

1 *LIST OF COUNSEL ON SIGNATURE PAGE*

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11

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12

13

**THE PEOPLE OF THE STATE OF
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STATE OF INDIANA;

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STATE OF KANSAS, *ex rel.* KRIS W.
KOBACH, Attorney General;

28

**COMPLAINT FOR INJUNCTIVE AND
OTHER RELIEF**

1 **THE COMMONWEALTH OF**
2 **KENTUCKY;**

3 **STATE OF LOUISIANA;**

4 **STATE OF MAINE;**

5 **OFFICE OF THE ATTORNEY GENERAL**
6 **OF MARYLAND;**

7 **STATE OF MICHIGAN** *ex rel.* DANA
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19 **DIVISION OF CONSUMER AFFAIRS;**

20 **THE PEOPLE OF THE STATE OF NEW**
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23 YORK;

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25 JOSHUA H. STEIN, ATTORNEY
26 GENERAL;

27 **STATE OF NORTH DAKOTA**, *ex rel.*
28 DREW WRIGLEY, ATTORNEY GENERAL;

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STATE OF RHODE ISLAND;

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2 ALAN M. WILSON, IN HIS OFFICIAL
3 CAPACITY AS ATTORNEY GENERAL OF
4 THE STATE OF SOUTH CAROLINA;

5 **STATE OF SOUTH DAKOTA** *ex rel.*
6 MARTY J. JACKLEY, SOUTH DAKOTA
7 ATTORNEY GENERAL;

8 **COMMONWEALTH OF VIRGINIA**,
9 *ex rel.* JASON S. MIYARES,
10 ATTORNEY GENERAL;

11 **STATE OF WASHINGTON**, *ex rel.*
12 ROBERT W. FERGUSON, ATTORNEY
13 GENERAL;

14 **STATE OF WEST VIRGINIA**, *ex rel.*
15 PATRICK MORRISEY, ATTORNEY
16 GENERAL; and

17 **STATE OF WISCONSIN**,

18 **Plaintiffs,**

19 **v.**

20 **META PLATFORMS, INC.;**

21 **INSTAGRAM, LLC;**

22 **META PAYMENTS, INC.;** and

23 **META PLATFORMS TECHNOLOGIES,**
24 **LLC,**

25 **Defendants.**

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I. SUMMARY OF THE CASE

1
2 1. Over the past decade, Meta¹—itself and through its flagship Social Media
3 Platforms Facebook and Instagram (its Social Media Platforms or Platforms)—has profoundly
4 altered the psychological and social realities of a generation of young Americans. Meta has
5 harnessed powerful and unprecedented technologies to entice, engage, and ultimately ensnare
6 youth and teens. Its motive is profit, and in seeking to maximize its financial gains, Meta has
7 repeatedly misled the public about the substantial dangers of its Social Media Platforms. It has
8 concealed the ways in which these Platforms exploit and manipulate its most vulnerable
9 consumers: teenagers and children.² And it has ignored the sweeping damage these Platforms
10 have caused to the mental and physical health of our nation’s youth. In doing so, Meta engaged
11 in, and continues to engage in, deceptive and unlawful conduct in violation of state and federal
12 law.

13 2. Meta’s scheme involved four parts: (1) through its development of Instagram and
14 Facebook, Meta created a business model focused on maximizing young users’ time and attention
15 spent on its Social Media Platforms; (2) Meta designed and deployed harmful and
16 psychologically manipulative product features to induce young users’ compulsive and extended
17 Platform use, while falsely assuring the public that its features were safe and suitable for young
18 users; (3) Meta concealed and suppressed internal data showing the high incidence of user harms
19 on its Social Media Platforms, while routinely publishing misleading reports boasting a
20 deceptively low incidence of user harms; and (4) despite overwhelming internal research,
21 independent expert analysis, and publicly available data that its Social Media Platforms harm
22 young users, Meta still refuses to abandon its use of known harmful features—and has instead
23 redoubled its efforts to misrepresent, conceal, and downplay the impact of those features on
24 young users’ mental and physical health.

25
26 ¹ The term “Meta” as used herein refers collectively to Defendants Meta Platforms, Inc.;
Instagram, LLC; Meta Payments, Inc.; and Meta Platforms Technologies, LLC, unless otherwise
27 specified.

28 ² The term “young users” as used herein refers to users of Meta’s Platforms who are under
18 years of age when using the Platform(s).

1 3. *First*, Meta’s business model is based on maximizing the time that young users
2 spend on its Social Media Platforms. Meta targets young users and incentivizes its employees to
3 develop ways to increase the time that young users spend on its Platforms. The more time young
4 users spend on Instagram and Facebook, the more Meta earns by selling advertising targeted to
5 those users.

6 4. *Second*, consistent with this business model, Meta has developed and refined a set
7 of psychologically manipulative Platform features designed to maximize young users’ time spent
8 on its Social Media Platforms. Meta was aware that young users’ developing brains are
9 particularly vulnerable to certain forms of manipulation, and it chose to exploit those
10 vulnerabilities through targeted features such as: (a) dopamine-manipulating recommendation
11 algorithms; (b) “Likes” and social comparison features known by Meta to harm young users;
12 (c) audiovisual and haptic alerts that incessantly recall young users to Meta’s Social Media
13 Platforms while at school and during the night; (d) visual filter features known to promote young
14 users’ body dysmorphia; and (e) content-presentation formats, such as infinite scroll, designed to
15 discourage young users’ attempts to self-regulate and disengage with Meta’s Platforms.

16 5. In promoting and marketing these features to young users, Meta deceptively
17 represented that the features were *not* manipulative; that its Social Media Platforms were *not*
18 designed to promote young users’ prolonged and unhealthy engagement with social media; and
19 that Meta had designed and maintained its Social Media Platforms to ensure safe experiences for
20 young users. These representations, both express and implied, were false and misleading.

21 6. *Third*, to assuage public concerns about harms to young users on Meta’s Social
22 Media Platforms, Meta routinely published profoundly misleading reports purporting to show
23 impressively low rates of negative and harmful experiences by users of its Platforms. At the same
24 time, Meta secretly maintained a parallel set of internal data showing shockingly *high* rates of
25 harms experienced by users of its Social Media Platforms. By publishing the favorable
26 Community Standard Enforcement Reports (CSER) data, while concealing the alarming Bad
27 Experiences & Encounters Framework (BEEF) and Tracking Reach of Integrity Problems Survey
28

1 (TRIPS) data showing frequent user harms, Meta represented to the public that its Social Media
2 Platforms were far safer for young users than they actually were.

3 7. *Fourth*, despite the strong and well-researched links between young people’s use
4 of Meta’s Social Media Platforms and psychological and physical harm, Meta has continued to
5 conceal and downplay its Platforms’ adverse effects. Research has shown that young people’s use
6 of Meta’s Social Media Platforms is associated with depression, anxiety, insomnia, interference
7 with education and daily life, and many other negative outcomes. Internal studies that Meta
8 commissioned (which were kept private until they were leaked by a whistleblower) reveal that
9 Meta has known for *years* about the serious harms associated with young users’ time spent on its
10 Social Media Platforms. Nonetheless, Meta has continued to deny and downplay these harmful
11 effects to the public and to promote its Platforms as safe for young users.

12 8. Finally, Meta has also flouted its obligations under the Children’s Online Privacy
13 Protection Act (COPPA) by unlawfully collecting the personal data of its youngest users without
14 their parents’ permission. Meta has marketed and directed its Social Media Platforms to children
15 under the age of 13 and has actual knowledge that those children use its Platforms. But Meta has
16 refused to obtain (or even to attempt to obtain) the consent of those children’s parents prior to
17 collecting and monetizing their personal data. Meta publicly denies what is privately discussed as
18 an open secret within the company: that very young children are a known component of Meta’s
19 user base and business model. Nonetheless, Meta refuses to limit its collection and use of those
20 children’s personal information as required by law.

21 9. These exploitative and harmful acts and practices by Meta are unlawful. They
22 constitute unfair and/or deceptive acts or practices under the state consumer protection statutes,
23 violate COPPA, and further constitute unlawful acts under common law principles.

24 10. Now, instead of acknowledging and remedying the harms associated with these
25 unlawful practices, Meta appears to be *expanding* the use of these practices into new Platforms
26 and domains. This includes, for example, Meta’s Virtual Reality (VR) Metaverse, where young
27 users are immersed into Meta’s new Horizon Worlds platform; Meta’s communication Platforms
28 like WhatsApp and Messenger; and other products, in which Meta uses evolving technology to

1 replicate the harmful strategies it honed through its experiments on the young users of Instagram
2 and Facebook.

3 11. Arizona; the People of the State of California (California); Colorado; Connecticut;
4 Delaware; Georgia; Hawai‘i; Idaho; the People of the State of Illinois, by and through Attorney
5 General Kwame Raoul (Illinois); Indiana; Kansas; Kentucky; Louisiana; Maine; Office of the
6 Attorney General of Maryland (Maryland); Michigan; State of Minnesota, by its Attorney
7 General, Keith Ellison (Minnesota); Missouri; Nebraska; Matthew J. Platkin, Attorney General
8 for the State of New Jersey, and Cari Fais, Acting Director of the New Jersey Division of
9 Consumer Affairs (New Jersey); New York; North Carolina; North Dakota, ex rel. Drew H.
10 Wrigley, Attorney General (North Dakota); Ohio; Oregon; Pennsylvania; Rhode Island; South
11 Carolina; South Dakota; Virginia; Washington; West Virginia; and Wisconsin (collectively, the
12 Filing States) seek to enjoin Meta’s present and ongoing unlawful conduct that harms young users
13 and obtain any other remedies provided for under state or federal laws.

14 II. PUBLIC INTEREST

15 12. This action is in the public interest of the Filing States. Meta has engaged in, and
16 will continue to engage in, the unlawful acts and practices set forth below. Meta’s unlawful acts
17 and practices affect a significant number of consumers in the Filing States. These acts and
18 practices have caused and will continue to cause adverse effects to consumers in the Filing States.

19 III. JURISDICTION, VENUE AND DIVISIONAL ASSIGNMENT

20 A. Jurisdiction

21 13. This Court has subject matter jurisdiction over the claims in this Complaint
22 pursuant to 28 U.S.C. § 1331 because they involve questions of federal law arising under
23 COPPA, 15 U.S.C. § 6501 *et seq.*; 16 C.F.R. §§ 312.4, 312.5, 312.9. This Court has supplemental
24 jurisdiction over the Filing States’ state law claims pursuant to 28 U.S.C. § 1367(a), as all claims
25 alleged herein form part of the same case or controversy.

26 14. This Court has general personal jurisdiction over Meta because each Defendant’s
27 principal place of business is in California and each Defendant intentionally avails itself of the
28 California market so as to render the exercise of jurisdiction over it by courts in California

1 consistent with traditional notions of fair play and substantial justice. Cal. Civ. Proc. Code
2 § 410.10.

3 15. This Court has personal jurisdiction over Meta for the Filing States' COPPA
4 claims because all Defendants have their principal place of business in Menlo Park, a city in this
5 District. 15 U.S.C. § 6504(e)(2).

6 16. Meta conducts business in this District through itself or its subsidiaries over which
7 it exercises complete dominion and control. Meta and its subsidiaries operate as a common
8 enterprise while engaging in the unfair, deceptive, and other unlawful acts and practices alleged
9 below. Because Meta and its subsidiaries have operated as a common enterprise, this Court has
10 jurisdiction over each entity individually and collectively.

11 **B. Venue**

12 17. Venue is proper in the Northern District of California under 28 U.S.C. § 1391
13 because all Defendants reside in this District. All Defendants have their principal place of
14 business in Menlo Park, a city in this District. Moreover, a substantial part of the unlawful
15 conduct complained of herein occurred in this District, where Meta's headquarters is located.

16 **C. Divisional Assignment.**

17 18. This case is properly assigned to the Oakland or San Francisco Divisions because
18 the civil action arises in substantial part from events or omissions in San Mateo County. Civil
19 L.R. 3-2(d). All Defendants' principal places of business are located in Menlo Park, a city in San
20 Mateo County, where Meta's conduct was controlled and directed.

21 **IV. RELEVANT TIMES**

22 19. Meta's conduct is in continuing violation of the laws supporting the claims for
23 relief in this Complaint, beginning at a time unknown to the Filing States, but no later than 2012,
24 and such claims have continuously accrued through the present. This action is timely brought
25 pursuant to the parties' Tolling Agreement signed by Meta's counsel on July 18, 2022, which
26
27
28

1 tolls all claims ripe as of December 20, 2021. This action is also timely brought pursuant to any
2 applicable state statutes.³

3 V. PLAINTIFFS

4 20. This action is brought by and through a coalition of the Filing States' Attorneys
5 General.

6 21. The Filing States bring this action pursuant to the authority conferred on the State
7 Attorneys General by applicable federal and state law. The Attorneys General of the Filing States
8 are authorized by COPPA to bring actions to enforce COPPA's provisions. 15 U.S.C.
9 § 6504(a)(1). Pursuant to 15 U.S.C § 6504(a)(2), the Filing States notified the Federal Trade
10 Commission (FTC) of this action. The Attorneys General are also authorized by their respective
11 states' Unfair and Deceptive Acts and Practices statutes (UDAP Statutes) to enforce such
12 statutes.⁴ These state laws authorize the states to seek injunctive and other equitable relief, as well
13 as, in some states, restitution, civil penalties, declaratory relief, attorneys' fees, expenses, and
14 costs.

15 VI. DEFENDANTS

16 22. The Defendants in this action include Meta Platforms, Inc. (Meta Platforms),
17 Instagram, LLC (Instagram), Meta Payments, Inc. (Meta Payments), and Meta Platforms
18 Technologies, LLC (Meta Technologies) (collectively, Meta).

19
20 ³ Cal. Bus. & Prof. Code § 17208; Cal. Civ. Proc. Code § 338(h); Colo. Rev. Stat. § 6-1-
21 115; 815 ILCS 505/3; Ind. Code § 24-5-0.5-5(b); Mich. Comp. Laws §§ 445.911(9), 600.5805,
22 600.5813; Minn. Stat. § 541.05; Mo. Rev. Stat. §516.120; Neb. Rev. Stat. §§ 59-1612; 87-303.10;
N.J. STAT. ANN. 2A:14-1.2; N.Y. C.P.L.R. §§ 213(9), 214(2); N.D. Cent. Code § 51-15-12; Ohio
Rev. Code § 1345.07(E); S.C. Code Ann. § 39-5-150; Wis. Stat. § 100.18(11)(b)3.

23 ⁴ Ariz. Rev. Stat. §§ 44-1521 to -1534; Cal. Bus. & Prof. Code §§ 17203, 17204, 17205-
24 17206.1, 17500, 17534.5, 17535, 17536; Colo. Rev. Stat. §§ 6-1-103, 107, 110, and 112; Conn.
25 Gen. Stat. §§ 42-110m(a) and 42-110o(b); 6 Del. Code Ann. §§ 2513 and 2532; O.C.G.A. §§ 10-
26 1-397(b)(2) and 10-1-397.1; Haw. Rev. Stat. § 480-20; 815 ILCS 505/3; Ind. Code § 24-5-0.5-
27 4(c); K.S.A. § 50-623 *et seq.*; Ky. Rev. Stat. Chapter 367, *et seq.*; LA. REV. STAT. ANN.
28 §§ 51:1401-1428; ME. REV. STAT. ANN. tit. 5, § 209; Mich. Comp. Laws §§ 445.905 and
445.910; Minn. Stat. §§ 8.01, 8.31, and 325D.44 *et seq.*; Mo. Rev. Stat. § 407.100; Neb. Rev.
Stat. §§ 59-1608 *et seq.*; 87-303.02 *et seq.*; N.J. STAT. ANN. § 56:8-1 to 227; N.Y. Exec. Law
§ 63(12); N.C.G.S. §§ 75-14 to 75-15.2; N.D. Cent. Code §§ 54-12-01, -17, and §§ 51-15-04, -07,
-10, -11; Ohio Rev Code § 1345.02; O.R.S. § 646.632; 73 P.S. § 201-4; R.I. Gen. Laws § 6-13.1-
5(a); S.C. Code Ann. § 39-5-10, *et seq.*; Va. Code §§ 59.1-201.1 to 203 and 205 to 207; Wash.
Rev. Code §§ 19.86.080, .140; Wis. Stat. §§ 100.18(11)(a) and (d); and 165.25(4)(ar).

1 23. Defendant Meta Platforms is a Delaware corporation with its principal place of
2 business in Menlo Park, California. As relevant here, Meta Platforms, through itself or its
3 subsidiaries, develops, markets, and operates Social Media Platforms and other internet-based
4 Platforms and products including Facebook, Instagram, Messenger, and WhatsApp. Meta also
5 develops, markets, and operates the VR Social Media Platform Horizon Worlds.

6 24. Meta Platforms transacts or has transacted business in this District, the Filing
7 States, and throughout the United States. At all times material to this Complaint, acting alone or
8 in concert with its subsidiaries (identified below), Meta Platforms has advertised, marketed, and
9 distributed its Social Media Platforms to consumers throughout the United States.

10 25. Meta Platforms was formerly known as Facebook, Inc. until it changed its
11 corporate name in October 2021. In 2004, Mark Zuckerberg founded the Social Media Platform
12 The Facebook, while a student at Harvard University. At that time, Myspace was popular, along
13 with websites like Friendster and Flickr. The Facebook spread among colleges via word of mouth
14 and exclusive invitations and became more popular among young adults. Zuckerberg dropped out
15 of Harvard to develop the Platform into a company, and it became known as Facebook.

16 26. Facebook's popularity not only grew—it changed the entire landscape of the
17 internet. In 2004, only 5% of U.S. adults used any social media platform. As of 2021, 69% of
18 U.S. adults used Facebook *alone*.

19 27. Following the success of Facebook, Meta Platforms expanded through a series of
20 acquisitions. On April 9, 2012, Meta Platforms purchased Instagram reportedly for \$1 billion.
21 Meta Platforms acquired Instagram in part because it believed that if Instagram grew to a large
22 scale, it could be very disruptive to Facebook.

23 28. More importantly, Instagram was most popular among young users—a market
24 where Meta was seeking to expand as Facebook's primary audience aged and the Platform lost its
25 “cool” factor.

26 29. By the end of 2016, Instagram grew to over 600 million users. By 2018, Instagram
27 had revenues surpassing \$10 billion, and it has been estimated to be valued at over \$100 billion.
28 An estimated 62% of teens in the United States regularly use Instagram.

1 30. Meta Platforms has also expanded into virtual reality gaming, hardware, and
2 software, since acquiring the virtual reality headset creator Oculus in 2014.

3 31. In October 2021, Facebook rebranded the company to “Meta,” a move meant to
4 encapsulate that its subsidiaries and products went beyond the Facebook Platform and to
5 emphasize its work on the so-called “metaverse.”

6 32. As a result of acquisitions such as Instagram and Oculus, Meta Platforms has
7 continued to dominate the market of Social Media Platforms and apps, becoming the largest
8 social media company in the world. As of October 2023, Meta Platforms’ market capitalization—
9 the value of the company—exceeded \$800 billion.

10 33. At all times material to this Complaint, Meta Platforms formulated, directed,
11 controlled, had the authority to control, or participated in the acts and practices set forth in this
12 Complaint.

13 34. Defendant Meta Platforms currently operates its business primarily through its
14 subsidiaries. Meta Platforms’ key subsidiaries include Instagram, Meta Payments, and Meta
15 Platforms Technologies.

16 35. Defendant Instagram offers a mobile application that enables users to share content
17 such as photographs and videos online and over social networks. Instagram is a limited liability
18 company formed in Delaware, and shares its principal place of business in Menlo Park,
19 California, with Meta Platforms. Defendant Meta Platforms is the sole member or manager of
20 Instagram.

21 36. Defendant Meta Payments is incorporated in the State of Florida and shares its
22 principal place of business in Menlo Park, California, with Meta Platforms. Meta Payments
23 processes payments made through Meta’s Social Media Platforms. Meta Platforms directly owns
24 Meta Payments, its subsidiary.

25 37. Defendant Meta Technologies is a Delaware limited liability company and shares
26 its principal place of business in Menlo Park, California, with Meta Platforms. Previously known
27 as Facebook Technologies, LLC, Meta Technologies has absorbed Meta’s Oculus business
28

1 segment, which it acquired in 2014. Meta Technologies develops Meta’s virtual reality
2 technology. Defendant Meta Platforms is the sole member or manager of Meta Technologies.

3 38. As detailed in the allegations below, Meta Platforms, itself and through its
4 Defendant subsidiaries over which it exercises authority and control (collectively, Meta), has
5 engaged in, and continues to engage in, unfair, deceptive, and unlawful activity in the Filing
6 States and in this District.

7 39. Meta operates as a common enterprise. All Defendants have their principal place
8 of business at Meta Platforms’ corporate headquarters in Menlo Park, California. As discussed
9 below, senior executives at Meta Platforms, including Zuckerberg—Meta Platforms’ CEO, board
10 chair, and controlling shareholder—exercise control over important policy and staffing decisions
11 relating to its Social Media Platforms.

12 40. Meta also represents itself as a common enterprise. Meta’s financial disclosures
13 describe Facebook, Instagram, Messenger, and WhatsApp, as Meta’s “‘family’ of products,” and
14 report revenue and expenses for the entire “family” together. Instagram’s Terms of Use agreement
15 currently identifies “The Instagram Service” as “one of the Meta Products, provided to you by
16 Meta Platforms, Inc.” Meta’s supplemental terms of service for its “Meta Platforms Technologies
17 Products” is similarly styled as an agreement between Meta Platforms and the user. “Meta
18 Platforms Technologies Products” are defined to include its VR-related products, such as its Meta
19 Quest and Oculus virtual reality headsets, and Meta Horizon Worlds, its virtual reality Social
20 Media Platform. Meta Platforms also reports its revenue from its VR business segment in its
21 financial disclosures.

22 41. Meta’s corporate website represents the leaders of its subsidiaries as Meta’s
23 “executives” alongside Zuckerberg and other Meta Platforms executives. For example, Adam
24 Mosseri is identified as “Head of Instagram” and is described as having “been at Meta” for more
25 than 11 years. Stephane Kasriel, the CEO of Meta Payments, is identified on Meta’s website as
26 “the head of Commerce and Financial Technologies at Meta” who “oversees all commerce and
27 fintech work across Meta’s technologies and platforms.”
28

1 42. Employees of Instagram work on cross-family teams with employees who work on
2 Meta’s other applications. Some significant policy decisions are made in “cross-family
3 review[s].”

4 43. In addition to sharing a headquarters, Meta employees use shared email systems.
5 For example, employees of Instagram, such as Instagram’s Director of Data Science, have used
6 @fb.com email addresses, and Mosseri has used @fb.com and @meta.com email addresses while
7 Head of Instagram.

8 44. Because Meta operates as a common enterprise, each Defendant is jointly and
9 severally liable for the acts and practices alleged below.

