a 36% increase in those who attempted to take their own lives. In 2019, one in five high school girls had made a suicide plan.[201] By 2018, suicide was the second leading cause of death for youth ages 10–24.[202] Lastly, due to the extent of the youth mental health crisis fueled by social media addiction, the number of teens and adolescents waiting

[197] *See, e.g.*, Julia Brailovskaia, et al., *Positive mental health mediates the relationship between Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00) Cyberpsychology, Behavior, and Social Networking (2020), https://doi.org/10.1089/cyber.2019.0563 (last visited April 9, 2024); Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17 (2017), https://doi.org/10.1177/2167702617723376 (last visited April 9, 2024).

[198] Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 Clinical Psych. Sci. 3–17 (2017), https://doi.org/10.1177/2167702617723376 (last visited April 9, 2024); *see also* Anthony Robinson, et al., *Social comparisons, social media addiction, and social interaction: An examination of specific social media behaviors related to major depressive disorder in a millennial population*, Journal of Applied Biobehavioral Research (Jan. 8, 2019), https://doi.org/10.1111/jabr.12158 (last visited April 9, 2024).

[199] *Protecting Youth Mental Health: The U.S. Surgeon General's Advisory* at 8, U.S. Dep't of Health & Hum. Servs. (Dec. 7, 2021), https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf (last visited April 9, 2024).

[200] *Id*.

[201] *Id*.

[202] *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental Health*, Am. Acad. Pediatrics (Oct. 19, 2021), https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/ (last visited April 9, 2024).

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in emergency rooms for mental health treatment for suicide nationwide tripled from 2019 to 2021.[203]

233. [redacted][204] [redacted]

[redacted][205]

ii. Harm to Body Image

234. Design features that maximize time spent on social media can also lead to heightened exposure to negative body image–related content, which increases children's susceptibility to poor body image and, consequently, disordered eating. A study of data from 7th and 8th graders published in 2019 in the *International Journal of Eating Disorders* "suggest[ed] that [social media], particularly platforms with a strong focus on image posting and viewing, is associated with elevated [disordered eating] cognitions and behaviors in young adolescents."[206] Personal stories from sufferers of disordered eating have highlighted the link to social media.[207]

[203] Stephen Stock, et al., *Children languish in emergency rooms awaiting mental health care*, CBS News (Feb. 27, 2023, 8:02 am), https://www.cbsnews.com/news/emergency-rooms-children-mental-health/#:~:text=For%20kids%20in%20crisis%2C%20ER,health%20facilities%20%E2%80%94%20within%20six%20months (last visited April 9, 2024).

[204] [redacted]

[205] [redacted]

[206] Simon M. Wilksch et al., *The Relationship Between Social Media Use and Disordered Eating in Young Adolescents*, 53 Int. J. Eat. Disord. 96, 104 (2020).

[207] *See, e.g.*, Jennifer Neda John, *Instagram Triggered My Eating Disorder*, Slate (Oct. 14, 2021), https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger .html (last visited April 9, 2024); Clea Skopeliti, *'I Felt My Body Wasn't Good Enough': Teenage Troubles with Instagram*, The Guardian (Sept. 18, 2021), https://www.theguardian .com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram (last visited April 9, 2024).

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235. Time spent on social media can harm children's body image and increase their susceptibility to disordered eating in multiple ways. First, visual social media platforms trigger social comparison as children compare their appearance to others, including influencers.

236. Second, platforms use algorithms to deliver content related to topics or themes that the platform believes will maximize a user's time spent on the platform. These recommendation systems create "bubbles" or "rabbit holes" of content around a specific theme and also expose users to increasingly extreme content on a given topic. This has proven especially true for negative body image and pro-eating disorder content.[208] Research shows that social media platforms' content selection algorithms have pushed disordered eating and harmful diet techniques to teenage girls.[209] Girls who express an interest in dieting or dissatisfaction with their looks are bombarded with content targeted to these insecurities and often pushed to more extreme content such as pro-anorexia posts and videos. Even minor users who do not express interest in these topics are often delivered this content, because platforms know teenage girls disproportionately engage with this type of content.[210]

237. Despite the public dialogue around the harms social media cause to children's body images and eating habits, content depicting disordered eating remains widely available to children and profitable to platforms, including TikTok.

iii. Harm to Physical Health

[208] "Selfies—Living in the Era of Filtered Photographs." *JAMA Facial Plastic Surgery*, 20(6), pp. 443–444.

[209] *Id.*

[210] *See* Fabrizio Bert, et al., *Risks and Threats of Social Media Websites: Twitter and the Proana Movement*, 19 Cyberpsychology, Behav. Soc. Networking (Apr. 2016), https://pubmed.ncbi.nlm.nih.gov/26991868/ (last visited April 9, 2024).

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238. Maximizing children's time spent online at the expense of sleep or movement also harms children's physical health. When children are driven to spend more time online, they sleep less—because it is impossible to be online and sleep at the same time, because stimulation before bedtime disrupts sleep patterns, and because many of the design features discussed herein make users feel pressured to be connected constantly. That feeling does not always go away at nighttime. Research shows that children who exhibit problematic internet use often suffer from sleep problems.[211] One-third of teens say that at least once per night, they wake up and check their phones for something other than the time, such as to check their notifications or social media.[212] Some teens set alarms in the middle of the night to remind them to check their notifications or complete video game tasks that are only available for a limited time.[213] In addition, screen time before bed is known to inhibit academic performance in children.[214] Teenagers who use social media for more than five hours per day are about 70% more likely to stay up late on school nights.[215] A lack of sleep in teenagers has been linked to inability to concentrate, poor grades, drowsy-driving incidents, anxiety, depression, thoughts of suicide, and even suicide attempts.[216]

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[211] Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020), https://doi.org/10.1186/s12888-020-02640-x (last visited April 9, 2024).

[212] Common Sense, *Screens and Sleep: The New Normal: Parents, Teens, Screens, and Sleep in the United States* at 7 (2019), https://www.commonsensemedia.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf (last visited April 9, 2024).

[213] Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults Are Missing)*, MIT Press, at 31 (2022).

[214] Chloe Wilkinson, et al., *Screen Time: The Effects on Children's Emotional, Social, and Cognitive Development* at 6 (2021), https://informedfutures.org/screen-time/ (last visited April 9, 2024).

[215] *Heavy Social Media Use Linked to Poor Sleep*, BBC News (Oct. 23, 2019), https://www.bbc.com/news/health-50140111 (last visited April 9, 2024).

[216] *Among teens, sleep deprivation an epidemic*, Stanford News Ctr. (Oct. 8, 2015), https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html (last visited April 9, 2024).

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239. Decades of research have shown that more time online is consistently correlated with children's risk of obesity, which in turn increases their risk of serious illnesses like diabetes, high blood pressure, heart disease, and depression.[217] Spending time online displaces time when children could be engaging in physical activity.[218] Further, when children spend more time online, they are exposed to more advertisements for unhealthy products,[219] which are heavily targeted toward children.[220] In addition, poor sleep quality—which is associated with problematic internet use—increases the risk of childhood obesity by 20%.[221]

240. [redacted][222]

[217] Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3 (2021), https://democraticmedia.org/assets/resources/full_report.pdf (last visited April 9, 2024).