10 **VII. TRADE AND COMMERCE IN THE FILING STATES**

11 45. As described in this Complaint, Meta has engaged and continues to engage in
12 conduct that constitutes, is in connection with, or affects “trade,” “commerce,” “advertising,”
13 “business,” “merchandise,” “occupation,” “sale,” “vocation,” “consumer acts or practices,” and/or
14 “consumer transactions,” as those terms are defined in the Filing States’ UDAP Statutes.⁵

15 46. Although users can establish accounts on Meta’s Social Media Platforms without
16 paying a fee, Meta does not provide its Platforms for free—rather, it charges its users by
17 collecting their data and time, which Meta then converts into advertising dollars.

18 47. For example, this is confirmed by Instagram’s terms of use:

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

24 ⁵ Cal. Bus. & Prof. Code § 17200; Colo. Rev. Stat. §§ 6-1-106, 6-1-105; Conn. Gen. Stat.
25 § 42-110b(a); 6 Del. Code Ann. § 2511(6); O.C.G.A. § 10-1-392(7), (10), (28); Haw. Rev. Stat. §
26 480-1; 815 ILCS 505/1(f); Ind. Code § 24-5-0.5-2(a)(1); K.S.A. § 50-624; Ky. Rev. Stat. §
27 367.110; LA. REV. STAT. ANN. § 51:1402(10); ME. REV. STAT. ANN. tit. 5, § 206(3); Mo. Rev.
28 Stat. §407.020 as defined in §407.010(7); Neb. Rev. Stat. § 59-1602; N.J. STAT. ANN. §. 56:8-1;
N.C.G.S. § 75-1.1(a); N.D. Cent. Code § 51-15-02; Ohio Rev. Code § 1345.01; O.R.S. §
646.605(8); 73 P.S. § 201-2(3); R.I. Gen. Laws § 6-13.1-1(5); S.D.C.L. ch. 37-24; Va. Code §
59.1-198; Wash. Rev. Code § 19.86.010(2).

1 48. Meta provides tools for businesses to advertise on its Platforms. Meta’s
2 “Campaign Ideas Generator” provides “campaign ideas, pre-made assets, and resources that are
3 specific to your small business needs.”

4 49. Meta provides other features and tools so that it and its users can generate revenue
5 and engage in commerce. For example, the Instagram Shopping feature allows small businesses
6 and global brands alike to advertise and sell goods, which users can purchase directly through the
7 Instagram Platform.

8 50. Meta encourages and provides tools for users to engage in commerce themselves.
9 Meta’s creator monetization tools, for example, allow users to make money through Instagram
10 and Facebook. Meta has also signaled that it is testing creator monetization tools on its Horizon
11 Worlds Platform.

12 51. Meta also allows direct advertising by users on its Instagram Platform. In
13 November 2013, Meta created “Sponsored Posts,” where Instagram users could use posts in their
14 “Feed” to promote a specific product. As a result, many Instagram users (including young users)
15 became “influencers,” compensated by advertisers for promoting a product through their posts.

16 52. In addition, in approximately June 2023, Meta began offering Meta Verified to
17 Instagram and Facebook account holders within the United States. Account holders can purchase
18 a Meta Verified subscription bundle that includes account verification with impersonation
19 protections and access to increased visibility and support. Meta Verified is available on Instagram
20 and Facebook for a monthly fee of \$11.99 when a user subscribes from the web (Facebook
21 account holders only) and \$14.99 when a user subscribes in the Instagram or Meta apps.

22 **VIII. META’S SCHEME TO EXPLOIT YOUNG USERS FOR PROFIT**

23 53. Meta has exploited young users of its Social Media Platforms, including by:
24 (1) creating a business model focused on maximizing young users’ time on its Platforms;
25 (2) employing harmful and psychologically manipulative Platform features while misleading the
26 public about the safety of those features; (3) publishing misleading reports purporting to show
27 low rates of user harms; and (4) in spite of the overwhelming evidence linking its Social Media
28

1 Platforms to young user harms, refusing to address those harms while continuing to conceal and
2 downplay its Platforms’ adverse effects.

3 **A. To maximize profit, Meta’s business model focuses on increasing young users’**
4 **engagement.**

5 **1. Meta monetizes young users’ attention through data harvesting and**
6 **targeted advertising.**

7 54. Meta’s core business model across its Social Media Platforms is monetizing user
8 information and attention by increasing engagement, otherwise known as time spent, on its
9 Platforms. Meta is constantly striving to sustain and increase user engagement on its Platforms so
10 that it can sell more and better advertising opportunities to paying advertisers.

11 55. Meta generates most of its revenue from advertisers, who are able to use targeted
12 advertising based on the personal data Meta collects for each user. As Meta’s CFO David Wehner
13 indicated in a January 2019 earnings call:

14 In terms of our ability to continue to grow the advertising business,
15 it’s about working to develop the best—the best products we can to
16 enable advertisers to achieve their end business results. Targeting
obviously very is [sic] important in that.

17 56. When Meta succeeds in maintaining a user’s interest through its recommendation
18 algorithms—thus keeping the user on a Platform for a longer time—Meta can collect more data
19 on the user and serve the user more advertisements.

20 57. Indeed, as Zuckerberg has confirmed, the company’s core business model relies on
21 increasing the amount of time its users stay on the Platforms. Zuckerberg wrote, for example, that
22 he hoped to see time spent on Instagram increase by 10% between 2016 and 2021.

23 58. Increasing the time spent on Meta’s Platforms increases the effective delivery of
24 targeted ads—a pivotal factor in Meta’s ability to generate revenue. In an April 2019 earnings
25 call, Meta’s CFO noted, “we’re relying on continuing to improve targeting. And so you’ve got—
26 the risk there is of course the headwinds that we talked about on the ad targeting front and how
27 that will play into U.S. growth as well.”
28

1 59. Advertisers can target their advertisements to Meta’s users through user profiles
2 that Meta develops based, in part, on the data Meta accumulates about the users.

3 60. Advertisers can select from a variety of highly targeted user demographics (such
4 as age, gender, and location) collected by Meta.

5 61. Advertisers do not have long-term commitments to Meta’s Platforms.
6 Accordingly, Meta must continue to deliver ads in an effective manner to retain paying
7 advertisers and maintain and increase its revenue.

8 62. Meta has emphasized ad effectiveness as a top priority for future growth. As then-
9 Chief Operating Officer Sheryl Sandberg told investors on a 2019 earnings call, “[o]ver time our
10 systems will do a better job deciding where your ads should be placed and even helping you
11 target. And so you’re seeing us build tools in that direction as well.”

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

19 64. Meta’s Recommendation Algorithms were designed with its business purpose in
20 mind, namely, to capture users’ attention and keep them engaged on the Platforms.

21 65. These algorithms do not promote any specific message by Meta. Rather, the
22 algorithms function on a user-by-user basis, detecting the material each individual is likely to
23 engage with and then increasingly displaying similar material to maximize the time spent (and
24 user data collected) on the Platforms.

25 66. As a result, Meta’s algorithm alters users’ experiences on the Platform and draws
26 unwitting users into rabbit holes of algorithmically curated material, as described by a Meta data
27 scientist in a February 2021 internal email:
28

1 It's hard to clear out an interest once you've engaged with
2 something on Explore . . . We're working with the
3 Drebbel/RabbitHole⁶ team to apply their tool. They've used it to
4 understand how recommendations of civic content amplify
partisanship; we can apply it to understand whether our algorithms
are recommending more and more fashion content to people who
may have only been a little bit interested.

5 67. Meta's algorithms apply not only to material generated by users but also to
6 advertisements. As Sandberg expressed in a 2019 earnings call, "[a]cross all of our platforms and
7 formats, we're investing in AI [artificial intelligence] to make ads more relevant and effective. In
8 Q4, we developed new AI ranking models to help people see ads they're more likely to be
9 interested in."

10 2. Meta specifically targets young users.

11 68. Meta is financially motivated to attract and retain young users on its Social Media
12 Platforms and has been for many years. As one Meta product designer summarized in an internal
13 email, "[s]hort summary is the 'the [sic] young ones are the best ones.' You want to bring people
14 to your service young and early."

15 69. Meta is constantly collecting and reviewing data on young users' activity on its
16 Platforms. As a Director of Product Management at Instagram stated in January 2020, he was
17 "focused on getting a very clear understanding of our current US DAP [Daily Active People] and
18 MAP [Monthly Active People] growth situation, opportunities, and challenges because 1) US
19 Teens are our #1 cohort for both long-term growth of IG and FB Family incrementality."

20 70. Moreover, any substantive changes to Meta's Platforms are viewed in light of their
21 impact on young users. For example, Jenni Romanek, Vice President and Head of Analytics for
22 Instagram, asked the following question about changes to the Instagram Platform: "We've said in
23 the past we're teen first, but not teen only. However, are the tradeoffs we're making w[ith] all the
24 complexity we're about to add to the app going to cause us to *not* be teen first for the next gen of
25 teens?"

26
27 ⁶ Meta's Drebbel team, formerly known as the RabbitHole team, focuses on the concept of
28 "preference amplification"—in laymen's terms, "going down a content rabbit hole"—within
Meta's Platforms.

1 71. Since Facebook’s inception, young users have been an important focus of its user
2 base. When young users declined in the 2010s, Meta embarked on a concerted effort to “win
3 back” the teen market to Facebook. This included an effort in the United States to emphasize the
4 “social entertainment” market to win back teen users.

5 72. An email to Sandberg from 2016 reveals Meta’s plan to “‘win over’ teens” by
6 seeking to: “[g]et more teen-oriented creators”; “[g]et more teens connected to these creators”;
7 and, importantly, regarding design of the product, “[s]treamline sharing and discovery of content”
8 and “[i]nvest in Live for this segment.”

9 73. Young user engagement was regularly tracked by Meta, including any successful
10 (or unsuccessful) efforts to stave off its decline on Facebook. As an internal 2018 mid-year report
11 noted, “Facebook’s engagement and appeal among teens continue[d] to diminish,” and Meta “no
12 longer believe[d] that [it could] be successful by iterating through incremental improvements and
13 stacking up small wins on Facebook” and adjusted its strategy. Meta planned to “reverse the
14 negative decline in teen engagement on Facebook” by “focus[ing its] bets on early teens in
15 markets where we have an acute teen problem (mostly the US & western markets) and will test
16 new teen experiences for retention in the US first.”

17 74. This concern over young user engagement (and its decline) naturally has extended
18 to Instagram.

19 75. About 22 million teens log on to Instagram in the U.S. each day.

20 76. In recent years, Instagram has become Meta’s most successful Social Media
21 Platform in attracting and retaining young users.

22 77. Within approximately two years of its purchase by Meta, over 50% of teenagers in
23 the United States used Instagram, and Meta is intensely focused on retaining this young user base.

24 78. In an internal document from August 2021, a Meta employee identified the fact
25 that 13- and 14-year-olds constituted the “largest components of decline” in engagement as “the
26 most concerning problem from a strategic POV: they are suppose[d] to be the future of IG.”

27 79. According to internal Meta documents, hundreds of thousands of teen users spend
28 more than five hours a day on Instagram.

1 80. Instagram's Adult Classifier Model estimates that the following numbers of
2 teenage users ages 13-17 in the Filing States used Instagram from July 2020 to June 2021:

3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28
State	Daily Active Users	Monthly Active Users																							
Arizona	383,405 - 434,575	493,510 - 582,893																							
California	2,148,402 - 2,680,451	2,642,133 - 3,374,235																							
Colorado	261,746 - 300,161	349,770 - 410,981																							
Connecticut	180,619 - 204,560	231,146 - 271,979																							
Delaware	51,223 - 61,428	67,600 - 82,719																							
Georgia	615,595 - 763,113	806,937 - 1,065,088																							
Hawai'i	79,952 - 93,124	99,075 - 120,647																							
Idaho	93,820 - 107,394	125,949 - 146,601																							
Illinois	623,387 - 747,760	819,715 - 994,684																							
Indiana	361,150 - 405,445	496,549 - 569,533																							
Kansas	146,545 - 168,727	205,196 - 239,975																							
Kentucky	250,799 - 278,479	345,732 - 398,455																							
Louisiana	250,953 - 293,318	358,303 - 412,329																							
Maine	56,755 - 66,832	78,294 - 92,154																							
Maryland	321,966 - 370,063	413,196 - 481,659																							
Michigan	468,156 - 563,293	638,779 - 770,061																							
Minnesota	261,181 - 296,118	346,087 - 400,661																							
Missouri	286,454 - 354,289	398,603 - 488,675																							
Nebraska	108,449 - 117,862	143,897 - 159,775																							
New Jersey	487,291 - 583,620	602,860 - 744,112																							
New York	881,994 - 1,090,071	1,152,233 - 1,430,783																							
North Carolina	577,827 - 669,721	770,142 - 898,767																							

North Dakota	33,828 - 37,743	45,827 - 52,160
Ohio	591,475 - 714,620	802,184 - 967,219
Oregon	181,144 - 214,544	239,199 - 290,988
Pennsylvania	603,464 - 771,966	798,435 - 1,024,721
Rhode Island	52,113 - 62,035	68,474 - 85,592
South Carolina	263,682 - 306,022	366,599 - 434,134
South Dakota	39,582 - 44,318	55,022 - 62,492
Virginia	437,616 - 520,802	572,496 - 684,140
Washington	329,723 - 407,685	438,050 - 539,584
West Virginia	83,557 - 99,219	123,763 - 148,547
Wisconsin	268,240 - 314,742	366,708 - 426,114

81. Instagram's Age Affinity Model estimates that the following numbers of young adult users ages 18-23 in the Filing States used Instagram from October 2022 to April 2023:

State	Daily Active Users	Monthly Active Users
Arizona	665,101 - 712,371	1,054,677 - 1,125,389
California	3,769,678 - 4,072,177	5,854,476 - 6,309,797
Colorado	418,867 - 452,259	669,578 - 718,952
Connecticut	286,679 - 304,136	450,584 - 482,759
Delaware	73,724 - 89,911	118,809 - 141,187
Georgia	893,673 - 1,013,407	1,446,095 - 1,636,243
Hawai'i	124,598 - 131,775	192,698 - 205,596
Idaho	144,593 - 154,390	225,000 - 242,872
Illinois	902,280 - 987,018	1,482,666 - 1,603,723
Indiana	521,867 - 576,182	857,309 - 929,832

1	Kansas	225,889 - 242,498	374,826 - 405,231
2	Kentucky	325,228 - 352,406	541,929 - 582,467
3	Louisiana	362,142 - 402,087	582,647 - 643,125
4	Maine	78,799 - 88,189	129,118 - 141,548
5	Maryland	506,819 - 549,189	802,660 - 872,133
6	Michigan	697,372 - 754,541	1,133,488 - 1,234,188
7	Minnesota	359,714 - 388,601	585,737 - 627,194
8	Missouri	402,482 - 442,152	664,408 - 724,913
9	Nebraska	152,698 - 163,832	244,484 - 259,577
10	New Jersey	725,500 - 792,771	1,143,462 - 1,255,796
11	New York	1,655,901 - 1,825,652	2,668,218 - 2,950,251
12	North Carolina	881,181 - 962,161	1,402,667 - 1,532,331
13	North Dakota	58,368 - 65,142	91,158 - 100,256
14	Ohio	834,664 - 919,772	1,352,843 - 1,486,485
15	Oregon	306,348 - 339,973	494,310 - 544,457
16	Pennsylvania	922,018 - 1,041,426	1,472,696 - 1,642,531
17	Rhode Island	94,704 - 114,419	154,929 - 179,651
18	South Carolina	365,283 - 414,982	592,861 - 676,533
19	South Dakota	61,521 - 66,817	95,625 - 104,629
20	Virginia	709,714 - 777,234	1,130,402 - 1,226,955
21	Washington	542,150 - 593,771	867,527 - 954,847
22	West Virginia	106,206 - 121,057	176,445 - 200,890
23	Wisconsin	397,097 - 431,395	644,356 - 706,566
24			
25			

26 82. As these tables show, teenagers and young adults are a substantial and critical
27 market for Meta's Platforms. Meta and its advertisers want to attract young people because they
28

1 are more likely to: (1) be influenced by advertisements; (2) become lifelong customers; and (3)
2 set trends that the rest of society emulates. To draw young people into its ecosystem and keep
3 them coming back, Meta employs technologies designed to maximize young users' time on, and
4 engagement with, its Social Media Platforms.

5 83. And, because advertisers want to target ads to young users, Meta permits targeting
6 of advertising to teenagers based on their age, gender, and location. As one Meta employee
7 expressed in an August 2017 email, one of Meta's "Longer-term Focus Areas" was how to "get
8 teens to share their location with us so we can leverage that data for awesome product
9 experiences and also analytics around high schools."

10 84. Meta has acknowledged the importance of its young user market by quantifying
11 those users' value to the company in internal correspondence. For example, an internal email
12 circulated in September 2018 showed Meta characterizing its youngest users in terms of their
13 "Lifetime Value (LTV)" to the company, defined as the cumulative total profit expected from a
14 user: "The lifetime value of a 13 y/o teen is roughly \$270 per teen." That email went on to
15 caution that, "[t]his number is core to making decisions about your business," and, accordingly,
16 "you do not want to spend more than the LTV of the user."

17 85. But externally, Meta has denied that it places a monetary value on young users. On
18 September 30, 2021, at a Senate subcommittee hearing, Senator Amy Klobuchar asked Meta
19 executive Antigone Davis what Meta believed the lifetime monetary value of young users was;
20 Davis responded, "[t]hat's just not the way we think about [it]." Davis also denied that Meta
21 "considered the profit value of developing products when [Meta] make[s] their decisions of how
22 those products look," testifying that this would be a "terrible business model."

23 **3. Meta designs and deploys features to capture young users' attention and**
24 **prolong their time on its Social Media Platforms.**

25 86. Acquiring young users helps secure Meta's profit stream over time. By capturing
26 users' attention and engagement when they are young, Meta ensures future engagement and
27 monetization as those young users grow up.
28

1 87. Meta thus develops and implements features to attract young users and keep them
2 engaged on its Social Media Platforms for as long as possible. These features include:
3 engagement-based (as opposed to chronological) feeds; infinite scroll; push notifications;
4 ephemeral content; and video-based content.

5 88. Meta had originally displayed content on a user’s “Feed” chronologically, i.e., in
6 the order the content was posted by people the user elected to follow. Meta moved from
7 chronological Feeds to engagement-based Feeds in 2009 (for Facebook) and 2016 (for
8 Instagram).

9 89. The engagement-based Feed is different and alters the users’ experience. It
10 algorithmically presents material to users based on several engagement components: posts with
11 more “Likes,” comments, and other indicia of user engagement are displayed to users first.

12 90. This change was designed to prioritize material most likely to engage users for
13 longer periods of time.

14 91. In the fall of 2016, Instagram debuted its infinite scroll system.

15 92. Infinite scroll is characterized by the partial display of additional content at the
16 bottom of the user’s screen, such that the user is typically unable to look at a single post in
17 isolation (without seeing the top portion of the next post in their Feed).

18 93. The “teasing” of yet-to-be-viewed content continues indefinitely; as the user
19 scrolls down the Feed, new content is automatically loaded and “teased.”

20 94. This “teasing” feature is intended to keep young users of the Platform engaged and
21 continuing to scroll to the new content.

22 95. In April 2015, Meta introduced a variety of “push notifications” to Instagram.
23 Push notifications are auditory and visual cues to alert users when accounts they follow add new
24 content.

25 96. Push notifications allowed Instagram to draw its users back to the Platform at any
26 time of day. Once push notifications were introduced, Meta sought to increase the number of
27 these notifications, tracking “notification growth” and designing “new push campaign” tools to
28 test their impact on user engagement.

1 97. Meta also sought to increase engagement through making certain content available
2 to users only temporarily—with notifications and visual design cues indicating that the content
3 would soon disappear forever (ephemeral content).

4 98. Ephemeral content leads young users to more frequently open Meta’s Social
5 Media Platforms so they do not “miss out” on any new content. This phenomenon is called “Fear
6 of Missing Out,” or “FOMO.” Meta designed ephemeral content features in its Social Media
7 Platforms to induce this sense of FOMO in young users.

8 99. For example, on August 2, 2016, Meta introduced a feature to Instagram designed
9 to show images and narratives for only a short amount of time before disappearing, known as the
10 “Stories” feature. Meta released a similar feature to Facebook in 2017.

11 100. The purpose of this feature was in large part to help drive teen engagement.

12 101. An internal Meta document from 2018 states: “we’ve invested in FB stories—and
13 have seen engagement more than double[;] teen original sharing [is] up for the first time since
14 2012.”

15 102. Another example is “Live,” which gives users the ability to livestream videos to
16 followers or the public.

17 103. Meta launched Facebook Live on a limited basis to celebrities and other high-
18 profile users in August 2015, with the feature being available to all users by April 2016.
19 Instagram soon followed in November 2016.

20 104. Live allows users to create video content in real time that their followers can watch
21 and react to, often called “going Live.”

22 105. When an account goes Live, the Instagram Platform sends out a notification.

23 106. Meta saw fairly quickly that the Live feature was successful among young users,
24 including younger teens. As an internal highlights memo noted in February 2017, of the 9.2
25 million broadcasts per day, “[Meta] found that 35% of [Live] broadcasters are teens (early and
26 late high school).”

27 107. In addition to video-streaming offered through the Live feature, Meta has also
28 designed and implemented several video features, including “IGTV,” “Instagram Video,” and

1 ultimately “Reels.”⁷ As with prior features, Meta focused on teen engagement with these video
2 features.

3 108. For instance, an internal email from April 2019 revealed that Meta’s “Q2 stretch
4 goal” was “2M[illion] hours of teen watch time” on IGTV.

5 109. In 2020, when Meta introduced its short-form video feature, “Reels,” to the U.S.
6 market on Instagram, it was designed to compete with other platforms like TikTok that were
7 growing in popularity. Reels were made available on Facebook in September 2021.

8 110. Reels are algorithmically presented to users based on a number of factors,
9 including the user’s activity, the popularity of the content, and the viewer’s connection to the
10 creator.

11 111. Reels display metrics such as Like counts, comments, and views in the video itself,
12 which reduces the need for the user to navigate away from the video.

13 112. The Reels feature is central to Meta’s efforts to attract and retain young users. As
14 noted in a presentation on engaging young users, Meta said that it was “investing heavily in
15 Reels, Stories & Creators in an effort to generate more value for teens” on Instagram.

16 113. As with other features Meta has deployed, young users are critical to Reels’
17 success. One Meta employee put it best: “obviously teens are key to winniing [sic] in Reels.”

18 114. Meta’s anxiety about the growth in popularity of video-based platforms like
19 TikTok and Snapchat was evident in the rapidity with which Meta introduced Reels. Meta
20 employees stated, with regard to Reels, that it was “scary the speed we are moving” and that
21 introducing Reels was “purely opportunistic.”

22 115. Meta Data Scientist and current Director of Data Science ██████████ reflected
23 on Meta’s introduction of Reels in an internal chat: “we either do things WAY TOO FAST
24 without Data. Or do things WAY TO[O] SLOW becau[se] of Design/Principles.”

25
26
27 ⁷ IGTV was revamped in October 2021 (in a shift to Instagram Video), and ultimately
28 removed completely from the Platform in March 2022. Reels was merged with and superseded
“Instagram Video” in June 2022.

1 116. Meta’s development of these engagement features disregarded its own internal
2 research about how design choices cause compulsive use. In June 2018, an internal presentation
3 called “Facebook ‘Addiction’” acknowledged that although “habits can be changed by behavior
4 regulation,” “aspects of Facebook,” including “mindless” consumption of a feed and the fact that
5 “it is easy to keep scrolling and go on frequently” make it “difficult to limit one’s use.”

6 **B. Meta falsely represents that its Social Media Platform features are safe and not**
7 **designed to induce young users’ compulsive and extended use.**

8 117. Meta has misrepresented the impact of the features used by its Social Media
9 Platforms that drive young users to spend extended time on the Platforms.

10 118. While Meta consistently reassures parents, lawmakers, and users that its Social
11 Media Platforms are suitable for young users and designed to promote their well-being, it
12 continues to develop and implement features that it knows induce young users’ extended,
13 addictive, and compulsive social media use. These features include:

- 14 • Algorithmic recommendation and sequencing;
- 15 • Public display and quantification of engagement metrics such as Likes;
- 16 • Face and body image manipulation filters;
- 17 • Disruptive audiovisual and haptic alerts;
- 18 • Infinite scroll and autoplay formats;
- 19 • Permitting and encouraging users to create multiple accounts; and
- 20 • “Ephemeral” presentation of social content.

21 119. Meta’s own researchers have concluded that due to Meta’s deliberate design
22 choices, “the benefits and drawbacks for Instagram are closely linked.” Instagram had the
23 potential to positively affect its users by providing, among other things, a positive community and
24 connection with others who shared identities, abilities, and interests—including isolated youth in
25 marginalized racial, ethnic, and sexual minorities.⁸ But due to Meta’s deliberate design choices,
26 the net result has been that young users are negatively affected by using Instagram compulsively.

27 ⁸ See *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory 6*,
28 Dept. Health & Human Servs. (2023) (“[S]tudies have shown that social media may support the

1 **1. Meta represents to the public that its Social Media Platforms are designed**
2 **to support young users’ well-being.**

3 120. For years, Meta has claimed that its top priority is well-being, and that Instagram
4 and Facebook are safe and age-appropriate Platforms for young users.

5 121. Meta’s public messaging is intended to convey that its Social Media Platforms are
6 carefully designed to be safe and suitable for young users.

7 122. Meta represents to the public, including investors and analysts, that it prioritizes
8 safety. For example, during a public earnings call on January 29, 2020, Sandberg stated, “[we]
9 have to keep people safe and give them control over their experience on our apps. And we are.”

10 123. Later that year, on October 29, 2020, Sandberg explained during a different public
11 earnings call that “[w]hile we continue to invest in helping businesses, we are equally focused on
12 keeping our platform safe.”

13 124. Other top executives made similar assurances through public appearances,
14 statements to the media, and statements to lawmakers.

15 125. As reported by Quartz, at a technology event in the spring of 2018, Instagram
16 Director of Fashion Partnerships Eva Chen publicly stated that Meta’s “entire focus is focusing
17 on the wellbeing of the community” and that “[m]aking the community a safer place, a place
18 where people feel good, is a huge priority for Instagram.”

19 126. In June 2019, Mosseri (Head of Instagram) told CBS in an interview that teen
20 well-being is a top priority. And two years later, in May 2021, Mosseri minimized Instagram’s
21 negative impact on teens, characterizing it to reporters as “quite small,” as reported by the Wall
22 Street Journal that September.

23 127. In response to a “60 Minutes” exposé on Meta’s Platforms and the harms they
24 cause in October 2021, Meta itself prepared the following public statement: “Protecting our
25 community is more important than maximizing our profits.”

26 _____
27 mental health and well-being of lesbian, gay, bisexual, asexual, transgender, queer, intersex and
28 other youths by enabling peer connection, identity development and management, and social
support.”), <http://archive.today/QAytZ>.

1 128. Meta has also sought to persuade lawmakers that its Platforms are safe for youth.
2 On September 30, 2021, Meta executive Antigone Davis testified to Congress, “[w]e have put in
3 place multiple protections to create safe and age-appropriate experiences for people between the
4 ages of 13 and 17.”

5 129. Meta has also sought to reassure the public that it prioritizes youth safety on its
6 own blogs and Platform websites. On December 7, 2021, Mosseri wrote in a blog post entitled
7 “Raising the Standard for Protecting Teens and Supporting Parents Online” that “[a]t Instagram,
8 we’ve been working for a long time to keep young people safe on the app.”

9 130. Similarly, Instagram’s website characterized the Instagram app as a “safe and
10 supportive community” for its users.

11 131. Likewise, a blog post from December 15, 2022 on about.instagram.com bears the
12 title “Continuing to Keep Instagram Safe and Secure.”

13 132. In early December 2022, Meta employees collaborated on an internal document
14 regarding Meta’s response to “Teen Well-being,” listing the following “key messages to land”
15 externally: “Instagram takes our responsibility for young people seriously. We want to keep them
16 safe on the platform and promote their well-being,” and “[w]e have substantial investments and
17 launched meaningful changes to improve teen safety and [w]ell[-being].”

18 133. Through these and other public messages, Meta has intentionally created the false
19 impression that its Platforms are safe for young users, and that Meta prioritizes safety over user
20 engagement.

21 **2. Meta prioritizes maximizing engagement over young users’ safety.**

22 134. Meta denies that it seeks to maximize young users’ engagement on its Social
23 Media Platforms.

24 135. In 2018, Sandberg’s talking points prepared for conversations with reporters
25 included the claim that Meta “do[es] not optimize [its] systems to increase amount of time spent
26 in News Feed” and “explicitly do[es]n’t give [its] teams goals around time spent.”

27 136. In 2021, Meta’s Narrative Audit revealed that the company needed to counter
28 widespread beliefs that its Social Media Platforms negatively affected well-being. To that end,

1 Zuckerberg’s talking points for a 2021 congressional hearing included the following misleading
2 statement: “The impact that our products have on the well-being of everyone is a top priority. It’s
3 not how much time you spend online, it’s how you spend it.” Zuckerberg denied that Meta
4 designed its Platforms to be addictive in order to maximize time spent.

5 137. Zuckerberg stated to Congress on March 25, 2021, that “it is a common
6 misconception that our teams—our goals, or even have goals, of trying to increase the amount of
7 time that people spend” and “I don’t give our News Feed team or our Instagram team goals
8 around increasing the amount of time that people spend.”

9 138. Meta has also claimed, in a statement published by Gizmodo on October 3, 2021,
10 to “do internal research to ask hard questions and find out how we can best improve the
11 experience for teens.”

12 139. These representations were false and misleading. Contrary to Meta’s public
13 statements, one of Meta’s key goals is to induce young users to spend ever-increasing amounts of
14 time on its Social Media Platforms.

15 140. In fact, records of internal communications reveal that Meta has placed an
16 “[e]mphasis on driving time spent” and expressed a commitment to “approach[ing] major
17 moments (Awards Show, Olympics, etc.) with an explicit goal around moving time spent.”

18 141. For teen users specifically, time spent is a key data point that Meta closely tracks,
19 including daily average use and the number of sessions for daily users.

20 142. An internal “teen health scorecard” reported on these statistics and noted
21 “worrying concerns” that teen consumption and production were declining in the United States,
22 even though teen Monthly Active People had been maximized, or “saturated,” above 100%.

23 143. And in a December 2015 email, Zuckerberg listed one of Meta’s goals for 2016 as
24 seeing the “[t]ime spent [on the Platforms] increase[] by 12%” over the following three years. For
25 Instagram specifically, Zuckerberg wrote that he hoped to see time spent on the Platform increase
26 by 10% between 2016 and 2021.

27 144. Meta worked zealously to pursue those goals. In February 2016, Mark Zuckerberg
28 circulated an email to his executive team regarding “Opportunities for Teens and Sharing.” In this

1 email, Zuckerberg analyzed how effective current and prospective Social Media Platform features
2 were in garnering and maintaining teenage engagement.

3 145. An April 2017 email revealed that Meta remained committed to its goal of
4 increasing time spent on its Social Media Platforms:

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

14 146. An internal presentation titled “2017 Teens Strategic Focus” explicitly stated
15 Meta’s “goal: retain MAP [Monthly Active People] and DAP [Daily Active People], [and] grow
16 teen time spent” by “rebuild[ing] social Facebook to work better for teens, including
17 entertainment.”

18 147. The presentation further stated that in the U.S., Meta plans to “emphasize ‘social
19 entertainment’ market opportunities to win back teen interaction.” Meta noted that “we should bet
20 big on Instagram Direct + stories to beat Snapchat” and that the goal would be “increase U.S. teen
21 time spent.” The presentation detailed how Meta planned to increase time spent by teens while
22 teens are in school, including live broadcasts of high school sports.

23 148. Similarly, an internal Meta planning document from November 2018 stated:
24 “Winning schools is the way to win with teens because an individual teen’s engagement is highly
25 correlated with school MAP [Monthly Active People] penetration. Solving jobs related to school
26 and building school network effects is a way to increase overall teen usage.”

27 149. A February 2019 email from Mosseri further confirmed Meta’s ongoing efforts to
28 maximize and commodify its users’ time. In his email, Mosseri discussed certain feature
improvements and concluded, “[c]ombining these performance wins led to higher time spent on
profile by 0.7%, or ~5 seconds per DAP [Daily Active People].”

1 150. Thus, notwithstanding Meta’s public representations to the contrary, increasing
2 young users’ engagement was, and is, a core business objective for Meta.

3 **3. Meta’s Recommendation Algorithms encourage compulsive use, which**
4 **Meta does not disclose.**

5 151. Instagram and Facebook employ Recommendation Algorithms that curate content
6 from the main feeds and other parts of the Platforms.

7 152. The Recommendation Algorithms use data points, or “signals,” harvested from
8 individual users to choose and/or arrange each new piece of content to display to a user. Such
9 signals include, but are not limited to, overt actions like Liking a post or following a page as well
10 as such unconscious actions such as lingering on—but not otherwise engaging with—certain
11 content or visiting but not following another user’s page.

12 153. Meta employs Recommendation Algorithms universally across its Social Media
13 Platforms, including the Instagram Platform’s Main Feed (the scrolling presentation of content
14 immediately visible upon opening the app) and Explore Feed (another scrolling presentation of
15 algorithmically curated content that can be guided by a user’s text input in a search field).

16 154. Meta designed its Recommendation Algorithms to maximize youth engagement in
17 several ways but did not disclose these engagement-maximization features to the public—instead
18 representing that these algorithms were intended to *benefit* the user.

19 155. *First*, Meta designed the Recommendation Algorithms to present material to
20 young users in an unpredictable sequence rather than displaying posts chronologically.

21 156. Specifically, Meta’s Recommendation Algorithms display content to young users
22 through a sequencing method referred to by psychologists as “variable reinforcement schedules”
23 or “variable reward schedules.”

24 157. As Dr. Mark D. Griffiths, Distinguished Professor of Behavioral Addiction at
25 Nottingham Trent University, explains:

26 The rewards [experienced on social media platforms]—which may
27 be physiological, psychological and/or social—can be infrequent
28 but even the anticipation of one of these rewards can be
 psychologically and/or physiologically pleasing. The rewards are
 what psychologists refer to as variable reinforcement schedules and

1 is one of the main reasons why social media users repeatedly check
 2 their screens. Social media sites are ‘chock-ablock’ with
 3 unpredictable rewards. Habitual social media users never know if
 4 their next message or notification will be the one that makes them
 5 feel really good. In short, random rewards keep individuals
 6 responding for longer and has been found in other activities such as
 7 the playing of slot machines and video games.⁹

8 158. Because they do not work in a predictable pattern, these “variable reinforcement
 9 schedules” trigger a release of dopamine, a neurotransmitter released by the brain in response to
 10 certain stimuli. Dopamine, commonly “seen to be the ‘pleasure chemical,’” is released in
 11 anticipation of a potential reward. However, dopamine neurons fire for only a relatively short
 12 period of time, and after dopamine is released, an “individual can become disheartened and
 13 disengaged.”¹⁰

14 159. As researchers Rasan Burhan and Jalal Moradzadeh explain, the variable
 15 reinforcement schedules baked into social media platforms like Instagram can lead to “addiction
 16 with dopamine implicated”:

17 [T]he user can be kept in a loop. Essentially, that’s how the social
 18 media apps exploit these innate systems. The way this comes about
 19 is through a term referred to as Variable Reward Schedules. This
 20 works by positive stimuli being provided at random intervals. By
 21 users checking their phones for notifications and updates at periodic
 22 intervals for something that could be intrinsically rewarding. Most
 23 of the time it’s a neutral stimuli, but on occasion there may be a
 24 positive stimuli leading to the rewarding dopamine release hence
 25 keeping the user in the feedback loop.¹¹

26 160. In internal discussions, Meta employees discussed the fact that Meta’s
 27 Recommendation Algorithms tend to pull young users into “negative spirals” and “feedback
 28 loops” whereby the algorithmic sequencing of content has detrimental effects on the well-being of
 young users. For example, in one internal communication discussing potential “[c]ontent

24 _____
 25 ⁹ Mark D. Griffiths, *Adolescent Social Networking: How Do Social Media Operators Facilitate Habitual Use?*, 36 *Educ. & Health J.* 66, 67 (2018), <http://archive.today/cPgJ1> (internal references omitted).

26 ¹⁰ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction*, 11 *J. Neurology & Neurophysiology* 1, 1 (2020), <http://archive.today/kxldL>.

27 ¹¹ *Id.* at 1-2.

1 policies” for the unlaunched “Instagram Youth” Platform, Meta employees expressed concern
2 with the “well-being challenge” of “content on IG triggering negative emotions among tweens
3 and impacting their mental well-being (and) our ranking algorithms taking [them] into negative
4 spirals & feedback loops that are hard to exit from.”

5 161. By algorithmically serving content to young users according to variable reward
6 schedules, Meta manipulates dopamine releases in its young users, inducing them to engage
7 repeatedly with its Platforms—much like a gambler at a slot machine.

8 162. Internal Meta documents reveal Meta knew its Recommendation Algorithms
9 trigger intermittent dopamine releases in young users, whose developing brains are especially
10 susceptible to such tactics.

11 163. For example, a 2020 internal Meta presentation described Meta’s efforts to study
12 adolescent biology and neuroscience in order to “gain valuable unchanging insights to inform
13 product strategy today,” noting that “teens’ decisions and behavior are mainly driven by emotion,
14 the intrigue of novelty and reward.” The document continued, “teens are insatiable when it comes
15 to ‘feel good’ dopamine effects” and “IG has a pretty good hold on the serendipitous aspect of
16 discovery through our Explore surface, recommendations and social graph. And every time one of
17 our teen users finds something unexpected their brains deliver them a dopamine hit.”

18 164. Two years earlier, in June 2018, an internal presentation recognized that “[i]t may
19 be a problem if Facebook seems rewarding [to users] based on the principle of unpredictability,
20 while the inherent value of the reward is lacking.” This includes “[n]otifications with little or no
21 relevance, and that come at unpredictable times,” “[p]rominent novel content that creates
22 unwanted distractions,” “[n]ews feed stories with seemingly ‘random’ content and unpredictable
23 order,” and “[o]ther use of unpredictable rewards, such as delays to load.” The same document
24 cautioned that dopamine “rewards available through Facebook may contribute to problems for
25 some people.”

26 165. Nonetheless, and as illustrated above, as recently as 2020, Meta continued to
27 intentionally design its Platforms to manipulate dopamine responses in its young users to
28

1 maximize time spent on its Platforms. Meta did not disclose that its algorithms were designed to
2 capitalize on young users' dopamine responses and create an addictive cycle of engagement.

3 166. *Second*, Meta uses data harvested from its users to target user engagement on an
4 individual level via its Recommendation Algorithms—making continued engagement even more
5 difficult for young users to resist.

6 167. In a June 8, 2021 public blog post on Instagram's website, Mosseri stated that
7 Meta collects and supplies its Recommendation Algorithms with thousands of "signals" across
8 Instagram's Feed and Stories, including "[y]our activity" and "[y]our history of interacting with
9 someone." Mosseri's post explained that the collection of "[y]our activity . . . helps us understand
10 what you might be interested in . . ." and the collection of "[y]our history of interacting with
11 someone . . . gives us a sense of how interested you are generally in seeing posts from a particular
12 person."

13 168. Similarly, Facebook's Vice President of Global Affairs wrote in Medium on
14 March 31, 2021, about Facebook's Recommendation Algorithms: "The goal is to make sure you
15 see what you find most meaningful—not to keep you glued to your smartphone for hours on end.
16 You can think about this sort of like a spam filter in your inbox: it helps filter out content you
17 won't find meaningful or relevant, and prioritizes content you will."

18 169. Likewise, Meta's terms of service on data collection state that Meta uses user data
19 to "[p]rovide, personalize and improve our Products," "[p]rovide measurement, analytics, and
20 other business services," "[p]romote safety, integrity and security," "[c]ommunicate with you,"
21 and "[r]esearch and innovate for social good."

22 170. In reality, though, Meta tracks and logs the behavior of millions of young users
23 and utilizes that data to refine and strengthen the features that induce young users' compulsive
24 Social Media Platform use.

25 171. As young users engage with Meta's Social Media Platforms, they are unwittingly
26 training Meta's Recommendation Algorithms to provide the particular flow of content,
27 notifications, and features that will most effectively keep them online.
28

1 172. Again, Meta does not disclose to consumers that it is weaponizing young users’
2 data to capture and keep their attention.

3 173. Meta admits in its Privacy Policy that it uses data provided by its young users for
4 purposes other than facilitating meaningful social experiences, such as “improv[ing] our Products
5 . . . includ[ing] personalizing features, content and recommendations, such as your Facebook
6 Feed, Instagram feed, Stories, and ads.”

7 174. This includes using young users’ data to “[t]est out new products and features to
8 see if they work” and to “[g]et feedback on our ideas for products or features.”

9 175. But Meta’s representations about its Recommendation Algorithms do not
10 effectively apprise young users of the reality that Meta is harvesting vast amounts of personal
11 data to train its Recommendation Algorithms to induce them to keep using the Platforms.

12 176. *Third*, the Recommendation Algorithms increase young users’ engagement by
13 periodically presenting those users with psychologically and emotionally gripping content,
14 including content related to eating disorders, violent content, content encouraging negative self-
15 perception and body image issues, bullying content, and other categories of content known by
16 Meta to provoke intense reactions.

17 177. Meta’s Recommendation Algorithms are optimized to promote user engagement.
18 Serving harmful or disturbing content has been shown to keep young users on the Platforms
19 longer. Accordingly, the Recommendation Algorithms predictably and routinely present young
20 users with psychologically and emotionally distressing content that induces them to spend
21 increased time on the Social Media Platforms. And, once a user has interacted with such harmful
22 content, the Recommendation Algorithm feeds that user additional similar content.

23 178. Meta uses the term “preference amplification” (sometimes referred to as falling
24 into rabbit holes) to describe how its Recommendation Algorithms push categories of content that
25 previously succeeded in provoking user engagement:

26 [P]eople don’t just fall into rabbit-holes (and we stopped using this
27 term.) They have some preference that our models amplify (hence
28 the term “preference amplification”) - eg, follow accounts, like
reels, etc. Then they tend to “drift” towards what the

1 rec[ommendation] sys[tem] shows them, which is further picked up
2 by the model, which makes the problem even worse.

3 179. For example, in Meta’s own internal research, Meta’s Recommendation Algorithm
4 was shown to recommend content related to eating disorders when it received indications that the
5 user had engaged with content relating to eating disorders in the past.

6 180. In a March 2021 internal investigation focusing on “eating disorder content on
7 Instagram,” researchers created a “test user” profile, through which Meta’s team followed
8 existing users with account names such as @st4rv_1ng (a stylization of the word “starving”),
9 @skinx_bones, @prettywhenimhungry, and @skinny_goals_.

10 181. After the test user began following these accounts, Instagram’s Recommendation
11 Algorithms generated a list of “Suggestions For You” (i.e., recommendations of accounts that the
12 user might want to follow, based on the kind of content that user has engaged with) that included
13 accounts related to anorexia, such as @milkyskinandbones, @skinny_.binge,
14 @_skinandbones__, and @applecoreanorexic.

15 182. Similarly, an internal document from 2018 recognized that “seeing SSI [suicide
16 and self-injury] admissions on Instagram is significantly associated with increased time spent” on
17 the Platform.

18 183. Again, though, Meta’s public statements regarding its algorithms’ amplification of
19 distressing and problematic content did not reflect Meta’s true awareness of these problems.

20 184. In fact, Meta has strongly denied that its Social Media Platforms amplify extreme,
21 distressing, or problematic content.

22 185. For example, on September 30, 2021, Davis denied that Meta promotes harmful
23 content, such as content promoting eating disorders to youth, when she testified before Congress,
24 stating, “we do not direct people towards content that promotes eating disorders. That actually
25 violates our policies, and we remove that content when we become aware of it. We actually use
26 AI to find content like that and remove it.”

1 186. Similarly, an internal document from 2021 outlining Sandberg’s prepared talking
2 points for a meeting with Meta’s clients included the statement, “we do not amplify extreme
3 content.”

4 187. Likewise, in a June 8, 2021 post on the Instagram website, titled “Shedding More
5 Light on How Instagram Works,” Mosseri describes Meta’s Recommendation Algorithms by
6 providing examples of benign content recommendations (e.g., “if you’re interested in dumplings
7 you might see posts about related topics, like gyoza and dim sum . . .”). The post provides no
8 accompanying examples or warnings disclosing that the Recommendation Algorithms also tend
9 to suggest content that is dangerous or harmful for young users.

10 188. The Instagram website also boasts that “[a]t Instagram, we have guidelines that
11 govern what content we recommend to people” and specifies that Instagram “avoid[s] making
12 recommendations that may be inappropriate for younger viewers We use technology to
13 detect both content and accounts that don’t meet these Recommendations Guidelines and to help
14 us avoid recommending them. As always, content that goes against our Community Guidelines
15 will be removed from Instagram.”

16 189. A parent or young user encountering these and similar communications by Meta
17 could reasonably understand Meta to be representing that its Recommendation Algorithms do *not*
18 promote content to young users that violates Meta’s Recommendation Guidelines or is otherwise
19 dangerous or inappropriate for young users.

20 190. But as explained above, Meta does increase young users’ engagement with its
21 Platforms by periodically presenting them with psychologically and emotionally gripping content,
22 including content related to eating disorders, violent content, content encouraging negative self-
23 perception and body image issues, bullying content, and other categories of content known by
24 Meta to provoke intense reactions from users.

25 **4. The Recommendation Algorithms are harmful to young users’ mental**
26 **health, notwithstanding Meta’s representations to the contrary.**

27 191. Meta falsely represents that its Recommendation Algorithms are benign and
28 designed for young users’ well-being. For example, during a congressional hearing on March 25,

1 2021, Zuckerberg denied that Meta “make[s] money off creating an addiction to [its] platforms.”
2 At the same hearing, Zuckerberg stated that “the way we design our algorithms is to encourage
3 meaningful social interactions” and denied that Meta’s teams “have goals[] of trying to increase
4 the amount of time that people spend [using Meta’s Platforms].”