[218] E de Jong, et al., *Association Between TV Viewing, Computer Use and Overweight, Determinants and Competing Activities of Screen Time in 4- to 13-Year-Old Children*, 37 Int'l J. Obesity 47, 52 (2013), https://pubmed.ncbi.nlm.nih.gov/22158265/ (last visited April 9, 2024).

[219] *Id.*

[220] Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3 (2021), https://democraticmedia.org/assets/resources/full_report.pdf (last visited April 9, 2024).

[221] Yanhui Wu, et al., *Short Sleep Duration and Obesity Among Children: A Systematic Review and Snap-Analysis of Prospective Studies*, 11 Obesity Rsch. & Clinical Prac. 140, 148 (2015), https://pubmed.ncbi.nlm.nih.gov/27269366/ (last visited April 9, 2024); Michelle A. Miller, et al., *Sleep Duration and Incidence of Obesity in Infants, Children, and Adolescents: A Systematic Review and Snap-Analysis of Prospective Studies*, 41 Sleep 1, 15 (2018), https://pubmed.ncbi.nlm.nih.gov/29401314/ (last visited April 9, 2024).

[222] [redacted]

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241. [redacted][224]

242. [redacted]

a. Privacy Harms

243. Design Elements that maximize children's time and activities online also exacerbate privacy harms. The constant surveillance they are subjected to as a result of these techniques is manipulative, limits creativity and experimentation, and perpetuates discrimination, substantially harming children and teens.

244. It is precisely because of TikTok's capacity for "near perfect surveillance" that courts have consistently held that time-honored legal principles recognizing a right to privacy in one's affairs naturally apply to online monitoring. Defendants' unlawful intrusion into their minor users' privacy is made even more egregious and offensive by the fact that the Defendants are targeting and collecting *children*'s information, without obtaining parental consent. The conduct

[223] [redacted] Note, however, that as of March 2023, Defendants have created parental controls that allow parents to "mute" notifications after 9 pm for Young Users aged 13-15 and 10 pm for Young Users aged 16-17. Cormac Keenan, *New features for teens and families on TikTok*, Mar. 1, 2023 (available at https://newsroom.tiktok.com/en-us/new-features-for-teens-and-families-on-tiktok-us)

[224] Megan A. Moreno and Anna F. Jolliff, *Depression and Anxiety in the Context of Digital Media*, Handbook of Adolescent Digital Media Use and Mental Health, 227 (2022); *see also, e.g.*, 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 Paediatrica 694, 694-700 (2018); 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 Medicine 99, 92-102 (2020).

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described herein violates Young Users' expectations of privacy, as well as a parent's inherent right to protect his or her child and set the parameters of what, when, and how information pertaining to the child will be obtained. Parents' interest in the care, custody, and control of their children is perhaps the oldest of the fundamental liberty interests recognized by society. The history of Western civilization reflects a strong tradition of parental concern for the nurture and upbringing of children in light of children's vulnerable predispositions. Our society recognizes that parents and other caretakers should maintain control over who interacts with their children and how, in order to ensure the safe and fair treatment of their children.

iv. Risk to Physical Safety

245. Finally, TikTok provides fertile ground for bad actors who use the platform expressly to harm Young Users. The National Center on Sexual Exploitation describes TikTok as "the 'platform of choice' for predators to access, engage, and groom children for abuse."[225]

246. In May 2021, the child protection non-profit Thorn published quantitative research, based on data collected in 2020.[226] According to this report, TikTok ranked at the top among platforms for various harms caused to minors, with 18% of survey participants reporting a potentially harmful online experience on TikTok.[227] Thorn found the following regarding harm on TikTok:

- 18% of surveyed minors reported having had a potentially harmful online experience on TikTok.

[225] https://endsexualexploitation.org/tiktok/ (last visited April 9, 2024).

[226] Thorn, *Responding to Online Threats: Minors' Perspectives on Disclosing, Reporting, and Blocking Findings from 2020 quantitative research among 9–17 year olds* (May 2021), https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website (last visited April 9, 2024).

[227] *Id*.

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- 9% of all respondents said they have had an online sexual interaction, which includes being asked to send a nude photo or video, go 'on cam' with a sexually explicit stream, being sent a sexually explicit photo (of themselves or another child), or sexually explicit messages, etc.

247. TikTok is uniquely positioned to place Young Users in contact with bad actors, without the knowledge of their parents or caretakers, and to date, they have operated with flagrant disregard for the safety of their Young Users.

V. DEFENDANTS OMIT AND MISREPRESENT MATERIAL FACTS ABOUT TIKTOK.

248. For years, Defendants led reasonable consumers, parents, and guardians to believe TikTok is safer and less harmful than it truly is. Defendants deceived consumers, parents, and guardians by not disclosing that TikTok is, on balance, harmful to consumers (and especially damaging to Young Users), by concealing information about some of their most popular platform features, by promoting misleading metrics about platform safety, and by touting inaccurate and ineffective "well-being" initiatives, among other methods.

A. General Misrepresentations and Omissions Concerning Well Being and Platform Safety

249. Defendants create the impression that user wellbeing—particularly for Young Users—is their paramount concern. But in reality Defendants conceal dangers caused by the Design Elements from Young Users and their parents, and have actively misrepresented that TikTok prioritizes safety for young users. Such misrepresentations include:

a. On TikTok's website, the company represented: "We care deeply about the well-being of our community members and want to be a source of happiness, enrichment,

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and belonging. . . . We work to make sure this occurs in a supportive space that does not negatively impact people's physical or psychological health."[228]

b. 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"[229] stated: "Safety and wellness—in particular for teens—is a core priority for TikTok."[230]

c. Shou Chew further testified: "[T]here are more than 150 million Americans who love our platform, and we know we have a responsibility to protect them, which is why I'm making the following commitments to you and to all our users. Number one, we will keep safety particularly for teenagers as a top priority for us."[231]

d. When asked by Congress if TikTok is specifically designed to keep users engaged as long as possible, Michael Beckerman 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."[232]

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[228] *Mental Behavioral Health*, TIKTOK, https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/?cgversion=2023 (last visited ___. __, 2024).
[229] Celine Kang, *Who is Shou Chew, TikTok's Chief Executive?*, N.Y. Times (Mar. 23, 2023), https://www.nytimes.com/2023/03/23/technology/who-is-shou-chew-tiktok-ceo.html.
[230] Written Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce, March 23, 2023.
[231] Written Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce, March 23, 2023.
[232] 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.

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e. In April 2023, Shou Chew reiterated that TikTok's "goal is not to optimize and maximize time spent. It is not."[233] 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. . . ."[234]

f. 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."[235] He went on to say, "You 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."[236]

250. As another example, in TikTok's publicly available statement on "Youth Safety and Well-Being," Defendants state that

> Youth safety is our priority. We do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm. This includes child sexual abuse material (CSAM), youth abuse, bullying, dangerous activities and challenges, exposure to overtly mature themes, and consumption of alcohol, tobacco, drugs, or regulated substances. If we become aware of youth exploitation on our platform, we will ban the account, as well as any other accounts belonging to the person.