5 192. Elsewhere, Meta has reiterated that its Recommendation Algorithms are optimized
6 to yield “positive experience[s]” or “meaningful interactions” as opposed to maximizing “time
7 spent” by users on the Platforms. For example, on September 30, 2021, Davis testified before
8 Congress that Meta “made changes to our News Feed to allow for more meaningful interactions,
9 knowing it would impact time spent” and that Meta did this “because we were trying to build a
10 positive, more positive experience.”

11 193. But as described above, the Recommendation Algorithms are far from benign:
12 they promote young users’ compulsive social media use in a sophisticated and individualized
13 manner and are designed to capture and retain young users’ attention—often to the detriment of
14 their mental and physical health.

15 194. These harms are pervasive and often measurable.

16 195. For example, Meta’s Recommendation Algorithms recommend content that it
17 categorizes as “Negative Appearance Comparison” or “NAC” content (meaning content with a
18 tendency to cause users to feel worse about their body or appearance). This effect is especially
19 pronounced on Instagram’s Explore Feed. As one internal research paper stated:

20 Pooled across all topics, seeing more unconnected content [i.e.,
21 content from accounts that a user has not chosen to follow] is
22 associated with worse appearance comparison. Women who spend
23 proportionally more time on Explore (where we promote
24 unconnected content) also have higher levels of appearance
25 comparison. . . . In a recent listening session, one creator described
26 Explore as “a landmine for everything I want to avoid on IG” . . .
27 because it triggers appearance comparison.

28 196. This phenomenon is not unique to women. By July 2021, the problem of negative
appearance comparison had become so prevalent that Meta researchers conducted a study on how
its algorithms pushed the sort of content “landmine[s]” described above. The results were

1 published internally in a paper entitled “Negative Appearance Comparison (NAC): Amplified
2 exposure to High-NAC content in IG Explore.”

3 197. In this study, Meta researchers used Drebbel, a proprietary “system for
4 understanding the impact of our recommendation systems on bad societal outcomes,” to
5 “examine[] the consumption of High-NAC content on Explore and its associated outcomes.”
6 They described their methodology and findings as follows:

7 To understand what happens, we examined how views of High-
8 NAC content changed over time for both people who had amplified
9 exposure on April 10th and people who did not Specifically,
10 we compared trends in High-NAC content consumption prior to
11 this time (prior to the week ending 3/20), and a week later (the
12 week ending 4/17 onwards). Entering the state of amplified
13 exposure was associated with a ~5-10% increase in consumption of
14 High-NAC content that lasted about 6 weeks. Comparing High-
15 NAC content consumption in the week prior (ending 3/20) and
16 week following (ending 4/17), people consumed about 10.8% more
17 High-NAC content. After an additional 4 weeks, people were still
18 consuming about 4.8% more High-NAC content compared to
19 before.

20 198. The researchers further found that “[f]or people who did not have amplified
21 exposure, High-NAC content consumption declined 5.7% in that same time period (3/20 vs.
22 4/17), by 5.4% after 4 weeks, and by 5.3% after an additional 2 weeks. As such, amplified
23 exposure may still have a residual effect after 6 weeks.” The researchers also concluded that
24 “[a]fter entering the state of amplified exposure, teen girls consumed 14.9% more High-NAC
25 content in the week following, compared to 13.1% for teen boys.”

26 199. Meta’s researchers have observed that High-Negative Appearance Comparison
27 content appears both in Instagram’s Main Feed and in Explore, but that “17% of people see
28 substantially more (at least 20 percentage points) High-NAC content in Explore than in Feed,”
and that “[i]t’s worse for women and teen girls.” The researchers stated that their “findings
suggest that our algorithms may be increasing exposure to High-NAC content beyond the
preferences that people have indicated.”

200. Meta employees recommended that reducing the rate of exposure to High-
Negative Appearance Comparison content in Explore “even just to comparable levels [as] in their
Feed (i.e., recommending High-NAC content at a rate similar to the amount that users already

1 choose to see), may reduce negative appearance comparison for a sizable fraction of people while
2 minimizing unintended negative outcomes.”

3 201. Meta researchers also found that, for teens in the top 10% of High-Negative
4 Appearance Comparison consumption, 57% of Instagram’s recommendations in Explore were for
5 High-Negative Appearance Comparison content. Meta employees characterized this phenomenon
6 as Meta “choosing to show them a lot and potentially amplifying.” The statistic is even higher for
7 teen girls in that category: 70.96% of content they encountered in Explore was classified as High-
8 Negative Appearance Comparison.

9 202. Researchers at Meta have found that three in four U.S. teen girls “see 10%+ or
10 more content that’s problematic.” Internal research has also concluded that “approximately 70%
11 of teen girls may see ‘too much’ sensitive content,” and that such content “is associated with
12 more negative appearance comparison.”

13 203. For example, researchers concluded that a “majority of teen girls experience
14 negative social comparison¹² and a significant share of them think IG makes it worse.”
15 Specifically, 68% of female teen users have experienced social comparison, and 26% of users
16 who had experienced social comparison “thought IG made their social comparison experience
17 worse.”

18 204. Meta knows that 13.5% of teen girls on Instagram say the Platform makes
19 thoughts of suicide and self-injury worse, that 17% of teen girls on Instagram say the Platform
20 makes eating issues worse, and that Meta makes body image issues worse for one in three teen
21 girls.

22 205. Meta does not adequately disclose to parents of young users, or to young users
23 themselves, that young Instagram and Facebook users frequently receive recommendations for
24 High-Negative Appearance Comparison content from the Platforms’ Recommendation
25 Algorithms. Nor does Meta disclose that exposing those young users to High-Negative
26

27 _____
28 ¹² Internal documents define Negative Social Comparison as “When someone feels bad
about themselves after comparing themselves with others.”

1 Appearance Comparison content on its Platforms tends to exacerbate physical and psychological
2 problems for those young users.

3 206. As one Meta employee acknowledged, body image struggles are especially
4 difficult for teens: “Teens are a lot trickier because the[y] haven[’]t developed a sense of identity
5 and so their self esteem is shakier.”

6 207. Instagram researchers (who are ultimately funded by and report to Meta) have also
7 observed that “[s]ocial comparison exacerbates problems teens are dealing with” in that,
8 “[a]lthough others’ behaviors online can hurt, the self-scrutiny and anxiety associated with
9 personal consumption patterns is more damaging to mental health.”

10 208. In particular, Instagram researchers noted that social comparison “[c]an cause or
11 exacerbate a number of issues,” including “body image, eating disorders, anxiety, loneliness,
12 depression, envy, online aggression, [and] passive use.”

13 209. Meta’s internal research from January 2019 also expressly linked negative social
14 comparison to loneliness and loneliness with “higher negative affect.”

15 210. A March 2021 internal paper found that Instagram heavily emphasized content that
16 promoted negative appearance comparison. Fashion and beauty, relationships, “[w]estern pop
17 stars who emphasize their bodies,” and images that “emphasize women’s bodies generally (e.g.,
18 cleavage, swimwear)” are topics that are “likely to make viewers, especially teen girls, feel worse
19 about their bodies”—especially when posted by celebrities and non-friends. The paper observed
20 that “these topics comprise 1/4 of what people see on Instagram,” and “1/3 for teen girls.”
21 Starkly, “[f]or every piece of friend content a teen girl sees, she sees 5x as many pieces of content
22 from top accounts.”

23 211. Similarly, a June 2021 internal paper concluded that “the algorithm behind new-
24 user top-account recommendations may be unintentionally amplifying negative social
25 comparison”

26 212. In an internal research document from 2022, Meta noted that “we primarily
27 recommend top accounts to new users (78% of recs to new users are top accounts), and being
28

1 recommended more top accounts is associated with seeing more High-Negative Appearance
2 Comparison content a month later.”

3 213. While Meta’s external communications denied or obscured the fact that its
4 Recommendation Algorithms promote High-Negative Appearance Comparison content to young
5 users, Meta’s internal research confirms that its Recommendation Algorithms operate in precisely
6 that way.

7 214. In addition to concealing the Recommendation Algorithms’ tendency to
8 recommend High-Negative Appearance Comparison content, Meta declined to change the
9 algorithms to prevent them from frequently recommending High-Negative Appearance
10 Comparison content to young users and align its practice with its representations to the public.

11 215. Concerned Meta employees suggested that Instagram should decrease the
12 frequency at which the Platform served users Negative Appearance Comparison content.

13 216. In 2021, one Meta researcher suggested that Meta “could deprive users of content
14 we believe is likely to cause negative appearance comparison and see where there is any topline
15 impact on survey responses” regarding well-being.

16 217. Regarding a proposal to limit Negative Appearance Comparison content on the
17 Explore page, an employee noted that “this is some of the most engaging content in Explore, so
18 this idea actively goes against many other teams’ top-line measures.”

19 218. As Instagram researchers noted: “[y]oung people know that their own personal
20 consumption patterns have a harmful impact on their self-esteem, but they don’t adopt different
21 patterns. In some cases, they can get addicted to things that make them feel bad.”

22 219. Meta promotes such problematic “personal consumption patterns” by using
23 Recommendation Algorithms that suggest content tailored to the individual user, including
24 psychologically distressing, harmful, and problematic content. But in its public communications
25 with current and prospective users, Meta conceals these aspects of its Recommendation
26 Algorithms.

27 220. Meta understands the psychologically manipulative nature of its Platforms’
28 functionality, has knowledge that its minimally constrained Recommendation Algorithms

1 promote harmful content, and is aware that users “wish[] Instagram [gave] them better control
2 over what [content] they [see].”

3 221. However, Meta does not effectively eliminate or reduce the Negative Appearance
4 Comparison content that its Recommendation Algorithms push to young users (and girls in
5 particular) on Instagram—even though Meta’s researchers concluded that this was harmful to its
6 users’ well-being—because doing so would harm Meta’s bottom line. As one employee put it,
7 “we’ve done some early experimentation with the Drebbel team on additional enforcement for
8 users who we detect to be in a rabbithole on Feed Recs. [In sum] we did see a meaningful drop in
9 exposure with targeted demotion, but it came with a clear engagement cost”

10 222. At the same time Meta was prioritizing engagement over safety (and in turn,
11 increasing its profits), Meta continued to insist that user well-being (especially teen well-being)
12 was its top priority, including through a January 2018 statement by Zuckerberg that the company
13 was “focused on making sure Facebook isn’t just fun to use, but also good for people’s
14 wellbeing,” as reported by the Guardian.

15 223. For example, on October 5, 2021, Zuckerberg reacted to former Facebook product
16 manager Frances Haugen’s whistleblower revelations and testimony to Congress—which sent
17 Meta’s stock price down over 10% in the six weeks following the initial revelations—by publicly
18 stating in a post on his Facebook profile: “At the heart of these accusations is this idea that we
19 prioritize profit over safety and well-being. That’s just not true.”

20 224. Despite its knowledge that Meta’s Recommendation Algorithms harm young
21 users’ health, Meta does not disclose these harms to young users or their parents in its public
22 communications or in its user registration processes for its Social Media Platforms.

23 225. Meta denies that its Recommendation Algorithms are designed to be addictive and
24 that the algorithms promote emotionally distressing content, but Meta knows that it designs its
25 algorithms to be addictive and to promote such content. Meta’s misrepresentations and omissions
26 regarding its Recommendation Algorithms’ promotion and amplification of harmful content
27 deprives users, including the parents of young users, of informed decision-making authority
28 regarding whether and how to engage with Meta’s Social Media Platforms.

1 **5. Meta’s use of social comparison features such as “Likes” also promotes**
2 **compulsive use and mental health harms for young users.**

3 226. Meta’s Social Media Platforms contain additional design features that exacerbate
4 social comparison, such as the quantification and display of Like counts on each piece of content
5 on Instagram and Facebook.

6 227. Likes are a quick way for users to express validation or approval of other users’
7 photos or videos, by clicking or tapping a heart icon or the iconic thumbs-up icon. Likes were
8 developed by Meta between 2010 and 2013.

9 228. Extensive internal studies have made Meta aware that the quantification and public
10 display of Like counts on its Social Media Platforms is harmful to young users’ mental health.
11 Despite that knowledge, Meta has elected to publicly downplay its negative effects on young
12 users rather than eliminating the feature for young users or truthfully disclosing its negative
13 effects.

14 229. Meta knows that social comparison is harmful to young users but good for Meta’s
15 bottom line. In emails exchanged in February 2021, Meta employees, including [REDACTED], current
16 Director of Data Science, and [REDACTED], discussed how social comparison is valuable to
17 Instagram’s business model while simultaneously causing harm to teen girls. [REDACTED] questioned,
18 “[d]o we want social comparison or not?” He also noted that if Meta worked to eliminate social
19 comparison on Instagram, Meta would likely lose users to other Platforms. A separate internal
20 report observed that “social comparison was also associated with greater time spent” on Meta’s
21 Social Media Platforms.

22 230. Meta knows that adolescents using its Social Media Platforms have a propensity to
23 compare themselves to peers and that social comparison and the pressure to be perfect on
24 Instagram have significant negative impacts on young users’ mental health.

25 231. Specifically, Meta’s researchers stated that they were “confident of a causal link
26 between [seeing] Like counts and social comparison.”
27
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1 232. An internal Meta email from 2020 noted that “we know from previous internal and
2 external research that social comparison is linked to multiple negative well-being outcomes (e.g.,
3 increased loneliness, worse body image, and negative mood or affect)”

4 233. A January 2020 study that Meta conducted noted that “[s]ocial comparison is . . .
5 higher among younger than older people. Younger people are more susceptible to peer influence
6 and social comparison.”

7 234. Just three months later, Meta conducted another internal study that revealed that:

- 8 • “About 1 out of 10 people experience negative social comparison on Instagram
9 *often or always*” (emphasis in original);
10 • “About 1 in 4 people think that Instagram makes social comparison worse”;
11 • “People receive about 5% as many Likes on their own posts as those they see on
12 IG”; and
13 • “Seeing high Like counts is associated with feeling worse (more negative, less
14 positive comparison).”

15 235. Researchers at Meta documented that appearance-based comparison on Instagram
16 was worse for teenagers and young adults compared to older adults, and worse for female users
17 across all age groups 60 and under. The highest rates of negative appearance-based comparison
18 on Instagram were for teen girls, aged 13 to 18.

19 236. In an internal presentation from 2021, Meta employee ██████████ noted that
20 teens suffered from “constant negative comparisons” on Instagram because Meta recommended
21 triggering content to them and continued showing them Like counts.

22 237. Meta is aware that “66% of teen girls on IG experience negative social
23 comparison,” along with “40% of teen boys.”

24 238. Further, Meta knows from its own internal research that being exposed to Like
25 counts on Instagram results in more negative comparison among users.

26 239. Researchers at Meta noted in October 2020 that “[w]ithin every examined
27 demographic group, seeing posts with more extreme Like counts (1M+) was associated with
28 feeling worse: more negative social comparison”

1 240. The same researchers recommended implementing design changes that had been
2 tested in Project Daisy, an internal experiment conducted by Meta in 2020 “where hiding Like
3 counts [on Instagram posts] led to decreases in negative social comparison.” The researchers’
4 report recommended hiding Like counts for the entire Instagram Platform, as Meta’s researchers
5 had done for a subset of Instagram users in the Project Daisy experiment.

6 241. Meta carried out two pilot versions of Project Daisy: Pure Daisy (wherein the Like
7 counts on all posts except one’s own were hidden) and Popular Daisy (wherein the Like counts on
8 posts from certain highly followed accounts were visible, but the Like counts on the average
9 users’ posts were hidden).

10 242. Both Daisy programs successfully “reduced the negative impact of seeing posts
11 with many Likes.”

12 243. Pure Daisy was more effective than Popular Daisy, but both reduced users’
13 experiences of negative social comparison. Young users reported that hiding Like counts made
14 them care less about the number of Likes that their posts had received.

15 244. Meta knew that “social comparison on Fb and IG is highest among teens and
16 young adults” and that Project Daisy “had a statistically significant impact on reducing the
17 frequency of ‘like’ comparison for teens.”

18 245. Approximately 30% of teen girls also felt that “Instagram made dissatisfaction
19 with their body worse.”

20 246. An internal Meta email from August 2020 noted that Project Daisy’s removal of
21 Like counts resulted in “less social comparison” and that “negative social comparison decrease[d]
22 more over time” for Project Daisy participants.

23 247. Indeed, a March 2020 internal document recognized that hiding Like counts may
24 be an effective intervention to reduce social comparison for users in the United States.

25 248. While Meta gathered data through Project Daisy demonstrating that removing
26 visible Like counts improved user well-being, Meta also carefully tracked the effects of different
27 variants of Daisy on key engagement metrics related to sessions and daily active users, as well as
28 their impact on Meta’s advertising revenue.

1 249. Despite validating that removing the public quantification of Likes from its Social
2 Media Platforms would decrease negative social comparison, including for young users, Meta did
3 not remove the default display of Like counts for content viewed by young users on its Social
4 Media Platforms.

5 250. Instead, after assessing the impact of Project Daisy on user engagement and
6 revenue—including an estimated 1% negative effect on Meta’s advertising revenue—Meta’s
7 leadership decided not to implement Project Daisy as a default setting on Instagram or Facebook.

8 251. As of October 2023, Like counts on all users’ posts remain visible by default on
9 Instagram and Facebook.

10 252. Rather than removing visible Like counts for all users by default (the design
11 change that had been tested and validated in Project Daisy), users who wish to hide Like counts
12 from posts in their Instagram or Facebook Feeds must navigate submenus of preferences to
13 affirmatively opt in.

14 253. Meta could have, at a minimum, hidden Like counts for young users of Instagram
15 and Facebook, but it declined to do so. Instead, Meta continues to show young users Like counts
16 for all content in its Social Media Platforms by default.

17 254. Meta’s senior leadership admits that social comparison is a critical issue with
18 serious consequences for its users, particularly for Instagram. Mosseri wrote in an internal email,
19 “I see social comparison as the existential question Instagram faces within the broader question of
20 whether or not social media is good or bad for people.” Because of Instagram’s “focus on young
21 people and visual communication,” its emphasis on beauty and fashion content, and a “marketing
22 look and feel often biasing too polished,” Mosseri reasoned that “social comparison is to
23 Instagram [what] election interference is to Facebook.”

24 255. Although Meta is aware that negative social comparison is a problem for teens,
25 and that seeing high Like counts on others’ posts makes users feel worse, Meta continues to
26 quantify and display social statistics such as Likes on its Platforms by default.

27
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1 256. Exacerbating the negative effect of visible Like counts is Instagram’s selective
2 display of more “popular” posts—the kind most likely to induce negative social comparison
3 among teen users—as Meta’s own studies have found.

4 257. An April 2020 study explained:

5 [R]anking algorithms may prioritize posts with more feedback,
6 since feedback is one signal of the posts people want to interact
7 with. Altogether, this means that people are more likely to see their
8 friends’ highest-feedback posts. If people compare the feedback
9 they receive on their posts to the feedback their friends receive,
10 they may overestimate their friends’ popularity and feel worse by
11 comparison.

12 258. Meta’s internal documents acknowledged that “[y]oung people perceive Instagram
13 as a popularity contest” and “[t]o a great extent, social pressure is something built-in to the
14 Instagram experience.” In other words, “[t]he quest to create the most perfect and popular images
15 is the central task in the game of Instagram.”

16 259. Additionally, Meta’s internal documents reflected that “the mechanics of
17 Instagram amplify the impact of social comparison.”

18 260. Further still, an internal Meta document reported that while social comparison
19 occurs “online and offline,” it is “amplified” on Meta’s Social Media Platforms, with 40% of U.S.
20 users surveyed suffering from social comparison, and 5% indicating they had a chronic issue with
21 social comparison.

22 261. Rather than implementing the design changes tested in Project Daisy, Meta chose
23 to continue displaying Like counts and to continue prioritizing the display of “popular” posts.
24 This choice was made, notwithstanding that some inside Meta “HUGELY pushed for Daisy” to
25 be implemented.

26 262. In an internal email from April 2021, Instagram’s Head of Public Policy Karina
27 Newton noted, “we have continued to get the advice [from experts] that we should have Daisy on
28 by default for teens.”

 263. Instead, Meta effectively abandoned Project Daisy, calling it “extremely low on
the long list of problems we need to solve.”

1 264. Internally, Meta employees noted that Daisy “got stuck in a political war
2 b[e]tw[een]n Fidji [Simo, then-Head of Facebook] + Adam [Mosseri] + Mark [Zuckerberg].”

3 265. When discussing Meta’s decision not to implement Daisy, Meta employees
4 acknowledged that Mosseri put Meta “in an awful position” because he “publicly talked about
5 [Daisy], [and] all but promised we’d do this.” Indeed, in the context of discussing whether Like
6 counts should remain visible at WIRED’s annual conference on November 8, 2019, Mosseri
7 publicly stated that “[w]e will make decisions that hurt the business if they’re good for people’s
8 well-being and health”

9 266. Through this and other similar statements, Meta falsely represented that it was
10 committed to removing public Like counts from Instagram if it learned that doing so would help
11 its users’ well-being.

12 267. Meta’s representations did not accurately characterize Meta’s response to Project
13 Daisy. Instead, when Meta learned that visible Like counts were harmful for user well-being but
14 connected to higher advertising revenues, Meta elected to retain the visible Like counts at the
15 expense of user well-being.

16 268. Meta employees internally admitted that providing Daisy merely as an opt-in
17 control did not make Instagram safer for young users. For example, on January 20, 2021, Meta
18 researchers explicitly acknowledged in an internal chat that making Daisy available as an opt-in
19 setting rather than a default setting “won’t actually be effective at reducing [social comparison]”
20 and that an opt-in option “is highly unlikely to be useful.”

21 269. An August 6, 2021, internal Meta document discussing Daisy research noted that
22 “[t]eens in the opt-out condition were significantly less likely to feel worse about themselves
23 because of the number of likes other people received on their Instagram posts.” But the research
24 summary also found that “[t]eens are more likely to keep like counts hidden when by default it
25 was hidden. [W]hen daisy controls are opt-in, only 0.72% of people choose to hide like counts,
26 but when they’re opt-out, 35% leave their like counts hidden.”

27 270. Additionally, on October 6, 2020, a Meta employee acknowledged that “the vast
28 majority of [users] will not change the [default Daisy Controls] setting, so to me, the decision to

1 not [implement] Daisy means the default should be no Daisy.” In other words, Meta knows that
2 making Daisy available as an opt-in rather than a default setting means Meta has not
3 meaningfully implemented Daisy.

4 271. In an internal chat, Meta employees stated that “opt-in” controls “have low
5 adoption,” and that when it comes to “mak[ing] it easier for teens to do what is good for them” on
6 Instagram, opt-in controls are like putting “junk food on [a] desk with a sign ‘hey you have a
7 choice to eat it or not. Junk food is bad for you.’”