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

[234] T *TikTok's CEO on its future — and what makes its algorithm different*, TED (April 2023), https://www.ted.com/talks/shou_chew_tiktok_s_ceo_on_its_future_and_what_makes_its_algorithm_different?hasSummary=true&language=en.

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

[236] *Id*.

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> Our goal is to provide young people with an experience that is developmentally appropriate and helps to ensure a safe space for self-exploration. We take several steps including: (1) limiting access to certain product features, (2) developing Content Levels that sort content by levels of thematic comfort, (3) using restrictive default privacy settings, and (4) making content created by anyone under 16 ineligible for the For You feed (FYF).[237]

251. By engaging in these and similar misrepresentations, and by not disclosing critical, material information regarding TikTok's risks, Defendants are deceiving users. This deception—often but not always through omission of critical facts—prevents Young Users and their parents from making truly informed decisions about platform usage. The reality is that [redacted]

252. [redacted]

253. [redacted][238] [redacted]

[237] https://www.tiktok.com/community-guidelines/en/youth-safety/ (last visited April 9, 2024).

[238] [redacted]

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[redacted][239]

254. Similarly, TikTok executives have touted the platform's in-app time management tools to counter perceptions that the platform is designed to increase engagement. In response to congressional inquiry about prolonged engagement, Michael Beckerman emphasized, "We have take a break videos, we have time management tools, and family pairing is another tool where parents can help limit the time their teenagers are spending on the app."[240] Again, in April 2023, Shou Chew brought up TikTok's time management tools and interventions, stating: "If you spend too much time on our platform, we will proactively send you videos to tell you to get off the platform. And depending on the time of day: If it's late at night, [the video] will come sooner."[241] By touting these tools, Defendants create the impression that TikTok is effectively managing compulsive use, instead of encouraging it through TikTok's design features. But TikTok knows this is not true. [redacted]

239 [redacted]

240 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.

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

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[redacted][242]

255. [redacted]

256. [redacted]

[redacted][243]

257. [redacted]

[redacted][244]

258. [redacted]

[redacted][245]

259. [redacted]

242 [redacted]

243 [redacted]

244 [redacted]

245 [redacted]

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[redacted][246]

260. [redacted]

[redacted][247]

261. The media has noticed these filter bubbles, too. The *Wall Street Journal*, for instance, showed that once the TikTok algorithm determines that a teen user is interested in gambling, drugs, or weight loss, the algorithm will consistently show them excessive amounts of that content.[248]

[246] [redacted]

[247] [redacted]

[248] Tawnell D. Hobbs, et al., *'The Corpse Bride Diet': How TikTok Inundates Teens With Eating-Disorder Videos*, Wall St. J. (Dec. 17, 2021), http://bit.ly/3ERaNqo (last visited April 9, 2024); *see also* Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), http://bit.ly/3Ynb3Et (last visited April 9, 2024).

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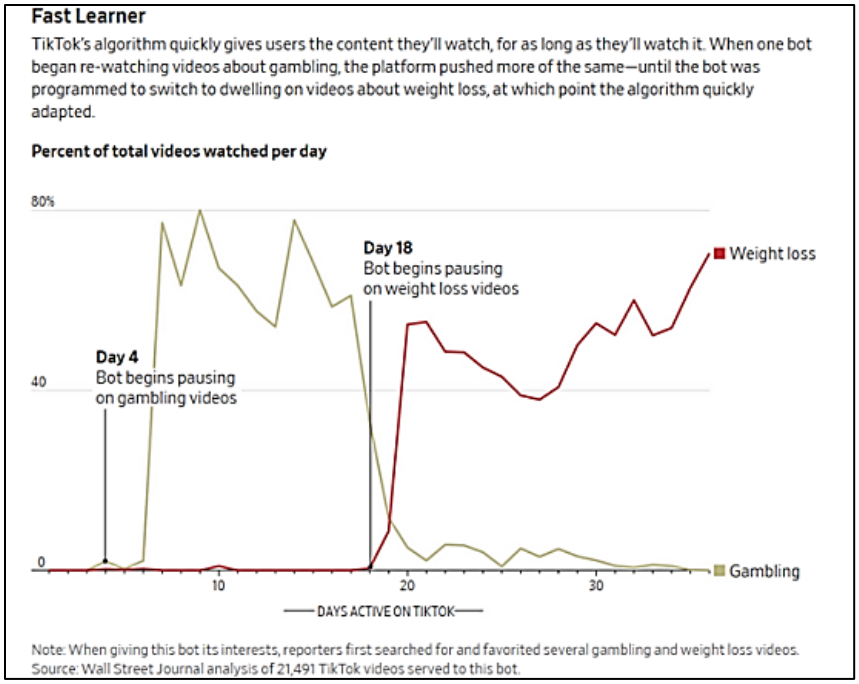

Fig. 15[249]

262. [redacted]:

a. [redacted]

b. [redacted]

c. [redacted]

d. [redacted]

e. [redacted]

f. [redacted]

[249] *Id.*

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g. [redacted][250]

263. [redacted][251][redacted][252]

264. [redacted][253]

265. [redacted].

266. Nor are these misrepresentations an isolated incident. Instead, Defendants have engaged in intentional, concerted, and consistent misdirection on these issues to confuse and mislead the public.

250 [redacted]

251 [redacted]

252 [redacted]

253 [redacted]

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267. For example, in prepared testimony before Congress on March 23, 2023, the CEO of TikTok Ltd., Shou Chew "ma[de] the following commitments to [Congress] and our users: 1) We will keep safety—particularly for teenagers—a top priority for us[.]"[254]

268. On a page called "Safety partners," TikTok's website states: "It's important for our community members to look after their well-being, which means having a healthy relationship with online apps and services."[255] Yet, their design elements intentionally cause an addiction-like relationship.

269. On a page called "Digital well-being," TikTok's website states:

> At TikTok, we work to support the well-being of everyone in our community. As technology continues to complement our daily lives, we want to help ensure your online engagement is a positive experience. We are committed to giving you tools and resources to help you along your digital well-being journey, so you can find a balance that feels right for you.[256]

270. [redacted]

271. [redacted]

[254] *Written Statement of Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce*, U.S. House Cme. On Energy & Commerce (March 23, 2023), https://bit.ly/3K1gAwA (last visited April 9, 2024).

[255] *Safety Partners*, TikTok, https://www.tiktok.com/safety/en-us/safety-partners/ (last visited April 9, 20240).

[256] *Digital Well-being*, TikTok, https://www.tiktok.com/safety/en/well-being/ (last visited April 9, 2024).

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[redacted][257] [redacted]

272. [redacted]

273. [redacted]

[redacted][258]

Once more, these statements are belied by the actions TikTok has taken to addict Young Users.

B. Misrepresentations Concerning the 60-minute limit.

274. Announced right before Shou Chew testified to Congress, TikTok has repeatedly pushed the idea that it sets an automatic 60-minute daily screentime limit for teens.

275. This screentime management tool purports to provide teen users with a "60-minute daily screen time limit."[259] But this tool does not actually impose a screen time limit: after using TikTok for 60 minutes, teens are simply prompted to enter a passcode that they have previously created to continue watching.[260] [redacted]

[257] [redacted]

[258] [redacted]

[259] https://newsroom.tiktok.com/en-us/new-features-for-teens-and-families-on-tiktok-us

[260] https://newsroom.tiktok.com/en-us/new-features-for-teens-and-families-on-tiktok-us

[261] [redacted]

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[redacted]262

276. [redacted]

[redacted]263[redacted]

[redacted]

[redacted]264[redacted]

[redacted]265

277. [redacted]

[redacted]

[redacted]266[redacted]

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[redacted]267[redacted]

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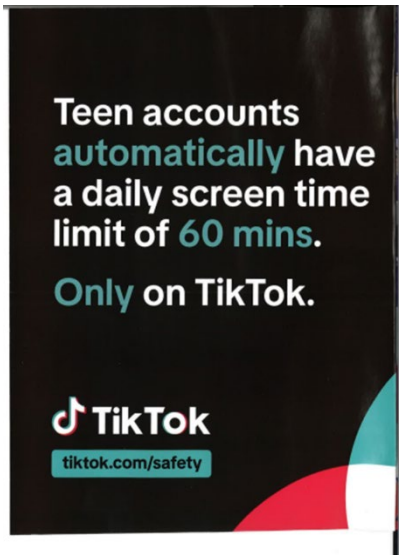
278. [redacted][269][redacted]

279. [redacted][270][redacted] Therefore, after releasing the 60-minute-prompt tool, TikTok prominently advertised it to the public—but failed to disclose how it actually works. For example, one advertisement in the Washington Examiner, a news magazine more likely to be read by adults than teens, stated only that "Teen accounts automatically have a daily screen time limit of 60 mins. Only on TikTok."



269 [redacted]

270 [redacted]

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280. Nowhere in the advertisement does TikTok disclose that the screen time limit can be easily bypassed or disabled outright. [redacted][271] These advertisements therefore leave consumers—especially parents who do not use the platform—with a false impression that this tool imposes an actual limit on teen screen time, creating a false belief that TikTok has effectively addressed concerns around excessive use.

C. Misrepresentations concerning screentime management tools.

281. [redacted][273] and posts on TikTok's website.[274]

282. Defendants also promote TikTok's screentime management tools to parents and guardians [redacted][275] and in press releases on TikTok's website.[276]

283. For instance, in February 2022, Defendants published an article on TikTok's website entitled "Introducing Family Safety Mode and Screentime Management in Feed," writing: "As part of our commitment to safety, 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."[277]

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271 [redacted]

272 [redacted]

273 [redacted]

274 Screen Time, TIKTOK, support.tiktok.com/en/account-and-privacy/account-information/screen-time (last visited ___).

275 [redacted]

276 *Investing in our Community's Digital Well Being*, TIKTOK, https://newsroom.tiktok.com/en-us/investing-in-our-communitys-digital-well-being (last accessed ___)

277 *Family Safety Mode and Screentime Management*, TIKTOK, https://newsroom.tiktok.com/en-gb/family-safety-mode-and-screentime-management-in-feed (last accessed ____).

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284. In his written testimony to Congress in March 2023, Shou Chew stated: "TikTok also has taken numerous steps to help ensure that teens under 18 have a safe and enjoyable experience on the app. . . We launch great products with a safety-by-design mentality, even if those features limit our monetization opportunities."[278] [redacted][279]

285. While Defendants publicize these safety features ostensibly intended to reduce compulsive use, [redacted][280]

286. [redacted][281] [redacted][282]

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

[279] [redacted]

[280] [redacted]

[281] [redacted].

[282] [redacted]

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287. [redacted][283]

288. [redacted][284]

289. [redacted][285]

290. [redacted][286][287]

291. [redacted]

[283] [redacted] *See also*, Li Jia Jia, Linkedin, www.linkedin.com/in/jiajia-li-3b716b95 (last visited October 4, 2024).

[284] [redacted]

[285] [redacted]

[286] [redacted]

[287] [redacted]

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[redacted][289]

292. TikTok also touts its "Take a Break" videos that ostensibly encourage users to stop using the TikTok Platform after long sessions. [redacted][290] [redacted][291]

293. Another feature that TikTok heavily promotes to parents and parent groups is Family Pairing,[292] which, according to TikTok, "allows parents and teens to customize their safety settings based on individual needs."[293] Yet TikTok knows the feature does not fix the problems its Platform causes. [redacted][294] Moreover, teens

288 [redacted]
289
290
291
292 *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; *TikTok Introduces Family Pairing*, TIKTOK, newsroom.tiktok.com/en-us/tiktok-introduces-family-pairing (last accessed ___); Written Testimony of Shou Chew Before the U.S. House Committee on Energy and Commerce , March 23, 2023 (https://docs.house.gov/meetings/IF/IF00/20230323/115519/HHRG-118-IF00-Wstate-ChewS-20230323.pdf); [redacted]
293 *Account and User Safety*, TIKTOK, support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#4 (last accessed October 4, 2024).

294 Alex Castro, *TikTok now lets parents set restrictions on their kids' accounts*, The Verge (April 16, 2020, 8:00 AM), https://www.theverge.com/2020/4/16/21222817/tiktok-family-pairing-linked-accounts; [redacted]

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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.[295]

294. 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. [redacted][296]

295. TikTok unfairly compounded the addictiveness of the TikTok Platform app for young users through their faulty and deceptive implementation of these features. 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. [redacted]

D. Misrepresentations about harmful filters

296. Despite the known dangers caused by TikTok's beauty filters and similar features, Defendants fail to provide any warning to Young Users or their parents that using the filters on can be dangerous.

297. [redacted]

[295] *Account and User Safety*, TIKTOK, support.tiktok.com/en/safety-hc/account-and-user-safety/user-safety#4 (last accessed October 4, 2024)

[296] [redacted]

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[redacted][297]

298. Defendants know that TikTok's filters are dangerous to young users. Nonetheless, TikTok actively promotes them. By not disclosing the dangers of these features, Defendants actively conceal the filters' known dangers from Young Users and their parents.

299. Instead of a page warning about the harm caused by beauty features, TikTok has an entire webpage devoted to "Youth Safety and Well-Being" where it claims the company is "deeply committed to ensuring TikTok is a safe and positive experience for people under the age of 18."[298] It goes on to proclaim that youth safety is a "priority," and that TikTok creates a "developmentally appropriate" experience that is a "safe space" for "self-exploration."[299]

E. Misrepresentations and Omissions Regarding TikTok's "Community Guidelines"

300. Defendants publish TikTok's "Community Guidelines," which are rules they represent apply to content on TikTok.[300] At present, the Community Guidelines unambiguously assert, *inter alia*:

[297] [redacted]

[298] https://www.tiktok.com/community-guidelines/en/youth-safety?cgversion=2023 (reviewed March 13, 2024).

[299] https://www.tiktok.com/community-guidelines/en/youth-safety?cgversion=2023 (reviewed March 13, 2024).