8 272. In the same conversation, Instagram’s Head of Instagram Public Policy Programs
9 stated: “Would LOVE i[f] we’d consider some controls not to be opt-in.” An internal presentation
10 from June 2018 acknowledged that default options lead to “low intentionality” in users and such
11 “aspects of Facebook can make regulation [of time spent] difficult.” The presentation indicated
12 that “Facebook could provide people support to regulate habitual use” by “reconsidering defaults,
13 and providing support for setting and pursuing goals.

14 273. In a separate internal communication discussing potential changes to Instagram,
15 Meta employees candidly observed that the “youngest Instagram users have the fewest skills and
16 least experience to successfully navigate social media.” Despite Meta’s awareness of opt-in
17 settings being ineffective in general, and its awareness that young Instagram users in particular
18 struggle to navigate social media, Meta declined to implement Project Daisy as a default for
19 young users, only making it available to young users as an opt-in setting.

20 274. An internal Meta chat message recounted that Instagram’s Head of Public Policy
21 Programs presented “really good arguments” for “making Daisy default for teens,” but that
22 Mosseri “quickly” declined this proposal in July 2021, citing concerns that making Daisy a
23 default setting for teens would validate the external “perception that ‘likes’ are bad for young
24 people.”

25 275. Ironically, Mosseri publicly touted Meta’s work on Project Daisy as evidence that
26 Meta was making Instagram safer. For example, in September 2019, a Meta employee sent
27 talking points to Mosseri in preparation for his Today Show appearance that included among the
28 “Key Messages” that “well-being is my #1 priority,” conceding that “[i]f it means people will use

1 [Instagram] less, ok if it makes people safer” and that, specific to hiding Like counts, Meta was
2 “[w]illing to make changes that will reduce the amount of time people spend on Instagram if it
3 makes them safer.”

4 276. In January 2020, a Meta employee noted:

5 I’m at the social impact summit where there’s now a fireside chat
6 with Fidji [Simo] and Adam Mosseri. When Adam asked what he’s
7 most excited for in 2020, he listed three things. (1) delivering on
8 our promises to lead in bullying, (2) getting daisy out the door, and
9 (3) while acknowledging they aren’t sure if this is what they’ll
10 prioritize, he thinks it will be social comparison. Check check
11 check. Sounds like we are prioritizing the right things.

12 277. Referring to Meta’s failure to deliver on its promises related to well-being
13 initiatives, another employee responded: “I just hope this is more real than the well-being priority
14 for the FB App!”

15 278. Similarly, a February 2020 internal document noted that “[D]aisy was announced
16 last year and is expected to be the primary marketing focus this year.”

17 279. A “Company Narrative” document from March 2021 listed Daisy as a “key story”
18 to land externally regarding Meta’s efforts to improve user well-being. But while Meta planned to
19 present that “story” to external audiences, internally, Meta’s leaders were ignoring researchers’
20 advocacy around Daisy’s benefit for user well-being.

21 280. As Meta’s employees discussed internally, efforts to address negative social
22 comparison problems on Instagram and Facebook are hindered by Meta’s overriding focus on
23 performance metrics, user engagement, and company revenue: “[T]he hardest part about shipping
24 stuff in [social comparison] is going to be organizational—like anything we want to ship is
25 probably going to hurt another team’s metrics.”

26 281. Internally, Meta employees noted that projects like Daisy “can easily be impeded
27 by other agendas.”

28 282. Internal Meta communications acknowledged that any efforts to improve teen
safety and well-being would need to be accompanied by “retaining our focus on teen
engagement” (i.e., the key metrics that drive Meta’s revenue).

1 283. Publicly, Meta made misleading statements regarding why Daisy was not
2 implemented, falsely representing that Daisy was not as effective as Meta hoped it would be and
3 downplaying the negative impact on engagement and revenue as influencing Meta’s decision to
4 abandon Daisy.

5 284. A May 26, 2021 Meta blog post, titled “Giving People More Control on Instagram
6 and Facebook,” claimed that although the company tested Daisy “to see if it might depressurize
7 people’s experience on Instagram,” Meta had decided not to implement it as a default because
8 “not seeing like counts was beneficial for some, and annoying to others.”

9 285. Similarly, Meta’s prepared talking points regarding Project Daisy stated that Meta
10 was implementing Daisy as an opt-in feature because “[f]or some people, hiding public like
11 counts helped people focus less on the number and more on the content, [but] for others it didn’t
12 really matter much.”

13 286. In late August 2021, Dr. Kristin Hendrix, then Head of Research at Instagram,
14 noted that Meta should respond to a reporter’s query regarding Instagram and teen mental health
15 issues as follows: “[w]e tried with Daisy - it was a hypothesis based on research but ultimately
16 didn’t have as strong an impact as we’d hoped; shows that this is all very individualized and
17 nuanced so we made it optional; trying it now with Nudges.”

18 287. Additionally, in an interview with press in May 2021 about why Meta did not
19 implement Daisy as a default setting, Mosseri stated “there was very little impact and the result
20 was neutral,” and, therefore, Meta made Daisy an opt-in feature.

21 288. Through these and other public statements, Meta falsely represented that Project
22 Daisy was not implemented by default in Instagram and Facebook because Meta lacked evidence
23 that the Platform changes tested in Project Daisy were beneficial to the mental health and well-
24 being of its users—or because the impact of removing visible Like counts was too
25 “individualized” to be beneficial as a default setting applicable to a general audience.

26 289. In reality, Meta had repeatedly tested, validated, and documented that removing
27 visible Like counts as a default would be generally beneficial for its users’ mental health and
28 well-being.

1 290. One Meta researcher noted that Daisy “is one of the clearest things (supported by
2 research) that we can do to positively impact social comparison and well-being on IG and we
3 should ship it.”

4 291. On the same email thread, another Meta researcher wrote that social comparison
5 was “shown (repeatedly) [to be] among the top drivers of well-being on FB and IG” and that
6 “Daisy is such a rare case where a product intervention can improve well-being for almost
7 everyone that uses our products.”

8 292. Internal researchers at Meta found that Daisy led to less negative social
9 comparison for some users and no effect for others—but it was associated with a “small dip in
10 engagement and revenue.”

11 293. Meta also knew that Daisy had “received overwhelmingly positive responses from
12 policy makers, press, and academics alike.”

13 294. Despite possessing overwhelming evidence that removing visible Like counts
14 would be beneficial for its users’ mental health and well-being, Meta buried it as an opt-in
15 feature, crafting a narrative for external events that included the message that Meta “didn’t
16 conclusively see this was a better experience for everyone.”

17 295. In internal Meta documents from March 2020, Meta’s own researchers expressed
18 concern that “statements like ‘Daisy didn’t improve well-being’ are misleading,” including
19 because Daisy objectively *did* cause statistically significant improvements according to certain
20 reliable measures of user well-being, even if it did not yield significant improvements on every
21 measure of well-being.

22 296. Meta also took painstaking measures to “manage negative reactions about us
23 ‘walking back’ our progress to address well-being,” including delaying announcing Meta’s
24 decision on Daisy “to separate it from Mental Health Awareness Month and avoid conflating
25 Daisy with direct ties to mental health,” even though Meta knew Daisy had direct, positive
26 impacts on youth mental health. An email from August 2020 noted that “the recommendation is
27 to develop a comms plan to roll back Daisy.”
28

1 297. Upon information and belief, Meta’s employees who work on well-being
2 initiatives have a different definition of success than Meta’s leadership does; while the well-being
3 team advocates for Meta to adopt certain measures (such as Daisy), Meta’s leadership resists
4 implementing those changes.

5 298. For example, Meta researchers repeatedly advocated for removing Likes from
6 Facebook and Instagram based on research on the impact of Likes on social comparison. Yet,
7 they continually faced resistance from the company’s leadership. One Meta employee remarked
8 that if the company refused to implement Daisy despite existing research on its positive effects on
9 well-being, they were “doubtful” that Meta would implement “any broad product changes with
10 the purpose of improving user well-being.”

11 **6. Meta’s use of disruptive audiovisual and haptic notifications interferes**
12 **with young users’ education and sleep.**

13 299. Meta’s Social Media Platforms use incessant notifications that recall young users’
14 attention back to the Social Media Platforms when they are engaging in unrelated activities, such
15 as attending school.

16 300. For example, by default, Instagram frequently delivers notifications to young
17 users’ smartphones, which Meta knows increases the amount of time and the frequency with
18 which young users interact with Instagram.

19 301. By default, Instagram employs a range of notifications when the application is
20 installed on a smartphone. These include haptic alerts (vibration or pulse), banner notifications,
21 sound notifications, badge notifications (persistently displayed red indicator encircling a number
22 representing certain events that have not yet been viewed by the user), and email notifications.

23 302. These notifications are disruptive for all users but are especially intrusive and
24 harmful for young users, who are particularly vulnerable to distraction and psychological
25 manipulation.

26 303. Meta sends notifications to users, which trigger audiovisual and haptic alerts on
27 users’ smartphones, when other users on the Platform take any of the following actions:

- 28 • Following the user;

- 1 • Going Live (i.e., starting a live broadcast);
- 2 • Liking or commenting on the user’s posts;
- 3 • Mentioning the user in a comment or tagging the user in a post; or
- 4 • Sending the user a message.

5 304. Internal company documents outline Meta’s strategy of pursuing “Teen Growth”
6 by “leverag[ing] teens’ higher tolerance for notifications to push retention and engagement.”

7 305. Meta knows that these notifications are psychologically harmful to young users,
8 despite young users’ high tolerance for notifications.

9 306. For example, an internal Meta document discussing “Problematic Facebook Use”
10 stated that “smartphone notifications caused inattention and hyperactivity among teens, and they
11 reduced productivity and well-being.”

12 307. The alerts enabled by default on Instagram are designed by Meta to increase
13 engagement by its users, including young users, by taking advantage of well-understood
14 neurological and psychological phenomena, including the use of sounds and vibrations to trigger
15 dopamine releases and other physiological responses.

16 308. In June 2020, Meta’s “research priorities” regarding youth on Instagram included
17 studying the question: “[h]ow can notifications re-engage less active users with Instagram?”

18 309. Meta has employed notifications across its Social Media Platforms to drive
19 increased user engagement.

20 310. Sean Parker, founding president of Meta, explicitly acknowledged this:

21 The thought process that went into building these applications,
22 Facebook being the first of them . . . was all about: “[h]ow do we
23 consume as much of your time and conscious attention as
24 possible?” That means that we need to sort of *give you a little
25 dopamine hit every once in a while, because someone liked or
26 commented on a photo or a post* or whatever. And that’s going to
27 get you to contribute more content and that’s going to get you . . .
28 more likes and comments. It’s a social-validation feedback loop . . .
exactly the kind of thing that a hacker like myself would come up
with, because you’re exploiting a vulnerability in human
psychology. The inventors, creators—me, Mark [Zuckerberg],
Kevin Systrom on Instagram, all of these people—understood this
consciously. And we did it anyway.

1 311. As Meta knows, young users are particularly susceptible to these techniques and
2 find it hard to resist applications that send them frequent and persistent alerts.

3 312. In a November 2019 internal presentation entitled “IG Notification Systems
4 Roadshow,” Meta’s employees acknowledged that some of its users are “overloaded because they
5 are inherently more susceptible to notification dependency.” Despite acknowledging users’
6 concerns that Instagram’s push notifications had the potential to “constantly harm . . . mental
7 health,” the presentation did not propose any product changes to protect young users’ mental
8 health—and instead deferred the “harmful effect on teen usage” for further investigation.

9 313. Researchers have documented how these notifications, including Likes on
10 Instagram, have an impact on the brain similar to the effect of taking stimulating drugs:

11 Although not as intense as [a] hit of cocaine, positive social stimuli
12 will similarly result in a release of dopamine, reinforcing whatever
13 behavior preceded it Every notification, whether it’s a text
14 message, a “like” on Instagram, or a Facebook notification, has the
15 potential to be a positive social stimulus and dopamine influx.¹³

16 314. Young users frequently re-open and re-engage with Instagram repeatedly
17 throughout the day and at night when prompted to do so by the alerts and notifications they
18 receive from Instagram on their smartphones.

19 315. By sending notifications to young users, Meta causes young users’ smartphones to
20 produce audiovisual and haptic alerts that distract from and interfere with young users’ education
21 and sleep.

22 316. Meta defaults young users into receiving notifications on Instagram and Facebook,
23 despite its knowledge that “[i]n academic experiments, smartphone notifications caused
24 inattention and hyperactivity among teens, and they reduced productivity and well-being.”

25 317. While users can technically disable notifications, Meta knows that requiring users
26 to opt out of receiving notifications greatly reduces the likelihood that they will do so. In addition,
27 many users reported that changing notification settings was “not . . . easy to do.”

28 ¹³ Trevor Haynes, *Dopamine, Smartphone & You: A Battle for Your Time*, Harv. Univ. SITN Blog (May 1, 2018), <https://archive.ph/9MMhY>.

1 318. An email chain from late 2017 and early 2018 including Mosseri and other Meta
2 executives discussed significant declines in U.S. engagement metrics. In those emails, Meta
3 employees discussed how reductions in notifications are associated with decreases in engagement
4 metrics. One Meta employee expressly stated that the company faces a trade-off between
5 “[p]reserving a better notification experience for people” and “[r]ecovering US DAP [Daily
6 Active People] impact.”

7 319. In other words, Meta knows that when design changes to its Social Media
8 Platforms cause more notifications to be sent to users, user engagement increases, and when
9 design changes to its Social Media Platforms cause fewer notifications to be sent to users, user
10 engagement decreases.

11 320. In the same email thread, Facebook Chief Product Officer Chris Cox stated, “[i]f
12 we think that the filtered [notification] experience is better for people, I feel strongly that we
13 shouldn’t revert this because a metric is down. The heart of the matter is that we need to get better
14 at making the harder decisions where the metric isn’t the main decision criteria: the experience
15 is.”

16 321. Then-Vice President of Analytics Alex Schultz added, “fundamentally I believe
17 that we have abused the notifications channel as a company.”

18 322. The final few emails on the chain from then-Facebook Product Management
19 Director for Growth Andrew Bocking end the discussion—Meta chose to prioritize engagement
20 over reducing notifications: “just got clear input from Naomi [Gleit] that US DAP [Daily Active
21 People] is a bigger concern for Mark [Zuckerberg] right now than user experience,” and “we just
22 got a very clear and strong message from Mark that DAP [Daily Active People] (and specifically
23 US DAP [Daily Active People]) is **extremely** important and we **must** change the trajectory from
24 the negative one.”

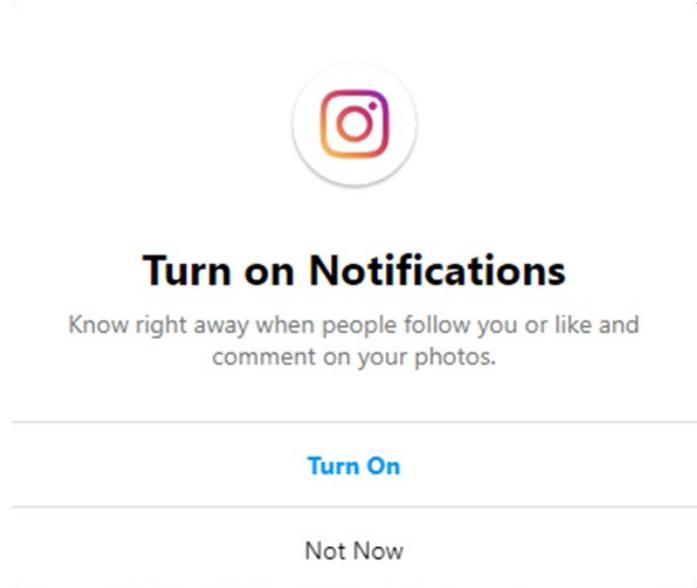
25 323. An internal research document from March 2021 acknowledged that Meta’s
26 “current notification controls do not enable enough agency” in users.

27 324. In fact, Meta has long known that “notifications with little or no relevance” to the
28 user and “constant updates including Like counts” constitute “rewards [that] are unpredictable or

1 lacking in value.” In June 2018, an internal presentation called “Facebook ‘Addiction’” proposed
2 that Meta reduce such notifications to curb problematic use in users.

3 325. Even so, Instagram does not offer users a setting to permanently disable all
4 notifications on Instagram at once. At most, users can opt to pause all notifications for up to 8
5 hours at a time. Users seeking to permanently disable all notifications must disable each category
6 of notifications one by one.

7 326. After users disable notifications, Meta pressures such users to reinstate
8 notifications when they use Instagram. For example, Meta periodically sends a user the below
9 nudge message after a user disables notifications on their smartphone and subsequently logs onto
10 Instagram through a web browser:



21 327. Upon information and belief, the wording of the “Turn On” and “Not Now”
22 options is designed to pressure users, including young users, to revert to the default notification
23 settings even after they have attempted to disengage from Instagram by turning those notifications
24 off.

25 328. Relatedly, Meta researchers know that its Social Media Platforms’ features
26 interfere with young users’ sleep. As one data scientist noted: “honestly the only insight I see in
27
28

1 these charts is that teens are really into using IG at 11pm when they probably should be sleeping
2 [sad face emoticon].”

3 329. Through notifications and other features, Meta’s Social Media Platforms are
4 designed to maximize user time, addict and re-addict users (including young users), and
5 effectively mandate that a user’s experience is on Meta’s revenue-maximizing terms, even when
6 users attempt to modify their own behavior to reduce the time they spend on Instagram.

7 330. Publicly, Meta touts its Social Media Platforms’ time management “tools,”
8 creating the misleading impression that Meta’s Social Media Platforms are designed to empower
9 users’ efforts to self-limit the duration and frequency of their social media use.

10 331. For example, on August 1, 2018, Meta published a post online titled “New Time
11 Management Tools on Instagram and Facebook” that described “new tools to help people manage
12 their time on Instagram and Facebook” because Meta purportedly “want[s] the time people spend
13 on Instagram and Facebook to be intentional, positive and inspiring.”

14 332. Meta’s public representations concerning its time management tools are deceptive
15 in light of Meta’s choice to default users, including young users, into a barrage of smartphone
16 alerts that incessantly recall them to the Social Media Platforms and then pressure young users to
17 revert to those defaults when they attempt to opt out.

18 **7. Meta promotes Platform features such as visual filters known to promote**
19 **eating disorders and body dysmorphia in youth.**

20 333. As referenced above, Meta also deceives the public by representing in its public
21 communications that its Social Media Platforms do not allow content that promotes or encourages
22 eating disorders—all while actively choosing to retain Platform features known by Meta to
23 promote those very disorders, despite expert warnings about the resulting harms to young users.

24 334. For example, on September 30, 2021, Meta executive Davis denied that Meta
25 promotes harmful information, such as information that promotes eating disorders, when
26 testifying before Congress, stating: “[w]e do not direct people towards content that promotes
27 eating disorders. That actually violates our policies, and we remove that content when we become
28 aware of it. We actually use AI to find content like that and remove it.”

1 335. Davis also testified that for teen girls struggling with “loneliness, anxiety, sadness,
2 and eating disorders,” they “were more likely to say that Instagram was affirmatively helping
3 them, not making it worse.”

4 336. Davis also testified that Instagram “work[s] with experts to help inform our
5 product and policies” around eating disorders. Meta publishes this same statement in a section
6 devoted to “[e]ating disorders” and “negative body image” in its “parent and guardian’s guide to
7 Instagram,” which it makes available on its website.

8 337. Generally, and as described above, Meta falsely represents to the public that Meta
9 does not prioritize user engagement or Meta’s profits over young users’ safety.

10 338. In contrast to its public claims, Meta’s internal communications reveal that it
11 prioritizes engagement and profits to the detriment of young users’ well-being.

12 339. One such example is Meta making visual filters that simulate facial plastic surgery
13 available to young users on its Social Media Platforms.

14 340. Meta’s leadership (including Instagram’s former Head of Policy Newton) came to
15 understand that Meta was “actively encouraging young girls into body dysmorphia” with these
16 filters. Meta leaders communicated these concerns about the “severe impacts” of these filters on
17 users’ mental health to Zuckerberg.

18 341. Zuckerberg, however, dismissed these concerns, which were raised by multiple
19 employees.

20 342. In November 2019, Margaret Gould Stewart, Meta’s then-Vice President of
21 Product Design and Responsible Innovation, initiated an email conversation, with the subject
22 “[Feedback needed] Plastic Surgery AR Effects + Camera Settings Policies,” addressing
23 recipients including Andrew Bosworth (Meta’s Chief Technology Officer), Mosseri (Head of
24 Instagram), Fidji Simo (then-Head of Facebook), and Newton.

25 343. Gould Stewart described a “PR fire” in mid-October 2019, stemming from “selfie”
26 camera filters on Meta’s Platforms that simulated plastic surgery.

27 344. This included public allegations that Meta was “allowing the promotion of plastic
28 surgery,” including to Instagram’s youngest users.

1 345. Meta’s initial response to the public backlash was to institute a temporary ban on
2 the camera filters.

3 346. Gould Stewart recommended that this ban be made permanent.

4 347. Gould Stewart distributed a briefing memo to these senior leaders detailing the
5 “significant concerns” raised by “global well-being experts . . . about the impact of these effects
6 on body dysmorphia and eating disorders,” especially for teenage girls.

7 348. In a separate communication, Gould Stewart urged Meta’s leadership that “when it
8 comes to products or technology that are used extensively by minors (under 18) I do believe we
9 have an obligation to act more proactively in mitigating potential harm”

10 349. The briefing memo noted that a potential option to limit the filters to only users
11 who were 18-years-old and older would not be effective because Instagram’s age-gating
12 procedures were inadequate, such that “minors will still have access to the filters, especially on
13 IG.” The document reminded Meta’s senior leaders that academic researchers had demonstrated
14 that “Facebook and Instagram use is associated with body image issues and anxiety among users
15 and particularly among women and teenage girls.” The document warned that long-term studies
16 of the effects of such filters “likely will not be available before the potentially damaging impact
17 to user wellbeing manifests.”

18 350. Newton agreed with the recommendation to extend the ban, expressing concern
19 that these filters were “actively encouraging young girls into body dysmorphia and enabling self-
20 view of an idealized face (and very western definition of that face by the way) that can result in
21 serious issues.”

22 351. Newton further noted that “outside academics and experts consulted were nearly
23 unanimous on the harm here.”

24 352. A meeting with Zuckerberg to discuss the matter was then scheduled for April 2,
25 2020, and a “Cosmetic Surgery Effects Pre-Read” document was prepared and circulated in
26 anticipation of that meeting.

27 353. The “pre-read” detailed Meta’s consultation with “21 independent experts around
28 the world,” finding that “[t]hese extreme cosmetic surgery effects can have severe impacts on

1 both the individuals using the effects and those viewing the images.” Experts told Meta that
2 “[c]hildren are particularly vulnerable” to these impacts, in addition to “those with a history of
3 mental health challenges [and] eating disorders[.]” The memo also included Meta’s review of
4 academic research on the negative effects of edited images on viewers’ satisfaction with their
5 own bodies, as well as anecdotal evidence that “editing one’s own selfie images could activate
6 desire for cosmetic surgery.”