[300] https://www.tiktok.com/community-guidelines/en/overview/ (last visited April 9, 2024).

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> "We want TikTok to be a place that encourages self-esteem, and does not promote negative social comparisons. **We do not allow showing or promoting disordered eating or any dangerous weight loss behaviors.**"[301]
> "TikTok is a place where people can come to discuss or learn about sexuality, sex or reproductive health. We are mindful that certain content may not be appropriate for young people, may be considered offensive by some, or may create the potential for exploitation. **We do not allow sexual activity or services.** This includes sex, sexual arousal, fetish and kink behavior, and seeking or offering sexual services."[302]
> "While adults make personal choices about how they engage with alcohol, drugs, and tobacco, we recognize that there are risks connected to trading and using these substances. **We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs.**"[303]
> "We are committed to bringing people together in a way that does not lead to physical conflict. We recognize that online content related to violence can cause real-world harm. **We do not allow any violent threats, incitement to violence, or promotion of criminal activities that may harm people, animals, or property.**"[304]

301. The Community Guidelines also claim that "We remove content that depicts suicide, involves suicidal ideation, or that might encourage suicidal or self-injurious behavior. We also remove content that depicts attempted suicide or behavior likely to lead to self-inflicted death."[305]

302. TikTok Inc. CEO Shou Chew referenced these "Community Guidelines" and confirmed that TikTok reviews and moderates *all* content on TikTok:

> The way TikTok works is that we do have about 13 rules. We call these rules Community Guidelines. It's published on our website, you can go have a look. And these are the rules on what content we allow and disallow on the platform. These are things like no pornography, no violence, no misinformation. **And we build our trust and safety team to take these rules, build policies around**

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[301] https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/ (emphasis original) (last visited April 9, 2024).

[302] https://www.tiktok.com/community-guidelines/en/sensitive-mature-themes/ (emphasis original) (last visited April 9, 2024).

[303] https://www.tiktok.com/community-guidelines/en/regulated-commercial-activities/ (emphasis original) (last visited April 9, 2024).

[304] https://www.tiktok.com/community-guidelines/en/safety-civility/#1 (emphasis original) (last visited April 9, 2024).

[305] *Community Guidelines*, TikTok (Oct. 2022), https://www.tiktok.com/community-guidelines?lang=en (last visited April 9, 2024).

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> **them, and operationalize it so that we can go through all the content and remove the violative content**. So that's the way the platform works. [306]

303. Defendants continuously reassure users and their parents that *all* content that offends the Guidelines can be moderated and removed. Those representations, however, are untrue.

304. [redacted]

305. [redacted]

306. [redacted] [307]

307. [redacted] [308]

308. [redacted]

309. [redacted]

[306] N.Y. Times Events, *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube (Nov. 30, 2022), https://bit.ly/3lyJM4N (last visited April 9, 2024).

[307] [redacted]

[308] [redacted]

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310. [redacted][309]

311. [redacted][310]

[redacted][311]

313. [redacted][312]

314. [redacted]

309 [redacted]

310 [redacted]

311 [redacted]

312 [redacted]

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[redacted][313]

315. [redacted][314]

316. [redacted][315]

317. [redacted][316]

318. In September 2021, *The Wall Street Journal* ("the *Journal*") released findings from an experiment that browsed TikTok using nearly three dozen automated accounts registered as teenagers between 13 and 15. The *Journal* found TikTok showed the teenage accounts, *inter alia*, "more than 100 videos from accounts recommending paid pornography sites and sex shops" and thousands of videos "from creators who labeled their content as for adults only."[317]

319. Further, TikTok's search and hashtag features enable users to find an astonishing variety of content discussing and promoting drugs, alcohol, sex, and violence. And TikTok's

[313] [redacted]

[314] [redacted]

[315] [redacted]

[316] [redacted]

[317] Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), http://bit.ly/3Ynb3Et (last visited April 9, 2024).

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algorithm treats any expression of interest in these subjects as an invitation to send the user even more.

320. For example, using the hashtag "kinktok," users can find videos discussing and depicting sex toys, choking, spanking, rope-tying, among other content ill-suited for Young Users.[318] Some of these videos promote physically dangerous behavior.[319]

321. As of February 2023, videos tagged "kinktok" have over 12 billion views.

322. Defendants knew such content was available and that, in some instances, TikTok's algorithm showed this content to Young Users via the For You feed.

323. When the *Journal* shared "a sample of 974 videos about drugs, pornography and other adult content that were served to the minor accounts," a TikTok spokesperson responded that "the majority didn't violate guidelines" and acknowledged that "***the app doesn't differentiate between videos it serves to adults and minors.***"[320]

324. Defendants' representations that content depicting or promoting alcohol, tobacco, and illegal drugs is mild and infrequent on TikTok, or is not available at all on the platform, are also false and misleading.

325. As the *Journal* 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

[318] Sophie Wilson, *KinkTok is Filling the Void Left Behind By NSFW Tumblr*, Vice (Aug. 27, 2020), https://bit.ly/40ieyh7; #kinktok, TikTok, https://www.tiktok.com/t/ZTRtHAoFL/ (last visited April 9, 2024).

[319] Anna Iovine, *KinkTok is Rife With Misinformation. Here's Why That's Dangerous.*, Mashable (Jan. 27, 2023), https://bit.ly/3FwatOm (last visited April 9, 2024).

[320] Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept. 8, 2021), http://bit.ly/3Ynb3Et (last visited April 9, 2024).

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for online sales of drug products and paraphernalia." According to the Journal, "[h]undreds of similar videos appeared in the feeds of the Journal's other minor accounts."[321]

326. The *Journal* further found that other videos served to the minor accounts "glorified alcohol, including depictions of drinking and driving and of drinking games." [322]

327. As with sexual content and mature themes, TikTok's search and hashtag systems enable users to easily locate drug and alcohol content. Often, TikTok permits slang and emoji symbols as references to drugs and alcohol.[323]

328. Under the "#seshtok," for instance, TikTok features hundreds of videos in which users discuss "sessions" using cocaine, marijuana, and hallucinogens.[324] Under the "#pingtok," TikTok features hundreds of videos of users discussing MDMA use.[325]

329. Searching TikTok for the snowflake emoji yields numerous videos discussing cocaine use; the mushroom emoji produces videos discussing hallucinogens; and the leaf emoji results in videos discussing marijuana use, all no matter the age of the user.

330. As Business Insider found, TikTok "[a]ccounts run by people purporting to sell drugs are commonplace and easy to find via a few cursory searches on the app's Discover page."[326]

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[321] *Id.*

[322] *Id.*

[323] Rosie Bradbury, *TikTok Drug Sellers Are Using Nose and Snowflake Emoji and Slang To Get Around Search Blocks and Peddle Cocaine and Mushrooms*, Business Insider (May 3, 2022), https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5 (last visited April 9, 2024).

[324] #seshtok, TikTok, https://www.tiktok.com/t/ZTRtxeKB6/ (last visited April 9, 2024).

[325] #pingtok, TikTok, https://www.tiktok.com/t/ZTRt9EKXY/ (last visited April 9, 2024).