7 354. In addition to noting the experts’ “agree[ment] that these effects are cause for
8 concern for mental health and wellbeing, especially” for women and girls, the memo noted that
9 continuing the ban may have a “negative growth impact” on the company.

10 355. On April 1, 2020, one day before this meeting was to take place, it was canceled.

11 356. Rather than rescheduling the meeting, Zuckerberg vetoed the proposal to ban
12 camera filters that simulated plastic surgery.

13 357. Zuckerberg dismissed concerns about the filters (from the public, from experts,
14 and from his own employees) as “paternalistic.”

15 358. Zuckerberg stressed that there was a “clear[] demand” for the filters, and wrongly
16 asserted that he had seen “no data” suggesting that the filters were harmful.

17 359. In reality, Zuckerberg was provided the “pre-read” document, detailing expert
18 consensus on “the dangers these filters have in advancing unrealistic beauty standards and
19 impacting mental health and body image,” and he continued to receive information from
20 colleagues summarizing the harmful nature of the plastic surgery filters.

21 360. A follow-up memo sent to Zuckerberg before he gave a final order to end the ban
22 noted that the cosmetic surgery filters could have disproportionate impacts for children and teen
23 girls.

24 361. After Zuckerberg rejected the proposal to permanently ban plastic surgery
25 simulation camera filters, Gould Stewart wrote to Zuckerberg, “I respect your call on this and I’ll
26 support it, but want to just say for the record that I don’t think it’s the right call given the
27 risks . . . I just hope that years from now we will look back and feel good about the decision we
28 made here.”

1 362. Gould Stewart left Meta in November 2022.

2 363. As of October 2023, these filters remain available on Instagram. While
3 Zuckerberg’s decision to stand behind the harmful filters was made despite expert and Meta staff
4 opinion, Meta attempted to avoid press scrutiny and backlash in how it presented this decision.

5 364. In addition to the plastic surgery filters, Meta offers other camera filters that it
6 knows result in negative appearance comparison. Internal studies show that with Stories, “sharing
7 or viewing more filtered selfies (i.e., that had a color filter or camera AR effect) was associated
8 with increased negative comparison.” In 2021, Meta researchers recommended that Meta
9 “[p]rioritize authenticity,” along with “fun/interactive filters over beautification,” to facilitate
10 users “[m]aintaining [s]elf [e]steem.”

11 365. In fact, Meta conducted a focus group of girls and women ages 13 to 21 in a Bay
12 Area city who use Instagram and had issues with their self-confidence. This took place in March
13 2020, just a month before Zuckerberg rejected the proposal to permanently ban plastic surgery
14 simulation camera filters. Meta employees analyzing the focus group data concluded that “run of
15 the mill [camera] effects” as opposed to “silly” or “over the top” effects “were the most
16 problematic because they (1) were realistic . . . and (2) seemingly attainable[.]”

17 366. A significant percentage of teen Instagram users who shifted their time to other
18 social media platforms reported that there was too much pressure to look perfect on Instagram.

19 367. Despite this feedback from users, Meta persists in making beautification and other
20 camera filters available to young users, and has even discussed proposals to make “enhancement
21 filters” such as a “skin smoothing” effect a so-called “sticky setting,” which would be
22 automatically applied when users opened the camera after having used the filter once.

23 368. And although Meta knows from user feedback, internal research, and academic
24 experts that use of these types of filters on its Social Media Platforms was associated with body
25 image issues, body dysmorphia, and decrease in teen well-being, it continued to misrepresent to
26 the public that Instagram helped teen girls struggling with mental health and eating disorders.
27 Davis falsely denied to the public and lawmakers that Meta promotes and makes available content
28

1 associated with eating disorders, when in fact, Meta’s own Platform features are associated with
2 body image issues related to eating disorders.

3 **8. Meta offers features that it claims promote connection between friends, but**
4 **actually serve to increase young users’ time spent on the Platform.**

5 369. In 2016, Meta analyzed the effectiveness of several features that garner and
6 maintain teen engagement. This analysis included its “buddy lists” feature, which shows users
7 how recently their friends have been online (e.g., “Last active 14 minutes ago”).

8 370. Another Meta feature from 2016 that encourages young users to continuously
9 engage with Instagram is the “multiple accounts” function, which allows users to register up to
10 five accounts without having to log out of any one account to access another.

11 371. This multiplies the number of unexhausted personalized Feeds vying for young
12 users’ attention. Teen users with multiple accounts also have a higher probability of being
13 exposed to harmful content.

14 372. Meta encourages teens to have multiple accounts and seeks to extract the
15 maximum value from those accounts. For example, in 2019, an internal chat indicated that Meta
16 hoped teens would “feel more comfortable sharing and engaging” with multiple accounts in order
17 to “drive up” engagement (Daily Active People) and signal to “younger teens who are coming
18 onto the platform” to do the same. Meta Data Scientist (and currently Director of Data Science at
19 Meta) [REDACTED] suggested that Meta should consider targeting those secondary accounts “with
20 more upsells.” Instagram’s Senior Director of Project Management [REDACTED] concluded that it
21 would be a “promising strategy” for Meta to “prioritize” and promote multiple accounts to teens
22 by “increas[ing] awareness and value of multiple accounts.” An internal chat from July 2021
23 revealed that Meta uses its algorithms to “boost[]” teens in “suggested users,” so that teens get
24 more followers and increase their time spent on the Platform. This practice was a longstanding
25 one at Meta, as a 2018 chat references “increasing engagement” of “teens by driving more
26 connections.”

1 **9. Through its Platform features, Meta discourages young users’ attempts to**
2 **disengage, notwithstanding Meta’s representations to the contrary.**

3 373. Meta employs design features, including but not limited to infinite scroll, autoplay,
4 push notifications, and ephemeral content, that work to override young users’ attempts to
5 disengage from Meta’s Social Media Platforms. These tactics, which are wholly within Meta’s
6 control, make it difficult for young users to cease engagement with Meta’s Platforms—
7 independent of the content with which the users interact.

8 374. Meta has long denied that its Social Media Platforms are designed to be addictive.
9 In July 2018, Meta told the BBC that “at no stage does wanting something to be addictive factor
10 into” the design process for its Platforms.

11 375. On September 30, 2021, Davis testified before Congress that Meta does not build
12 its Platforms to be addictive and disputed the addictive nature of Meta’s Platforms.

13 376. However, through its design features, Meta ensures that young users struggle to
14 disengage from its Social Media Platforms.

15 377. The infinite scroll system, for example, makes it difficult for young users to
16 disengage because there is no natural end point for the display of new information. The Platforms
17 do not stop displaying new information when a user has viewed all new posts from their peers.
18 Instead, the Platform displays new content and suggests relevant information that has yet to be
19 viewed, provoking the young users’ FOMO.

20 378. As the inventor of infinite scroll noted about the feature’s addictive qualities, “[i]f
21 you don’t give your brain time to catch up with your impulses . . . you just keep scrolling.”

22 379. Meta also deploys the autoplay feature to keep young users engaged on its
23 Platforms. An internal document from June 2018 warned that “stories or videos that autoplay”
24 can constitute “cues for Facebook use that influence people’s behavior based on automatic
25 tendencies, when they don’t want to be using Facebook.”

26 380. In August 2021, Meta notified its staff that YouTube turned off autoplay for users
27 under the age of 18. The following chat ensued between two Meta researchers: “:
28

1 ‘Turning off autoplay for teens seems like a huge move! Imagine if we turned off infinite scroll
2 for teens.’ [REDACTED]: ‘Yeah, I was thinking the same thing. Autoplay is HUGE.’”

3 381. Much like infinite scroll, the autoplay feature encourages young users to
4 continuously engage on the Platform because it provides them with an ongoing supply of content.

5 382. As commentators have observed, “it’s the way Instagram encourages you to watch
6 Stories at every turn that makes them addicting”:

7 Stories are the first thing you see when you open the app—they’re
8 housed at the top of the screen—but they also periodically show up
9 in the middle of scrolling through your feed And once you’re
10 watching one person’s Story, you’re automatically shepherded into
11 the next person’s Story without ever even leaving the interface.

12 383. Meta also designed Reels with the infinite scroll feature to maximize the amount
13 of time that users spend on the Platform.

14 384. Facebook and Instagram Reels automatically and perpetually play as the user
15 swipes the screen up to the next video. The short-form nature of Reels discourages users from
16 navigating away or closing the app.

17 385. Other aspects of Reels, including the placement of the Like, “comment,” “save,”
18 and “share” buttons on top of the video, reduce or prevent interruption and keep the user
19 constantly viewing the video. Upon information and belief, Reels were designed by Meta to target
20 young users’ categorically short attention spans and as an “aggressive and promising” solution to
21 “neutralize the threat” from TikTok in overtaking Meta in total user engagement.

22 386. An email to Zuckerberg from May 2020 indicated “we are very worried about
23 Tiktok’s growth so far and their trend-line projections which would have them overtaking
24 Instagram in the US in terms of total TimeSpent. Our current Lasso strategy is unfortunately not
25 working fast enough.”

26 387. Meta also uses design features, including ephemeral content, to induce a sense of
27 FOMO in young users and keep them engaged on the Platforms.

28 388. Ephemeral content on Meta’s Social Media Platforms is content temporarily made
available to users with notifications and visual design cues indicating that the content will soon
disappear.

1 389. Meta designed ephemeral content features in its Social Media Platforms, such as
2 Stories or Live, to induce a sense of FOMO in young users.

3 390. Unlike content delivery systems which permit a user to view existing posts on a
4 schedule convenient for the user, content released through Live is only available in real-time—
5 such that a young user’s failure to quickly join the livestream when it begins means that the user
6 will miss out on the chance to view the content entirely.

7 391. An executive summary circulated to Sandberg in 2016 regarding Live content
8 indicated the goal “to drive substantial watch time via Live” and the “emphasis on partners to
9 appeal to teens.”

10 392. Meta made significant investments in making content on Live appeal to young
11 users and increase time spent on Meta’s Platforms. For example, in an attachment sent to
12 Sandberg in 2016, a Meta employee wrote that Meta planned to “incentivize top creators and
13 experts to publish high quality and high frequency Live [content],” and that “Live content alone is
14 likely not enough to beat YT [YouTube] watch time” Accordingly, the employee
15 recommended, “[t]o drive substantial watch time via Live, we’ll need to broaden the program
16 beyond partner deals to allow a much broader set of partners to monetize[.]” The employee also
17 noted that “this set of partners would generate 9.5M[illion] viewer hours/day and ~\$203M[illion]
18 in gross ad revenue” and that Meta would launch Live with “75-100 global partners, prioritized
19 by . . . [e]mphasis on partners who appeal to teens and map to key topic areas,” such as “digital
20 stars w/teen focus[.]”

21 393. Meta could make Live videos and Stories available for viewing days or weeks
22 after they are created; instead, Meta chooses to use ephemeral content features to induce in its
23 young users a sense of urgency or FOMO.

24 394. Meta similarly designs its Messenger Platform with ephemeral content features:
25 for example, users can enable Vanishing Mode in which messages disappear when the user exits
26 that mode.

27 395. Internal research found that FOMO-induced usage of Meta’s Platforms results in
28 harm to young users. For example, young girls are particularly vulnerable to bullying and harmful

1 interactions “potentially due to their unwillingness to limit interactions due to fear of missing out
2 on connections, their optimism, and (sometimes) lack of concern regarding their privacy online.”

3 396. An October 2019 internal presentation entitled “Teen Mental Health Deep Dive”
4 discussed the findings from a survey of over 2,500 teenagers who use Instagram on at least a
5 monthly basis.

6 397. Among the researchers’ conclusions was the finding that “[y]oung people are
7 acutely aware that Instagram can be bad for their mental health, yet are compelled to spend time
8 on the app for fear of missing out on cultural and social trends.”

9 398. Other Meta documents acknowledge this problem, noting that over half of
10 Instagram’s teen users report struggling with FOMO.

11 399. Nonetheless, Meta actively considers ways to leverage FOMO to induce young
12 users to spend more time on the app.

13 400. For example, in 2021 a user experience researcher observed that direct messages
14 on Instagram “were not urgent (especially compared to other apps like Snapchat)” and “consisted
15 mainly of videos and memes from friends which could be watched at [a user’s] leisure.” The
16 researcher then noted that “we need to develop new products that increase the possibilities for
17 time-sensitive interactions on [Instagram] that can also be linked to Close Friends (e.g. Events,
18 ephemeral Memories, Birthdays).”

19 401. Meta’s use of ephemeral content features to cultivate FOMO and exploit
20 psychological vulnerabilities in young users belies Meta’s deceptive statements that it prioritizes
21 young users’ well-being.

22 402. In fact, Meta was aware of the addictive qualities of its Platform features. In May
23 2020, Meta conducted an internal presentation called “Teen Fundamentals” highlighting certain
24 vulnerabilities of the teenage brain.

25 403. The presentation discussed teen brains’ relative immaturity, and teenagers’
26 tendency to be driven by “emotion, the intrigue of novelty and reward.”

27 404. The presentation asked how these characteristics “manifest . . . in product usage,”
28 noting that “the teenage brain happens to be pretty easy to stimulate” and that teens’ desire for

1 novelty “manifests itself in three behaviors that especially lend themselves to social media -
2 exploration, discovery and experiences.”

3 405. With respect to exploration, the presentation stated that “slow or repetitive content
4 is a buzzkill” for teens’ “novelty seeking mind.” It further described Instagram as “deliver[ing]
5 [teens] a dopamine hit” every time a teen “finds something unexpected” on the app, fulfilling
6 their brains’ “insatiable” need for ““feel good’ dopamine effects,” to which “teen brains are much
7 more sensitive.”

8 406. Meta was thus well aware that “[t]een brains are much more sensitive to
9 dopamine” compared to adult brains.

10 407. The presentation also noted that teens often go down “rabbit holes” because of the
11 “especially ‘plastic’” nature of their brains, and asked how Instagram could satisfy “teen[s’]
12 insatiable appetite for novelty” through features on the app. The presentation further discussed
13 teens’ “increased sensitivity” and “concerns about being judged,” along with teens’ desire for
14 reward, which “makes them predisposed to impulse, peer pressure, and potentially harmful risky
15 behavior.”

16 408. Because “[a]pproval and acceptance are huge rewards for teens,” the presentation
17 continued, “DMs, notifications, comments, follows, likes, etc. encourage teens to continue
18 engaging and keep coming back to the app.” The presentation noted that teens were turning to
19 competitor Platforms to meet some of the needs discussed in the presentation, and it cautioned
20 that Meta would “do well to think hard about how we can make IG an app tailored to the teenage
21 mindset.”

22 409. A different internal Meta document noted that Meta has the following
23 “opportunities” to maximize teen engagement:

24 [S]tronger paths to related interest content (i.e. suggestions for
25 IGTV videos, a discovery surface for collections, etc.); for interest-
26 related search results include people, places hashtags, collections,
27 products and causes to facilitate browsing all we have to offer;
28 invent new interaction types that produce a feeling of shared
experience amongst friends such as co-creation, perspective
sharing, games, etc.

1 410. Many of Meta’s design features—audiovisual and haptic alerts, infinite scroll and
2 autoplay, ephemeral content features, quantification and display of Likes, and highly refined
3 algorithmic sequencing of content feeds—overwhelm that dopamine sensitivity known by Meta
4 to exist in young users’ developing brains.

5 411. These features induce young users’ engagement with Meta’s Platforms, and the
6 effect of these use-inducing mechanisms is cumulative because they act in concert.

7 412. By creating and refining these features, Meta has succeeded in making it difficult
8 for young users to resist spending extended time on its Platforms.

9 413. The features create a feedback loop that is integral to Meta’s current business
10 model.

11 **10. Meta knows its Platform features are addictive and harmful, but**
12 **misrepresents and omits this information in public discourse.**

13 414. Meta understands the cyclical and harmful nature of its psychologically
14 manipulative features, but persists in subjecting young users to those features, choosing to
15 downplay and deny the harmful aspects of its Platforms instead of correcting those problems.

16 415. During a congressional hearing on March 25, 2021, Zuckerberg stated he did not
17 believe Meta’s Platforms harm children. Instead, Zuckerberg suggested that Meta’s Platforms are
18 good for teens and adults alike because they “help people stay connected to people they care
19 about, which I think is one of the most fundamental and important human things that we do.”

20 416. But Zuckerberg has long been aware that Meta’s Social Media Platforms are
21 harmful, especially for young users. In 2016, Zuckerberg participated in a Q&A at which a
22 mother asked about “how her daughter feels worse about herself after using Instagram.” After the
23 event, Meta researcher [REDACTED] sent an email to Zuckerberg stating, “thought you’d be
24 interested in some of the relevant research our team’s done on social comparison” showing that
25 “4% of feed stories trigger negative social comparison” and 39% of Facebook users have felt
26 negative social comparison in the past month.

27 417. Likewise, in April 2019, Meta’s own researchers directly told Zuckerberg that
28 passive consumption of social media content, including scrolling, browsing, and watching videos,

1 is associated with negative effects on well-being. Due to emerging findings about this association,
2 Meta employees recommended additional funding to study the issue, which was ultimately
3 denied.

4 418. In 2019 and 2020, Zuckerberg and Mosseri met multiple times with Jonathan
5 Haidt, a New York University professor studying the effects of social media on teens' mental
6 health. Haidt emphasized to Zuckerberg his concerns regarding Meta's Platforms and its effects
7 on "teen girls, whose rates of depression and self-harm have increased the most." Zuckerberg's
8 executive assistant and other Meta staff briefed him that Haidt planned to ask what the company
9 was doing to study and address this issue. But the talking points Meta prepared did not include
10 the company's adverse findings. Haidt recalled that "[i]t was not suggested to me that they had
11 internal research showing a problem."

12 419. At the March 25, 2021 congressional hearing, Zuckerberg was asked whether
13 passive consumption of social media content, like that promoted by Instagram's infinite scroll,
14 harmed children's mental health. Zuckerberg refused to give a yes or no answer, even though
15 many Meta researchers had established that passive consumption of social media content harms
16 mental health. Zuckerberg again played up the benefits of Meta's Platforms to the committee,
17 stating that "[o]verall, the research that we have seen is that using social apps to connect with
18 other people can have positive mental health benefits and well-being benefits by helping people
19 feel more connected and less lonely." Zuckerberg made this statement despite being given talking
20 points on the negative effects of passive consumption on mental health to prepare for the
21 congressional hearing.

22 420. Meta employees admit that features like Reels and Stories encourage passive
23 consumption. In one internal exchange, Meta employees deride a documentary that discusses
24 problematic social media use ("The Social Dilemma") but go on to say that "Reels seems to be
25 everything they denounce in the stupid documentary, and everything we know from our research:
26 passive consumption of an endless feed, without any connection to the content creator." Meta
27 knows that young users dislike passive consumption sessions on Meta's Platform.
28

1 421. Meta’s research about the negative impact of passive consumption is well known
2 inside the company and to senior executives. Talking points provided to Sheryl Sandberg in
3 advance of an interview with journalist Katie Couric provide responses to whether Facebook is
4 designed to be addictive. Based on its own research, Meta found that “passive consumption –
5 passively watching videos, [and] scrolling [is] not associated w[ith] well-being [and is] more
6 negative psychologically” compared with “active engagement.”

7 422. An internal presentation on well-being from March 2019 showed that Meta knew
8 that at least 36% of U.S. users surveyed indicated that they were struggling with loneliness (7%
9 considered “chronic”) and that while “people who are already feeling lonely” turn to Meta’s
10 Platforms to feel better, reducing use of Meta’s Platforms “can improve loneliness.”

11 423. The same presentation shows that Meta knows social media can be helpful for
12 youth well-being when the use is “moderate.” But the same document concludes the “average net
13 effect” of Meta’s Platforms on its users is “slightly negative.”

14 424. Some Meta employees have recommended hiding and censoring specific
15 information about teen mental health. In an internal chat from 2021, Meta employees suggest
16 censoring terms such as “mental health” in internal documents that “might become public” to
17 avoid scrutiny.

18 425. In May 2021, Mosseri told reporters that the research he had seen suggested
19 Instagram’s effects on teen well-being are likely “quite small,” as reported by the Wall Street
20 Journal that September. Yet by that time, Mosseri had been apprised of many of the significant
21 harms teens experienced from using Instagram.

22 426. In September 2021, other Meta employees expressed criticism and concern
23 towards the company for emphasizing that research into social media’s impact is inconclusive,
24 when in fact Meta had conducted research on this issue with more definitive findings. An
25 employee stated that Meta’s portrayal of the research as inconclusive would be akin to
26 representations of tobacco companies, which similarly relied on uncertainty in scientific studies to
27 deny that cigarettes caused cancer.
28

1 427. Externally, Meta’s leadership continued to be evasive about the company’s
2 research. On December 8, 2021, Mosseri told Congress, “I don’t believe that research suggests
3 that our products are addictive.”

4 428. As Newton acknowledged in an internal email from May 2021, “it’s not
5 ‘regulators’ or ‘critics’ who think [I]nstagram is unhealthy for young teens—it’s everyone from
6 researchers and academic experts to parents. [T]he blue print of the app is inherently not designed
7 for an age group that don’t [sic] have the same cognitive and emotional skills that older teens do.”

8 429. Through these and other misrepresentations to young users, Congress, and
9 members of the public regarding the negative effect its Platform features have on young users’
10 mental health—as well as Meta’s purported prioritization of teen well-being and safety over
11 profits—Meta deceives the public about the qualities, nature, and effects of its Social Media
12 Platforms.

13 **11. Meta makes its Platforms and associated harmful features available to**
14 **especially young and vulnerable users.**

15 430. Meta is aware that teens, preteens (also known as tweens), and even younger
16 children use its Platforms, including Instagram, and has intentionally developed and marketed
17 those Platforms towards these young users.

18 431. Meta knows that it continues to harm young users because Meta’s design features
19 have clear and well-documented harms to young users.

20 432. Meta’s decision to expose young users to this combination of features and
21 implementation of those features—knowing that they are effective because they are
22 psychologically manipulative and knowing that they are harmful for young users—constitute
23 unfair acts or practices that are impermissible under the law.

24 433. Meta exposes users under age 13 to these psychologically manipulative design
25 features.

26 434. A study cited by Meta in response to a congressional inquiry shows that 81% of
27 parents report that their children began using social media between the ages of 8 and 13.
28

1 435. Meta knows that a significant portion of preteens (at least 11% of 9 to 11-year
2 olds) use Instagram.

3 436. Meta briefed Zuckerberg as early as 2017 that children under the age of 13 “will
4 be critical for increasing the rate of acquisition when users turn 13,” and recommended
5 “focus[ing] on building [its Platforms] for tweens.”

6 437. Even though Instagram is nominally restricted to those who are 13 years and older,
7 Meta is aware that many users lie about their age when they sign up for Instagram, that “users
8 under 18 lie about their age far more often than adults,” and that millions of its users are under the
9 age of 13.

10 438. Meta deceives the public regarding its policies when underage accounts are
11 reported. If someone reports that an account belongs to an individual under the age of 13,
12 Instagram’s Help Center claims that “[w]e will delete the account if we can’t verify the account is
13 managed by someone over 13 years old.” Meta also has prepared talking points stating that the
14 company requires users “to prove they are over 13 in order to regain access to their account” after
15 it has been reported as belonging to an underage user. Zuckerberg told Congress on March 25,
16 2021, “if we detect that someone might be under the age of 13, even if they lied, we kick them
17 off.”

18 439. Meta also knows that teens can “opt-out of default settings or change their age at
19 any point to gain more access to different features.” However, even though Meta targets children
20 under the age of 13, Meta employees go to great lengths to maintain plausible deniability that
21 Meta is aware of children under the age of 13 on Instagram.

22 440. For example, in 2018, Meta employees considered commissioning a study on
23 bullying on Instagram. Instagram’s director for communication regarding well-being and
24 community initiatives, Fiona Brown, expressed concern that the study’s survey would go to
25 children under the age of 13 and that Meta would learn children under the age of 13 were being
26 bullied on Instagram.

27 441. Meta’s interest in preteens is unsurprising as Meta has historically regarded
28 children between the ages of 10 and 12 as a “valuable but untapped audience.”

1 442. Meta formed an internal team to study preteens and commissioned strategy papers
2 to analyze the long-term business opportunities presented by preteens.

3 443. In an internal presentation titled “[t]he internet wasn’t built with young people in
4 mind, but we’re about to change that,” Meta presented its vision of the future in which Meta
5 would specifically design its Platforms tailored to children as young as six years old.

6 444. Meta believes children to be such a strategically lucrative class of users that it also
7 planned to create a new Instagram Platform for children under 13 called “Instagram Kids.”

8 445. News of Instagram Kids was leaked, however, before Meta released the Platform.

9 446. After receiving intense scrutiny and backlash from State Attorneys General and
10 Congress about Instagram’s effect on young people’s mental health, Meta “pause[d]”
11 development of the Instagram Kids service.

12 447. Nonetheless, Meta has made statements internally and publicly continuing to make
13 the case for Instagram Kids and suggesting an intent to resume development and deployment of
14 Instagram Kids in the future.

15 448. Meta’s external narrative around its proposed Platforms for users under age 13 was
16 misleading because Meta claimed it would prioritize “safety and privacy” of kids under age 13 in
17 versions of Instagram, including in a statement issued to the press and reported by CNBC on May
18 10, 2021, when internal documents reveal that Meta was focused on driving engagement of this
19 age group and how to ensure these children would “age up” to Instagram and Facebook.

20 449. ██████████ wrote to Mosseri in September 2021 that Meta should launch a
21 Platform for users under age 13, despite external pushback, so that competitors are not in a
22 superior position to “create habit with the next generation.”

23 450. ██████████, Research Director for Instagram, wrote in February 2021 that the
24 team was looking into “the top things kids find compelling,” and that these insights would be
25 used to inform a Platform for users under the age of 13.

26 451. Internal Meta documents from July 2021 reveal that Meta did not “have any
27 benchmarks for youth that allow us to discount what is developmentally appropriate for younger
28 users in terms of time on media.”

1 452. In the context of “Messenger Kids,” the Meta messaging Platform that currently
2 exists for kids under the age of 13, an employee noted studies from 2021 that found that
3 “Messenger Kids is not entirely safe for children and benefits from proactive/retroactive
4 monitoring.”

5 453. Internally, Meta employees have noted that building more “youth protections” for
6 Instagram including “strict default settings, data and personalization minimization for youth, age
7 appropriate recommendation algorithms, . . . discoverability & recommendation restrictions [and]
8 us[ing]/improv[ing] age models to enforce age restrictions” was a policy priority given pressure
9 from regulators.

10 454. It was noted that these changes would help Meta “set the standard for what good
11 compliance looks like” in light of changing, stricter laws.

12 455. Internal Meta documents acknowledge the contradiction between Meta’s claims
13 that it wants to be an industry leader on young users’ well-being with Meta’s lack of follow-
14 through.

15 456. Historically, Meta has developed an external narrative that “we are not waiting for
16 regulation to address concerns” and that Meta was “taking a number of steps to meet our
17 responsibilities to our users and society.”

18 457. In the meantime, young users, including users under the age of 13, continue to use
19 the ordinary version of Instagram even though users under 13 years-old are nominally prohibited
20 from doing so.

21 **C. Meta has misled its users and the public by boasting a low prevalence of harmful**
22 **content on its Social Media Platforms—while concealing internal studies**
23 **showing the high incidence of user harms.**

24 458. Through its public representations, Meta has created the false impression that
25 Facebook and Instagram are safe Platforms on which users rarely encounter harmful content.
26 Those representations are misleading, in part because Meta’s user experience surveys consistently
27 reveal that harmful content is encountered by users on its Social Media Platforms far more
28 frequently than Meta represents.

1 459. In the face of criticism from parents, experts, and policymakers that its Social
2 Media Platforms are harmful for young users, Meta has endeavored to persuade its users and the
3 broader public that its Social Media Platforms are safe and suitable for young users.

4 460. To that end, Meta regularly publishes Community Standard Enforcement Reports
5 (CSER or Reports) that boast very low rates of its community standards being violated—while
6 omitting from those reports Meta’s internal user experience survey data showing high rates of
7 users’ actual encounters with harmful content on Meta’s Platforms.

8 461. The Reports, published quarterly, describe the percentage of content posted on
9 Instagram and Facebook that Meta removes for violating Instagram and Facebook’s Community
10 Standards or Guidelines. Meta often refers to that percentage as its “prevalence” metric.

11 462. Meta often amplifies the reach of the Reports and its “prevalence” metrics by
12 announcing them through press releases, distributing them in advance to members of the press,
13 and holding conference calls with the press to tout their release.

14 463. Through Report-related talking points, Meta directs its employees to tout the
15 “prevalence” metric as “the most important measure of a healthy online community.”

16 464. Meta has publicly represented that the “prevalence” statistics in the Reports are a
17 reliable measure of the safety of its Social Media Platforms—even going so far as to assert that
18 the CSER “prevalence” numbers were “the internet’s equivalent” of scientific measurements
19 utilized by environmental regulators to assess the levels of harmful pollutants in the air. For
20 example, in a May 23, 2019 post on its website entitled “Measuring Prevalence of Violating
21 Content on Facebook,” Meta stated the following:

22 One of the most significant metrics we provide in the Community
23 Standards Enforcement Report is prevalence. . . . We care most
24 about how often content that violates our standards is actually seen
25 relative to the total amount of times *any* content is seen on
26 Facebook. This is similar to measuring concentration of pollutants
27 in the air we breathe. When measuring air quality, *environmental*
28 *regulators look to see what percent of air is Nitrogen Dioxide to*
determine how much is harmful to people. Prevalence is the
internet’s equivalent — a measurement of what percent of times
someone sees something that is harmful. [Second emphasis added.]

1 465. Zuckerberg told Congress on March 25, 2021 that Meta’s “prevalence” numbers
2 serve as a “model” for companies’ transparency efforts.

3 466. The Reports are intentionally used by Meta to create the impression that because
4 Meta aggressively enforces its Community Standards—thereby reducing the “prevalence” of
5 community-standards-violating content—Meta’s Social Media Platforms are safe products that
6 only rarely expose users (including young users) to harmful content and harmful experiences.

7 467. That is a false equivalency which misrepresents the true frequency that its users
8 experience harm on its Platforms. The “prevalence” of content which violates Meta’s self-defined
9 Community Standards is not the same as the actual “prevalence” of harmful content. Meta’s
10 direct quantification of users’ experiences through its user experience surveys shows that harmful
11 content is rampant on Instagram and Facebook.

12 468. Meta uses several surveys to measure the experiences of its users on its Platforms,
13 including youth and teen users, by asking about users’ exposure to harmful content and
14 experiences. Two of these surveys are the Tracking Reach of Integrity Problems Survey (TRIPS)
15 and the Bad Experiences & Encounters Framework (BEEF). Both are rigorous surveys used by
16 Meta to poll users about their exposure to and interactions with negative or harmful aspects of the
17 Platforms. The surveys inquire about harmful content such as suicide and self-harm, negative
18 comparison, misinformation, and other issues such as bullying, unwanted sexual advances, and
19 hate speech or discrimination. An internal memo on research related to well-being on Instagram
20 describes TRIPS as “our north star, ground-truth measurement.”

21 469. Periodic “Integrity Updates” circulated to Meta employees internally provide data
22 from TRIPS surveys. For example, a TRIPS report from May 11, 2020, showed that an average of
23 19.3% of users on Instagram and 17.6% of users on Facebook reported witnessing hate speech or
24 discrimination on the Platforms. In the same report, an average of 12.2% of Instagram users and
25 16.6% of Facebook users reported seeing graphic violence on the Platforms, and over 20% of
26 users on both Platforms witnessed bullying and harassment. Each of these responses had
27 increased from the prior month, including by as much as 3.6 percentage points for users reporting
28 witnessing bullying and harassment on Instagram.

1 470. These and other surveys show that Meta’s users see harmful content and
2 experience harmful interactions at high rates. A survey conducted by Meta in or around
3 September 2020 found that 35% of Instagram users experienced some form of “aggression” in the
4 previous 90 days, such as receiving a direct message containing offensive language or lies.

5 471. Another internal research memo reported data from a 2018 study showing that “on
6 a daily basis, 5.1 million users” of Instagram “are exposed to SSI-related [suicide and self-injury]
7 content each day.”

8 472. Nevertheless, Meta publicly represents that Instagram and Facebook are safe
9 because Meta enforces its Community Standards.

10 473. For example, the third quarter 2019 Report touts Meta’s “Progress to Help Keep
11 People Safe.” Likewise, the second quarter 2023 Report states that “[w]e publish the Community
12 Standards Enforcement Report . . . to more effectively track our progress and demonstrate our
13 continued commitment to making Facebook and Instagram safe.”

14 474. Each of the Reports—whether they contain an express representation about
15 safety—create the net impression that harmful content is not “prevalent” on Meta’s Platforms and
16 that the Platforms are therefore safe for users, including young users.

17 475. Internal Meta documents show that Meta intended the Reports to create that exact
18 impression.

19 476. In March 2021, Meta conducted an internal Meta “Company Narrative Audit”
20 (Audit) that suggested ways the company could improve its standing with the public. The Audit
21 identified several “narratives” that the company should try to combat.

22 477. For example, Meta employees identified as a concerning “external narrative” the
23 notion that “Facebook allows hateful and harmful content to proliferate on its platform.” As a
24 way of combatting that narrative, the document suggested that the company could tell its own
25 “Key Story” about its Platforms by directing the public to the Reports.

26 478. In particular, the Audit suggested that Meta should publicize that: “Every three
27 months we publish our Community Enforcement Standards Report to track our progress and
28 demonstrate our continued commitment to making Facebook and Instagram safe and inclusive.”

1 The Audit recommended that the company direct that message to “consumers” and “customers,”
2 among other audiences.

3 479. Consistent with that effort, internal communications show that Meta encouraged
4 employees to frame the Reports to advertisers as an external “measure for platform safety” that
5 “illustrate[s] the efforts we are making to keep our platforms safe.”

6 480. The impression that the Reports create—that Meta’s Platforms are safe and users
7 only rarely encounter harmful content—is false and misleading.

8 481. Meta’s third quarter 2021 Report estimated that on Instagram, “less than 0.05% of
9 views were of content that violated our standards against Suicide & Self-Injury.” That
10 representation created the impression that it was very rare for users to experience content relating
11 to suicide and self-injury on Instagram.

12 482. But Meta’s contemporaneous internal survey data showed that during 2021, 6.7%
13 of surveyed Instagram users had seen self-harm content within the last seven days. For users
14 between 13 and 15 years of age, 8.4% had seen content relating to self-harm on Instagram within
15 the last seven days.

16 483. In other words, while a reader of the CSER Reports could reasonably understand
17 that self-harm content on Instagram is rarely encountered by users—far less than 1% of the
18 time—in reality, Meta knew from its user experience surveys that self-harm content is commonly
19 encountered on Instagram.

20 484. Teens are often exposed to harmful content at higher rates than the general
21 population. In August 2021, internal data showed that teens were exposed to content that Meta
22 considered harmful, which a Meta employee colloquially referred to as “bad thing problems,” on
23 Instagram approximately twice as much as adults.

24 485. In many instances teen girls experience harms on Instagram, including
25 inappropriate interactions from adults (such as solicitation or requesting nude photos), at higher
26 rates than boys. In the 2021 internal survey of Instagram users, 9.5% of girls aged 13 to 15
27 reported seeing content related to suicide or self-injury in the past seven days, compared to 8.2%
28 of boys in that age group.

1 486. User surveys also show that certain Platform surfaces, in particular Explore, are
2 known to have higher instances of integrity issues. Meta’s algorithms show users more High-
3 Negative Appearance Comparison content on Explore than in Feed, and this difference is greater
4 for women and teen girls.

5 487. Thus, the frequency with which users—particularly Instagram’s youngest users—
6 encounter self-harm-related content on Instagram vastly exceeds the impression Meta created
7 through its Reports.

8 488. A similar discrepancy exists in Meta’s measurement of bullying and harassing
9 content.

10 489. Meta’s research from 2021 found that “[u]nwanted interactions are seen as
11 common on Instagram” amongst teen users 13 to 17 years old. In October 2021, Meta found that
12 on Instagram, teens were exposed to harmful content, especially in the areas of bullying and
13 harassment, at higher rates than the general user population.

14 490. The third quarter 2021 Report concluded that only “0.05-0.06%” of views on
15 Instagram were of content that violated Meta’s standards on bullying and harassment. This
16 representation created the impression that it was very rare for users to experience bullying or
17 harassment on Instagram.

18 491. Again, Meta’s contemporaneous internal user survey data told a different story.
19 Among surveyed Instagram users, 28.3% witnessed bullying on the Platform within the last seven
20 days and 8.1% were the target of bullying on the Platform within the last seven days.

21 492. Among 13- to 15-year-olds, 27.2% reported witnessing bullying within the last
22 seven days. Among users aged 16 to 17, that figure was 29.4%.

23 493. When asked whether they had been the target of bullying on Instagram, 10.8% of
24 13 to 15-year-olds said they had been targeted as recently as the last week.

25 494. Additional Meta survey data concluded that “experiencing and seeing bullying [is]
26 hard to avoid” on Instagram. “A large proportion of [Instagram] users . . . expect to personally
27 experience and see bullying on Instagram.”
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1 495. Meta’s own research concludes that bullying and harassment are some of the most
2 upsetting experiences on Instagram, yet Meta knows that this content is the most common form of
3 “objectionable content” on Instagram, with about 3% of Daily Active People seeing bullying on
4 any given day. But Meta’s interventions are inadequate—Meta acknowledges that it deletes less
5 than 10% of reported bullying.

6 496. Contrary to the third quarter 2021 Report’s representation that harassment on
7 Instagram was rare, Meta’s contemporaneous internal survey showed that 11.9% of all survey
8 respondents said they had received unwanted sexual advances on Instagram within the last seven
9 days.

10 497. Among 13- to 15-year-olds, 13% reported that they had received unwanted sexual
11 advances within the last seven days. For 16- to 17-year-olds, that figure was 14.1%.

12 498. Despite the picture that the Reports created, Instagram users in general—and
13 young people in particular—regularly encountered content related to self-harm, bullying, and
14 harassment on Instagram. Meta affirmatively misrepresented that fact through its Reports.

15 499. Meta’s Reports similarly misrepresented the frequency that its users experienced
16 harmful content on Facebook. For example, in its Report for the fourth quarter of 2020, Meta
17 represented that only about 0.05% of views of content on Facebook were of violent and graphic
18 content. However, Meta’s internal survey data of Facebook users during that period showed
19 approximately 10 to 13% of surveyed users reported seeing graphic violence content on the
20 Platform. In contrast to the misleading image that Meta created of graphic violence being
21 exceedingly rare on Facebook, Meta knew that a substantial portion of Facebook users reported
22 encountering graphic violence on the Platform.

23 500. Meta’s leadership has long been aware of the scope of harmful content and
24 experiences on Facebook and Instagram and the associated data the company publishes in its
25 Reports. Senior leadership is provided advance notice of the data to be published in the Reports
26 and the trends from prior reports.

27 501. Relatedly, Zuckerberg’s public statements about “prevalence” of harmful content
28 creates a misleading picture regarding the harmfulness of Meta’s Social Media Platforms.

1 Zuckerberg and other company leaders focus on “prevalence” metrics in public communications
2 because those metrics create a distorted picture about the safety of Meta’s Social Media
3 Platforms.

4 502. Meta’s leadership team understands the disparity between Meta’s public Reports
5 and its internal survey results.

6 503. Meta’s most senior leadership—including Zuckerberg, Sandberg, Cox, and
7 Mosseri—were personally notified of this critical disconnect in Meta’s public-facing safety
8 representations two years ago.

9 504. On October 5, 2021, Arturo Bejar, formerly Meta’s Director of Site Integrity, who
10 was at that time serving as a consultant for Meta, emailed Zuckerberg, Sandberg, Cox, and
11 Mosseri voicing concerns that the company’s focus on Community Standards enforcement
12 obscured the full extent of the harms users experienced on Instagram.

13 505. Bejar highlighted the “gap between Prevalence and TRIPS” and urged Zuckerberg
14 and Meta’s other senior leaders to move beyond “driving down prevalence” since “prevalence”
15 did not accurately capture the amount of harmful content users experienced, and to instead focus
16 on developing ways to effectively reduce users’ harmful experiences on the Platform.

17 506. Even after Bejar’s email, Meta continued to issue and publicize the Reports—
18 despite knowing they vastly under-represented the frequency of users’ experiences with harmful
19 content on Instagram and Facebook.

20 507. On information and belief, Meta issued the Reports and made other public
21 statements to minimize the public’s awareness of the harmful experiences that are widespread on
22 Instagram and Facebook—particularly for young users.

23 **D. Meta’s Platform features cause young users significant physical and mental**
24 **harm, of which Meta is keenly aware.**

25 508. Increased use of social media platforms, including those operated by Meta, result
26 in physical and mental health harms particularly for young users, who experience higher rates of
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1 major depressive episodes, anxiety, sleep disturbances, suicide, and other mental health
2 concerns.¹⁴

3 509. Social media use among young users began a dramatic increase in the United
4 States in 2012 when Meta acquired Instagram to expand its youth appeal. Instagram increased
5 from 50 million users in 2012 to over 500 million users by 2016, with a significant share of its
6 user base composed of young users.

7 510. As Meta focused on designing features to increase time spent on its Platforms,
8 heavy consumers of social media began to exhibit worse mental health outcomes than light
9 consumers.¹⁵

10 511. Hours spent on social media and the internet have become more strongly
11 associated with poor psychological health (such as self-harm behaviors, depressive symptoms,
12 low life satisfaction, and low self-esteem) than hours spent on electronic gaming and watching
13 TV.¹⁶ Making matters worse, heavier social media use has led to poorer sleep patterns (e.g., later
14 sleep and wake times on school days and trouble falling back asleep after nighttime awakening)
15 and poorer sleep quality.¹⁷

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21 ¹⁴ See, e.g., Jonathan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative Review* (unpublished manuscript, on file with New York University), *available at* tinyurl.com/SocialMediaMentalHealthReview (last visited Oct. 23, 2023); Jacqueline Nesi et al., *Handbook of Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

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23 ¹⁵ See, e.g., Jean Twenge & W. Keith Campbell, *Digital Media Use Is Linked to Lower Psychological Well-Being: Evidence from Three Datasets*, 90 *Psychiatric Q.* 311 (2019).

24 ¹⁶ Jean Twenge & Eric Farley, *Not All Screen Time Is Created Equal: Associations with Mental Health Vary by Activity and Gender*, 56 *Soc. Psychiatry & Psychiatric Epidemiology* 2017 (2021).

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26 ¹⁷ Holly Scott et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional Findings from the UK Millennium Cohort Study*, 9 *BMJ Open* 1 (2019); Garrett Hisler et al., *Associations Between Screen Time and Short Sleep Duration Among Adolescents Varies by Media Type: Evidence from a Cohort Study*, 66 *Sleep Med.* 92 (2020).

1 512. Such sleep interference in turn causes or exacerbates symptoms of depression and
2 anxiety.¹⁸ Lack of sleep also has negative physical effects, including interfering with the antibody
3 response to vaccines.¹⁹

4 513. These physical and mental harms are particularly acute for young users, who are
5 less able to self-regulate the time they spend on social media platforms. When companies like
6 Meta design platforms to exploit young users' psychological vulnerabilities, the harms are
7 compounded. Researchers call this a positive feedback loop: those who use social media
8 habitually are less able to regulate their behavior; that habitual use, in turn, can lead back to more
9 social-media use; and restarting the cycle, that additional use makes it even harder to regulate the
10 problematic behavior.²⁰

11 514. Young users are at a formative stage of development where they are both
12 especially vulnerable to excessive social media use and especially sensitive to its ensuing
13 impacts. Research indicates that going through puberty while being a heavy social media user
14 interferes with a sensitive period for social learning.²¹ Heavy use of social media in this sensitive
15 developmental period can have negative impacts on long-term life satisfaction.²²

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21 ¹⁸ Megan A. Moreno & Anna F. Jolliff, *Depression and Anxiety in the Context of Digital
22 Media*, in Handbook of Adolescent Digital Media Use and Mental Health 227 (2022); *see also*,
23 *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).

24 ¹⁹ Karine Spiegel et al., *A Meta-analysis of the Associations Between Insufficient Sleep
Duration and Antibody Response to Vaccination*, 33 *Current Biology* 998 (2023).

25 ²⁰ Maria T. Maza et al., *Association of Habitual Checking Behaviors on Social Media with
26 Longitudinal Functional Brain Development*, 177 *JAMA Pediatrics* 160 (2023).

27 ²¹ *See, e.g.*, Amy Orben et al., *Windows of Developmental Sensitivity to Social Media*, 13
28 *Nature Comm.* 1649 (2022).

²² *Id.*

1 515. Young users—who are particularly attuned to FOMO—often feel an extra need to
2 be connected at night and frequently wake up throughout the night to check social media
3 notifications.²³ Socializing at night makes it harder for young users to sleep.²⁴

4 516. Young users who use social media for more than five hours per day are three times
5 more likely than non-users to not sleep enough,²⁵ contributing to associated physical and mental
6 health impacts.