[326] Rosie Bradbury, *TikTok Drug Sellers Are Using Nose and Snowflake Emoji and Slang To Get Around Search Blocks and Peddle Cocaine and Mushrooms*, Business Insider (May 3, 2022), https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5 (last visited April 9, 2024).

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331. [redacted][327]

332. [redacted][328][329][redacted]



[330]

327 [redacted]

328 [redacted]

329 [redacted]

330 [redacted]

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333. TikTok engaged in similar conduct for other types of videos as well. For example, the Community Guidelines claim that TikTok "do[es] not allow showing or *promoting* recreational drug use, or the trade of alcohol, tobacco products, and drugs."[331] (Emphasis added.)

334. [redacted][332]

335. In some instances, TikTok's Community Guidelines had policies that were never enforced at all. [redacted][333]

336. [redacted][334][335][336]

[331] https://www.tiktok.com/community-guidelines/en/regulated-commercial-activities/ (Oct. 3, 2023) (emphasis added).

[redacted]

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337. TikTok also failed to remove gore even though its current Community Guidelines state: "We do not allow gory, gruesome, disturbing, or extremely violent content."[337] [redacted][338]

338. [redacted][339]

F. Misrepresentations regarding key metrics in TikTok's reported content moderation enforcement.

339. [redacted][340]

340. [redacted]

[337] https://www.tiktok.com/community-guidelines.
[338] [redacted]
[339] [redacted]
[340] [redacted]

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[redacted][342]

341. [redacted]

[redacted][343]

342. TikTok omits this context from its representations, instead assuring consumers, particularly parents and youth, that its content moderation is increasingly effective.

G. Misrepresentations regarding who is subject to TikTok's Community Guidelines.

343. 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.

344. [redacted]

[redacted][344]

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[redacted]

345. [redacted][345]

346. [redacted]

H. Misrepresentations concerning TikTok's incorporation of expert recommendations into its Community Guidelines.

347. 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 regional Advisory Councils,"[347] TikTok contradicts expert recommendations in its creation and enforcement (or lack thereof) of the Community Guidelines. [redacted][348]

345 [redacted]

346 [redacted]

347 https://www.tiktok.com/community-guidelines/en/overview/ (last visited Feb. 7, 2024).

348 [redacted]

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348. In addition to not implementing expert recommendations, TikTok misstates expert recommendations. For instance, Shou Chew testified before Congress in March 2023 that TikTok is working with experts to build policies for content that is "not inherently harmful, like some of the extreme fitness videos about people running 100 miles" but can become harmful if shown too much. Mr. Chew said that "the experts are telling us that we should disperse [this content] more, and make sure that they are not seen too regularly. . . [e]specially by younger users."[349]

349. [redacted][350] [redacted][351]

350. 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.

351. In sum, Defendants have made a host of affirmative misrepresentations regarding the safety of TikTok and its suitability for Young Users. These misrepresentations are readily disproved by the allegations set forth herein.

352. Further, Defendants have omitted information regarding the known harms on TikTok, as described herein.

[349] https://www.govinfo.gov/content/pkg/CHRG-118hhrg53839/pdf/CHRG-118hhrg53839.pdf at 42-43.

[350] [redacted]

[351]

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353. These misrepresentations and omissions are as material as they are demonstrably false, and they lead one to conclude that TikTok is healthier (or even less harmful) for Young Users than it really is.

VI. DEFENDANTS ACTIVELY ALLOW TIKTOK'S YOUNGEST USERS TO CREATE AND MAINTAIN ACCOUNTS DESPITE PUBLICLY CLAIMING THOSE UNDER-13 ARE NOT ALLOWED ON THE PLATFORM

326. Defendants' disregard for the health and well-being of their Young Users is even more repugnant because TikTok's *Youngest* Users include children under age 13, who are supposedly prohibited from having accounts on the platform without verified consent from parents prior to TikTok collecting personal information of those under age 13.

327. Defendants state that they "are deeply committed to ensuring that TikTok is a safe and positive experience for people under the age of 18 (we refer to them as "youth" or "young people"). This starts by being old enough to use TikTok. **You must be 13 years and older to have an account.**"[352]

328. [redacted]

[352] https://www.tiktok.com/community-guidelines/en/youth-safety/ (last visited April 9, 2024). Note that Defendants further state that the Youngest Users (*i.e.*, minors under age 13) may participate in a limited version of the platform, identified as "TikTok for Younger Users." https://newsroom.tiktok.com/en-us/tiktok-for-younger-users (last visited April 9, 2024). However, Plaintiff's allegations refer to the regular TikTok platform, and not to the abrogated TikTok for Younger Users.

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[redacted][353]

329. [redacted][354]

330. While Defendants have collected birthdates in the account creation process since 2019, TikTok continues to allow users, including young users, to use the site without an account. Users, including those under 13 years old, can access TikTok without an account using a web browser.

331. Further, users can create an account using an existing Google or Facebook account, in which case, no age verification occurs.

332. [redacted][355][redacted][356]

333. Defendants publicly state that if they "believe someone under 13 (or 14 in Indonesia, Quebec and South Korea) is using TikTok, [they] will ban their account. You also have

353 [redacted]
354 [redacted]
355 [redacted]
356 [redacted]

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the option to report an account if you believe it may belong to someone under the minimum age to use TikTok."[357]

334. [redacted][358]

335. [redacted][359]

336. [redacted][360] [redacted][361]

337. [redacted]

[357] https://www.tiktok.com/safety/en/guardians-guide/ (last visited April 9, 2024).

[358] [redacted]

[359] [redacted]

[360] [redacted]

[361] [redacted]

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338. [redacted]

339. [redacted]

340. Children under the age of 13 are particularly vulnerable to the harms caused by Defendants' social media platforms, and Defendants' conduct violates longstanding societal norms meant to protect children, and to preserve parents' autonomy to ensure the same.

CAUSES OF ACTION

COUNT I: UNFAIR AND DECEPTIVE ACTS AND PRACTICES IN VIOLATION OF KENTUCKY CONSUMER PROTECTION ACT (KRS 367.110 *ET SEQ.*)

341. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

342. Kentucky's Consumer Protection Act ("KCPA"), KRS 367.110 *et seq.*, prohibits "[u]nfair, false, misleading, or deceptive acts or practices in the conduct of any trade or commerce." KRS 367.170.

343. Under KRS 367.190, "[w]henever the Attorney General has reason to believe that any person is using, has used, or is about to use any method, act or practice declared by KRS

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367.170 to be unlawful, and that proceedings would be in the public interest," he may seek injunctive relief, and further may seek (i) a civil penalty of up to $25,000 per violation of any temporary or permanent injunction issued under KRS 367.190, and (ii) a civil penalty of up to $2,000 per willful violation of the KCPA. *See* KRS 367.990(1)-(2).

344. The unfair, false, misleading, and/or deceptive acts willfully committed by Defendants constitute a breach of the duties enumerated under Kentucky law, including but not limited to the KCPA.

345. At all times relevant to this Complaint, Defendants violated the KCPA by willfully engaging in unfair, false, misleading, and/or deceptive acts or practices in the Commonwealth of Kentucky. These acts or practices are unfair in that they are unconscionable, offend public policy, and are immoral, unethical, oppressive, or unscrupulous.

346. In numerous instances Defendants willfully engaged in unfair, false, misleading, and/or deceptive acts or practices in connection with the advertising, marketing, promotion, and other representations regarding their products and services, including but not limited to statements made to reporters and statements provided in sworn testimony to Congress, including through the means described herein, Defendants made deceptive representations, directly or indirectly, expressly or by implication, with the intent that consumers rely on the deceptive representations.

347. Defendants willfully failed to disclose the material facts concerning the true nature of the risks of harm posed to Young Users on TikTok.

348. Defendants willfully misrepresented to regulators and the public that TikTok was safe for Young Users, and prioritized the wellbeing of Young Users, when in fact Defendants knew that those representations were false.

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349. All the while, Defendants willfully and affirmatively made misrepresentations to the Commonwealth. And, in so doing, Defendants concealed vital knowledge and information from the Commonwealth of Kentucky, its agents and employees, resulting in significant harm.

350. Defendants had access to information and data that is unavailable to government entities and did not share that information and data. This asymmetry of information led to profound harm being visited upon Young Users and their families.

351. For each of Defendants' willful violations of KRS 367.170, the Commonwealth is entitled to recover a civil penalty of not more than two thousand dollars ($2,000) per violation, as well as all additional available relief, be it equitable (in the form of an injunction, declaratory, or other relief), or damages.

COUNT II: UNJUST ENRICHMENT

352. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

353. Plaintiff brings this Cause of Action for unjust enrichment against Defendants pursuant to its common law and/or *parens patriae* authority, as well as pursuant to the Attorney General's statutory authority to initiate litigation when in the interests of the Commonwealth per KRS 15.020(3)..

354. As a direct and proximate result of the unlawful conduct described above, Defendants have been and will continue to be unjustly enriched.

355. Defendants have benefited from their unlawful acts, realizing billions of dollars in revenues and profits through the collection, accumulation, harvesting, use, and monetization of vast amounts of young users' personal information and data.

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356. It would be inequitable and not in good conscience for Defendants to retain any ill-gotten gains earned as a result of the conduct alleged herein – gains that would not exist but for the victimization of young users in the State of Kentucky.

357. Defendants have retained this significant benefit despite their knowledge and understanding of the psychological, physical, financial, data privacy and security harms described herein experienced by young users resulting from young users' use of TikTok.

358. Young users have suffered and will continue to suffer significant detriments, in the form of psychological, physical, financial, and data privacy and security harms as, as a result of Defendants' continued practices relating to TikTok. The significant harms that young users have experienced resulting from Defendants' actions include increased rates of suicidal ideation and suicidal attempts; severe anxiety and major depressive episodes; anxiety, loneliness, and isolation that result from social comparison; sleep deprivation and disturbances; the potential for lower earnings and professional and academic performance as a result of such severe psychological and mental health harms; and the broader loss of attention, time, and focus that Young Users experienced due to TikTok's intentional and addictive platform design. These detriments are non-exhaustive, and further include the data privacy and security harms that Defendants' data-sharing practices invite.

359. Plaintiff requests an order from the Court compelling Defendants to disgorge proceeds that they unjustly received, including but not limited to the value of the intellectual property derived therefrom, as a result of its collection, harvesting, use, and monetization of young users' data and information that Defendants obtained knowing that the design of TikTok caused significant detriment to young users.

COUNT III: NEGLIGENCE

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360. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

361. The State brings this Cause of Action for negligence against Defendants pursuant to its common law and/or *parens patriae* authority, as well as pursuant to the Attorney General's statutory authority to initiate litigation when in the interests of the Commonwealth per KRS 15.020(3).

362. Defendants have a duty to make TikTok safe for their Young Users.

363. Defendants breached that duty by making TikTok addictive, not eliminating or substantially reducing the harms their TikTok causes its Young Users and providing inadequate warnings to Young Users and their parents.

364. Defendants' breach of this duty has harmed TikTok's Young Users.

365. Consumers, especially Kentucky youth and their families, are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the State's consumer protection law and the common law of Kentucky. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

COUNT IV: NEGLIGENCE – FAILURE TO WARN

366. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if fully set forth herein.

367. The State brings this Cause of Action for negligence against Defendants pursuant to its common law and/or *parens patriae* authority, as well as pursuant to the Attorney General's statutory authority to initiate litigation when in the interests of the Commonwealth per KRS 15.020(3).

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368. Defendants have a duty to warn the public as to the dangers posed to Young Users, identified herein, that are present on TikTok.

369. Defendants breached that duty by, *inter alia*, concealing, omitting, or affirmatively misrepresenting material facts—as identified above—about the addictive nature TikTok, the security and privacy harms related to TikTok, and the harms TikTok causes Young Users.

370. Defendants' breach of this duty has harmed TikTok's Young Users.

371. Consumers are suffering, have suffered, and will continue to suffer substantial injury as a result of Defendants' violations of the State's consumer protection and business regulation laws (including the MCPA) and the common law of Kentucky. Absent injunctive relief by this Court, Defendants are likely to continue to injure consumers and harm the public interest.

PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully prays that the Court grant the following relief:

a. Entering an Order finding that the Defendants have violated the Kentucky Consumer Protection Act, as well as the common law of Kentucky as set forth herein, and have been unjustly enriched by such, and that judgment be entered against Defendants in favor of Plaintiff;

b. Granting Plaintiff all recoverable measures of damages—including but not limited actual and punitive damages—allowable under the claims identified herein;

c. Awarding Plaintiff penalties of up to $2,000.00 per willful violation of the KCPA;

d. Awarding Plaintiff temporary and permanent injunctive relief against Defendants' ongoing violations of the KCPA, and a penalty of up to $25,000 per violation of that temporary and permanent injunction;

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e. Awarding Plaintiff disgorgement of all of Defendants' ill-gotten gains; and

f. Entering an Order finding that, in accordance with the KCPA, Defendants, their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents, and employees thereof, and all other persons acting or claiming to act on their behalf or in concert with them, be enjoined and restrained from, in any manner, continuing, maintaining or renewing the conduct, alleged herein in violation of the above stated Kentucky laws, or from entering into any other contract, conspiracy having a similar purpose or effect;

g. Allowing Plaintiff to recover the costs and expenses of suit, pre- and post-judgment interest, and reasonable attorneys' fees as provided by law; and

h. Ordering such other and further relief as the Court deems just, necessary, and appropriate.

RESPECTFULLY SUBMITTED, this the 8th day of October, 2024.

RUSSELL COLEMAN
Attorney General
Commonwealth of Kentucky

/s/ J. Christian Lewis
Justin Clark (KY Bar No. 89313)
J. Christian Lewis (KY Bar No. 87109),
Philip Heleringer (KY Bar No. 96748),
Jonathan E. Farmer (KBA No. 91999),
Eric C. Musgrave (KBA No. 93208),
1024 Capital Center Drive, Suite 200
Frankfort, KY 40601
JUSTINDCLARK@KY.GOV
CHRISTIAN.LEWIS@KY.GOV
PHILIP.HELERINGER@KY.GOV
JONATHAN.FARMER@KY.GOV
CHRIS.MUSGRAVE@KY.GOV
Phone: (502) 696-5300
Fax: (502) 564-2698

/s/ John Hunt Morgan
John Hunt Morgan (KY Bar No. 87094)

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Richard Couch (KY Bar No. 87165)
Law offices of John Hunt Morgan, PSC
62 Ball Park Road
P.O. Drawer 750
Harlan, Kentucky 40831
jhmatty7@gmail.com
richardcouch@windstream.net
Phone: (606) 573-4242
Fax: (606) 573-4249

Philip D. Carlson, *pro hac admission to be applied for*
Brian E. McMath, *pro hac admission to be applied for*
Nachawati Law Group
5489 Blair Road
Dallas, Texas 75231
Telephone: (214) 890-0711
pcarlson@ntrial.com
bmcmath@ntrial.com

David F. Slade, *pro hac admission to be applied for*
Wade Kilpela Slade
1 Riverfront Place, Suite 745
North Little Rock, Arkansas 72114
(501) 773-9799
slade@waykayslay.com

Attorneys for Plaintiff the Commonwealth of Kentucky

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AOC-E-105 Sum Code: CI
Rev. 9-14

Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

CR 4.02; Cr Official Form 1

Case #: **24-CI-00824**
Court: **CIRCUIT**
County: **SCOTT**

CIVIL SUMMONS

Plantiff, **COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET**, *Defendant*

TO: **TIKTOK, INC.**
5800 BRISTOL PARKWAY C3 CULVER CITY
CULVER CITY, CA 90230

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Tina Foster
Scott Circuit Clerk
Date: **10/8/2024**

Proof of Service

This Summons was:

☐ Served by delivering a true copy and the Complaint (or other initiating document)

To: _____

☐ Not Served because: _____

Date: _____, 20____

_____
Served By

_____
Title

Summons ID: @90005703767
CIRCUIT: 24-CI-00824 Long Arm Statute – Secretary of State
COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET

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695905DD-BD78-4FB8-A399-B266E0C83A66 : 000120 of 000125
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AOC-E-105 Sum Code: CI
Rev. 9-14

Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

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Case #: **24-CI-00824**
Court: **CIRCUIT**
County: **SCOTT**

CIVIL SUMMONS

Plantiff, **COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET**, *Defendant*

TO: **BYTEDANCE INC.**
1199 COLEMAN AVE
SAN JOSE, CA 951101104

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Tina Foster
Scott Circuit Clerk
Date: **10/8/2024**

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_____
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Summons ID: @90005703768
CIRCUIT: 24-CI-00824 Long Arm Statute – Secretary of State
COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET

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AOC-E-105 Sum Code: CI
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Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

CR 4.02; Cr Official Form 1

Case #: **24-CI-00824**
Court: **CIRCUIT**
County: **SCOTT**

CIVIL SUMMONS

Plantiff, **COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET**, *Defendant*

TO: **BYTEDANCE LTD.**
ROOM 503 5F, BUILDING 2
43 NORTH THIRD RING ROAD
BEIJING, 100086 CHINA,

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Tina Foster
Scott Circuit Clerk
Date: **10/8/2024**

Proof of Service

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Title

Summons ID: @90005703769
CIRCUIT: 24-CI-00824 Return to Filer for Service
COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET

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695905DD-BD78-4FB8-A399-B266E0C83A66 : 000122 of 000125
Presiding Judge: HON. KATHRYN GABHART (614428)
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AOC-E-105 Sum Code: CI
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Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

CR 4.02; Cr Official Form 1

Case #: **24-CI-00824**
Court: **CIRCUIT**
County: **SCOTT**

CIVIL SUMMONS

Plantiff, **COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET**, *Defendant*

TO: **TIKTOK LTD.**
NO.331 NORTH CAOXI ROAD
CCIG INTERNATIONAL PLAZA
SHANGHAI, 200030 CHINA,

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Scott Circuit Clerk
Date: **10/8/2024**

Proof of Service

This Summons was:

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To: _____

☐ Not Served because: _____

Date: _____, 20____

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Served By

_____
Title

Summons ID: @90005703770
CIRCUIT: 24-CI-00824 Return to Filer for Service
COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET

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695905DD-BD78-4FB8-A399-B266E0C83A66 : 000123 of 000125
Presiding Judge: HON. KATHRYN GABHART (614428)
CI : 000001 of 000001

AOC-E-105 Sum Code: CI
Rev. 9-14

Commonwealth of Kentucky
Court of Justice *Courts.ky.gov*

CR 4.02; Cr Official Form 1

Case #: **24-CI-00824**
Court: **CIRCUIT**
County: **SCOTT**

CIVIL SUMMONS

Plaintiff, **COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET**, *Defendant*

TO: **TIKTOK LLC**
CORPORATION SERVICE COMPANY
251 LITTLE FALLS DRIVE
WILMINGTON, DE 19808

The Commonwealth of Kentucky to Defendant:

You are hereby notified that a **legal action has been filed against you** in this Court demanding relief as shown on the document delivered to you with this Summons. **Unless a written defense is made by you or by an attorney on your behalf within twenty (20) days** following the day this paper is delivered to you, judgment by default may be taken against you for the relief demanded in the attached complaint.

The name(s) and address(es) of the party or parties demanding relief against you or his/her (their) attorney(s) are shown on the document delivered to you with this Summons.

Scott Circuit Clerk
Date: **10/8/2024**

Proof of Service

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To: _____

☐ Not Served because: _____

Date: _____, 20____

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Served By

_____
Title

Summons ID: @90005703771
CIRCUIT: 24-CI-00824 Long Arm Statute – Secretary of State
COMMONWEALTH OF KENTUCKY, EX REL. ET AL VS. TIKTOK, INC. ET

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Presiding Judge: HON. KATHRYN GABHART (614428)
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Commonwealth of Kentucky
Tina Foster, Scott Circuit Clerk

Case #: 24-CI-00824 **Envelope #:** 8984458

Received From: JOHN MORGAN **Account Of:** JOHN MORGAN

Case Title: COMMONWEALTH OF KENTUCKY, EX REL. ET VS. TIKTOK, INC, ET **Confirmation Number:** 189484387

Filed On 10/8/2024 9:51:15AM

#	Item Description	Amount
1	Court Facilities Fee	$25.00
2	Access To Justice Fee	$20.00
3	Money Collected For Others(Court Tech. Fee)	$20.00
4	Money Collected For Others(Attorney Tax Fee)	$5.00
5	Money Collected For Others(Secretary of State Electronic Services)	$30.00
6	Money Collected For Others(Secretary of State Service Copies)	$36.30
7	Library Fee	$1.00
8	Civil Filing Fee	$150.00
9	Charges For Services(Attestation)	$0.50
10	Charges For Services(Jury Demand / 12)	$70.00
	TOTAL:	$357.80

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