7 517. Children who use social media for more than five hours per day are many times
8 more likely to have clinically relevant symptoms of depression than non-users.²⁶

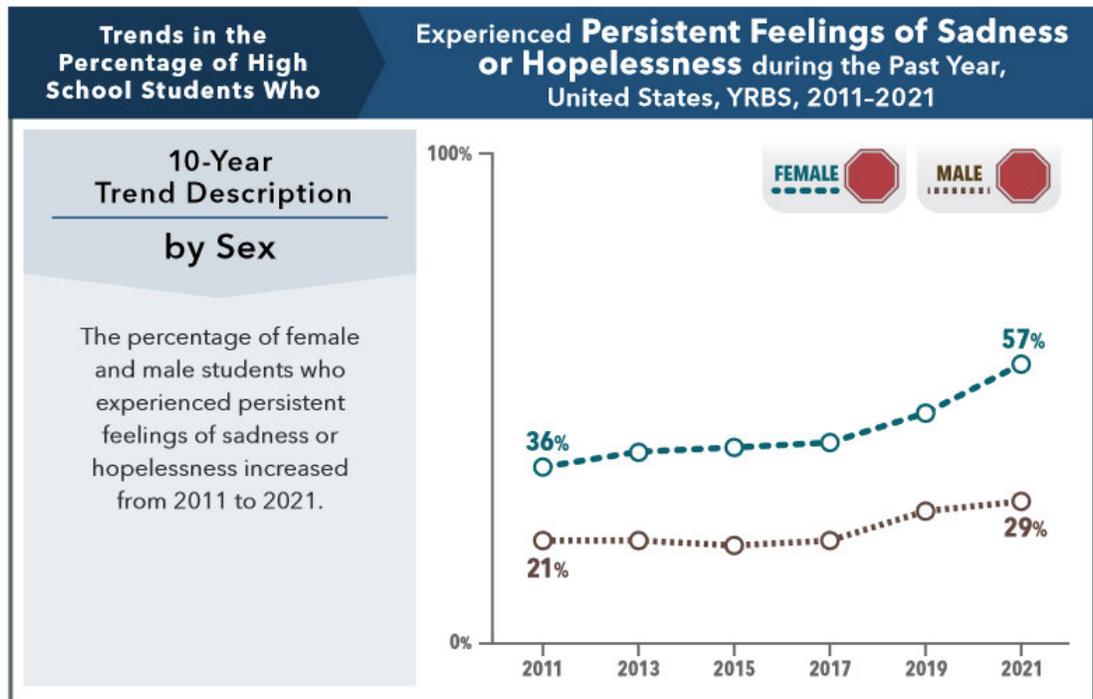
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22 ²³ Anushree Tandron et al., *Sleepless Due to Social Media? Investigating Problematic*
23 *Sleep Due to Social Media and Social Media Sleep Hygiene*, 113 *Computers in Human Behavior*
106487 (2020).

24 ²⁴ Regina J.J.M. van den Eijnden et al., *Social Media Use and Adolescents' Sleep: A*
25 *Longitudinal Study on the Protective Role of Parental Rules Regarding Internet Use Before*
Sleep, 18 *Intl. J. Envntl. Res. Pub. Health* 1346 (2021).

26 ²⁵ Sampasa-Kanyinga et al., *supra* note 18; *see also* Marian Freedman & Michael G.
27 *Burke, Social Media and Sleep Duration-There Is a Connection!*, 35 *Contemp. Pediatrics J.*
(2018).

28 ²⁶ Twenge & Farley, *supra* note 16.

1 518. Beginning with Instagram’s rise in popularity in 2012, the Centers for Disease
 2 Control and Prevention (CDC) observed in its Youth Risk Behavior Study the percentage of high
 3 school students “who experienced persistent feelings of sadness or hopelessness” skyrocket over
 4 the subsequent decade.²⁷

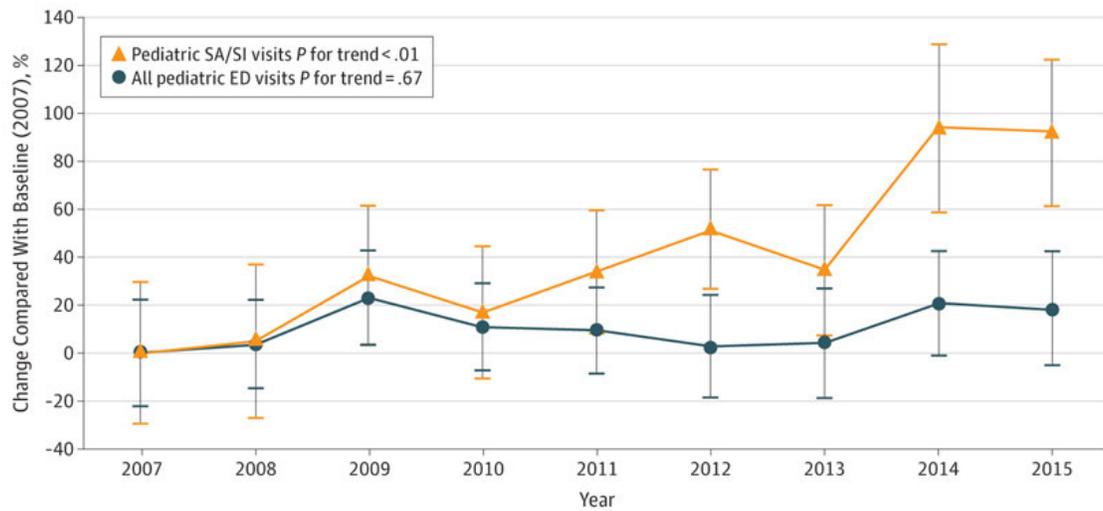


17 519. Over this same time period, there has also been an increase in youth
 18 hospitalization rates for suicidal ideation and suicide attempts. In 2008, prior to the rise of
 19 Instagram, hospital visits for suicidal ideation and attempts represented only 0.66% of visits
 20 among all age ranges. By 2015, as Instagram’s popularity grew, that share had almost doubled,
 21 with suicidal ideation and attempts accounting for 1.82% of all visits, with the highest rates of
 22 increase among youth ages 12 to 17 years old.²⁸

25 ²⁷ *Youth Risk Behavior Survey, Data Summary & Trends Report: 2011-2021*, at 61, Ctrs.
 26 for Disease Control & Prevention (2023), archive.ph/NYuQX.

27 ²⁸ Gregory Plemmons et al., *Hospitalization for Suicide Ideation or Attempt: 2008-2015*,
 28 141 *Pediatrics* 1, 4-5 (2018); see also Brett Burstein et al., *Suicidal Attempts and Ideation Among
 Children and Adolescents in US Emergency Departments, 2007-2015*, 173 *JAMA Pediatrics* 598,
 598-600 (2019).

1 **Figure. Associated Changes in Pediatric Emergency Department (ED) Visits for Suicide Attempts (SA) and Suicidal Ideation (SI)**
 2 (SI)



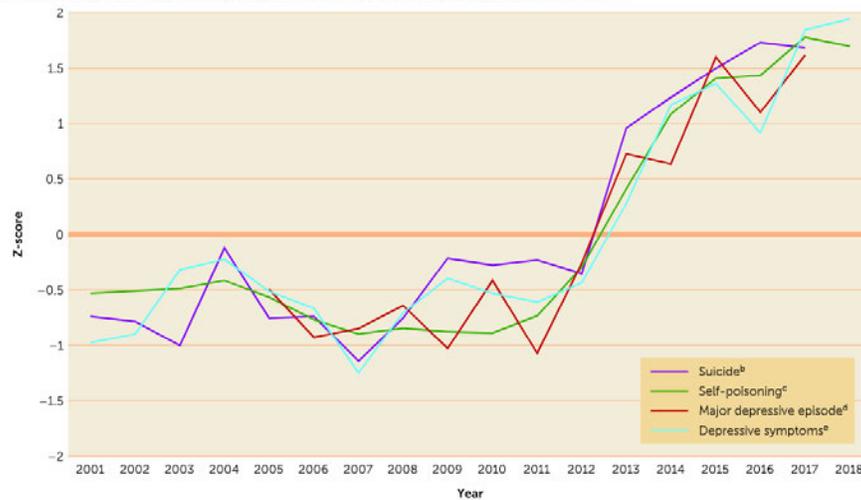
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11 For children age 5 to younger than 18 years and overall pediatric emergency department visits for all children age younger than 18 years over
12 time. Error bars indicate 95% CI.

13 520. The youth mental health crisis fueled by social media platforms has been
14 particularly detrimental for girls and young women.

15 521. Immediately before Instagram’s rise in popularity and usership, major predictors
16 for the mental health well-being of U.S. girls and young women were stable or trending down.
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1 522. Beginning with Instagram’s rise in popularity in 2012, however, the rates of
2 suicides, self-poisonings, major depressive episodes, and depressive symptoms among girls and
3 young women jumped demonstrably.²⁹

FIGURE 1. Indicators of poor mental health among U.S. girls and young women, 2001–2018*



^a Standard deviations are within means at the generational level, not at the individual level, and thus should not be used to calculate individual-level effect sizes.

^b Source: Centers for Disease Control and Prevention. Suicide rates among 12- to 14-year-old girls.

^c Source: Spiller et al. (14). Self-poisoning among 15- to 15-year-old girls.

^d Source: Twenge et al. (11). Major depressive episode among 14- to 15-year-old girls.

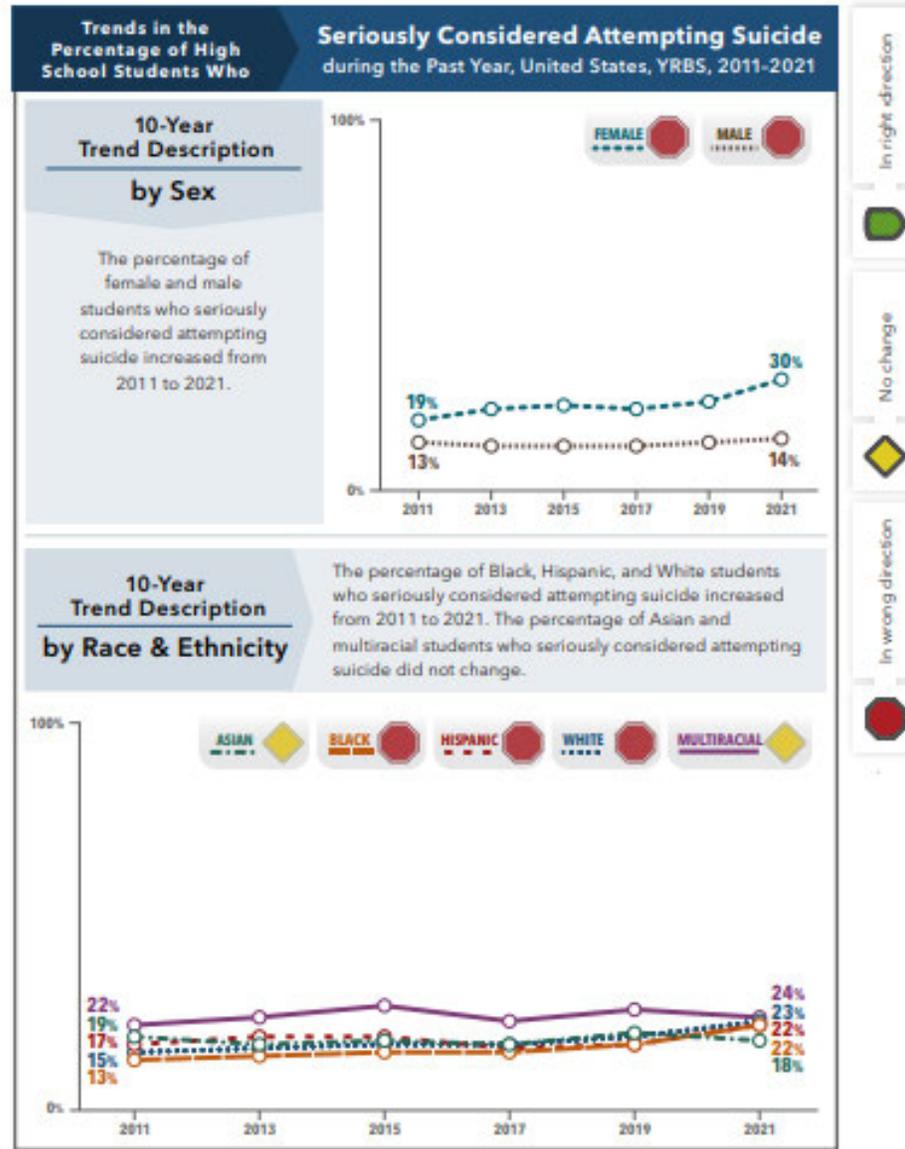
^e Sources: Keyes et al. (8) and Twenge et al. (9). Depressive symptoms among eighth-grade girls.

16 523. Particularly concerning is the rise of suicidal ideation among girls over the time
17 period that Instagram has surged. According to the CDC’s Youth Risk Behavior Survey, in 2011,
18 19% of high school girls seriously considered attempting suicide. By 2021, that figure reached
19 30%:³⁰

26 ²⁹ Jean Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents*
27 *After 2012 and Links to Technology Use: Possible Mechanisms*, 2 *Psychiatric Res. Clinical Prac.*
19 (2020).

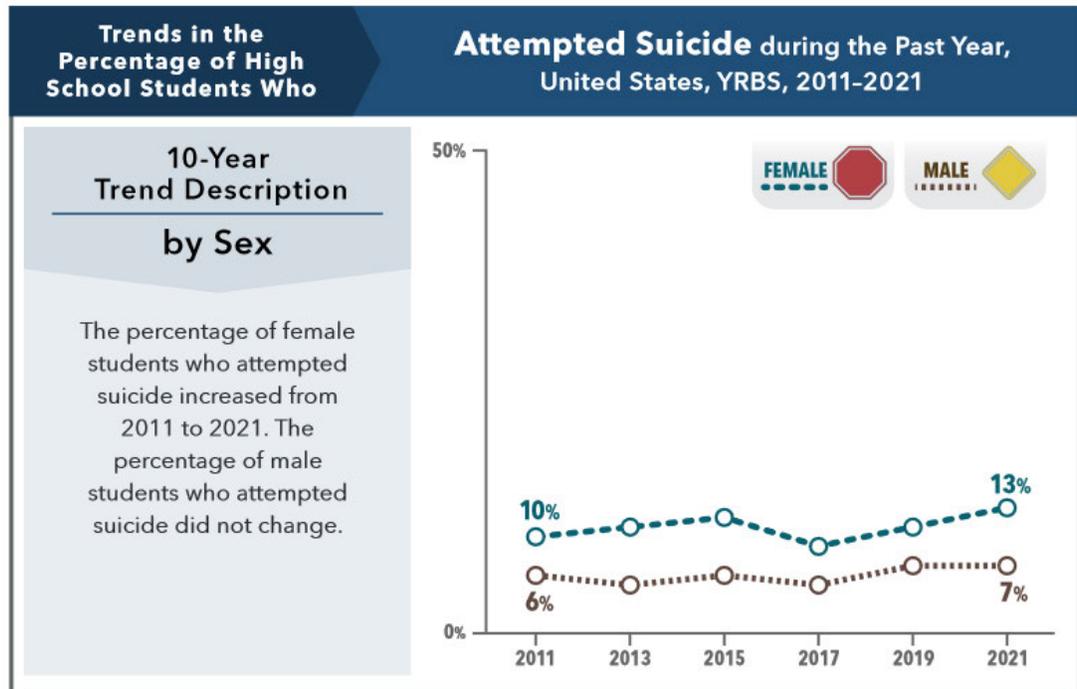
28 ³⁰ *Youth Risk Behavior Survey*, *supra* note 27.

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524. This increase in suicidal ideation among girls has been matched by an increase in suicide attempts. In just the one decade of Instagram’s rising popularity, there was a 30% increase in the rate of high school girls who attempted suicide:³¹

³¹ *Id.*



13 525. Increased rates of suicidal ideation and attempts have led to an overall higher rate
14 of completed suicide among young girls. Indeed, in 2013 alone—the year after Instagram’s surge
15 in popularity among young users—the suicide rate for 13-year-old girls jumped by around 50%.³²

16 526. This youth mental health crisis fueled by social media platforms like Instagram
17 only stands to worsen. The COVID-19 pandemic has exacerbated excessive social media use. The
18 increase in consumption of digital and social media by young users during this time is linked to
19 an increase in “ill-being” and media addiction.³³ Instagram users between 13- and 15-years-old
20 reported to Meta that COVID-19 led to more isolation and extra time spent online, which in turn
21 led to more reports of bullying and feeling left out.

22 527. Meta is not only fully aware that the worsening youth mental health crisis is fueled
23 by social media platforms, but has long known that its Platforms are directly contributing to this
24 crisis.

25
26 ³² Haidt & Twenge, *supra* note 14, at 316.

27 ³³ Laura Marciano et al., *Digital Media Use and Adolescents’ Mental Health During the*
28 *Covid-19 Pandemic: A Systematic Review and Meta-Analysis*, 9 *Front. Pub. Health* 793868 (2021).

1 528. Based on multiple internal studies, Meta has known for years that the way it
2 designs its Social Media Platforms causes young users to compulsively use its Platforms, thereby
3 exponentially exposing young users to mental health harms. An internal research summary
4 concluded that teens suffer the most from problematic use of Meta’s Platforms because “younger
5 people generally have more problems with self-regulation.”

6 529. Meta’s design choices and practices take advantage of and contribute to young
7 users’ susceptibility to addiction. They exploit psychological vulnerabilities of young users
8 through the false promise that meaningful social connection lies in the next story, image, or video
9 and that ignoring the next piece of social content could lead to social isolation.

10 530. Internally, Meta employees recognized this explicitly, while deliberately avoiding
11 an external narrative using the word “addiction.” In 2020, a Meta employee noted that “[t]he
12 feedback, essentially, is that (1) teens feel addicted to IG and feel a pressure to be present, (2) like
13 addicts, they feel that they are unable to stop themselves from being on IG, and (3) the tools we
14 currently have aren’t effective at limiting their time on the ap[p]” but was “cautious about calling
15 it an addiction[.]” Another employee wrote back: “Totally agree, we would never want to say
16 that!”

17 531. Meta has conducted detailed internal research that demonstrates the mental health
18 impacts of its Platforms on young users, notably a “Teen Mental Health Deep Dive” that
19 surveyed over 2,500 young users in the U.S. and U.K.

20 532. Through this “Teen Mental Health Deep Dive,” Meta identified that young users
21 are coping with a variety of emotional issues, including not having “enough friends” or having
22 friends “who aren’t really their friends” (52%), having “to create a perfect image” and not being
23 “honest about feelings” (67%), wanting to “hurt [or] kill themselves” (14%), feeling “down, sad,
24 [depressed[,] [a]lone, or lonely (62%), and feeling “not good enough [or] [a]ttractive” (70%).

25 533. The broad takeaway from Meta’s “Teen Mental Health Deep Dive” was that
26 “[s]ocial media amplifies many of the age-old challenges of being a teenager. The always-on
27 nature of social media means that teens’ social lives have infiltrated into every part of life without
28

1 a break.” More specifically, Meta’s research confirmed that its Social Media Platforms are among
2 the worst in harming young users.

3 534. Meta has found that Instagram specifically impacted young users, with one in five
4 teens stating that Instagram makes them feel worse about themselves.

5 535. Elaborating further, over 50% of teens responded that Instagram use led to them
6 feeling “not good enough,” with 26% of teens reporting such feelings in the past month and 24%
7 reporting the feelings started on Instagram.

8 536. Meta knows that “[t]eens blame Instagram for increases in the rates of anxiety and
9 depression among teens.” Instagram’s deliberate design features, such as “comparisons of
10 followers and like counts,” exploit teens’ vulnerability to social comparison, creating a negative
11 feedback loop that leads to mental health harm including self-esteem, anxiety, and insecurity
12 issues.

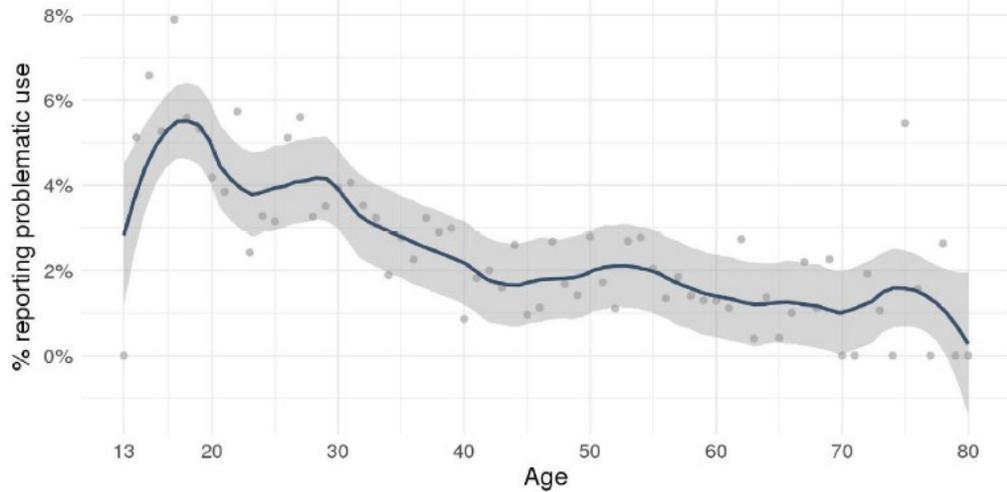
13 537. Meta also knows that although “young people are acutely aware that Instagram can
14 be bad for their mental health,” they feel “compelled to spend time on the app” because Meta has
15 designed its Platforms to exploit young users’ “fear of missing out on cultural and social trends.”

16 538. These problems are not confined to Instagram but implicate Facebook as well.
17 When Facebook was rolled out to college campuses from 2004 to 2006, researchers compared the
18 rollout at particular colleges to the subsequent mental health of those colleges’ students. After
19 Facebook arrived on campus, students at the college suffered from worse mental health: they used
20 mental-healthcare services more, their academic performance suffered, and so did their job
21 prospects.³⁴

22 539. An internal Meta presentation from March 2019 recognized that 55% of
23 Facebook’s users in the U.S. suffered from problematic use which Meta described as “serious”
24 and as having “negative impacts on sleep, relationships, work, or lives,” and that 3.1% of its users
25 suffered from “severe” problematic use. Another internal Meta post in July 2018 showed that
26 problematic use was highest among teens and people in their twenties:

27 ³⁴ See Press Release, MIT Sloan School of Management, Academic Study Reveals New
28 Evidence of Facebook’s Negative Impact on the Mental Health of College Students (Sept. 27,
2022), <http://archive.today/tv6Ff>.

1 Problematic use is highest among teens and people in their 20s, consistent with previous findings
 2 that younger people generally have more problems with self-regulation. This is also consistent
 3 with Crystine's research on time control.



10

11

12 Problematic use is highest among teens and people in their 20s.

13

14 540. This same study found that Facebook users experiencing problematic use were
 15 more likely to share sleep-related content, “which is unsurprising given that sleep problems are
 16 one of the indicators of problematic use.”

17 541. The July 31, 2018 study titled “Problematic Facebook use: When people feel like
 18 Facebook negatively affects their life” also found that self-reported problematic users spend
 19 longer periods of time on Facebook and return to it more frequently, with “a greater proportion of
 20 their sessions online late at night.”

21 542. Meta knows that many of the negative mental health impacts of its Platforms
 22 originate from or are exacerbated by their interference with sleep. As data scientists and
 23 researchers summarized when discussing sleep internally at Meta, “the only insight I see in these
 24 charts is that teens are really into using IG [Instagram] at 11pm when they probably should be
 25 sleeping. . . .” and “it is true that negative impacts on sleep is one possible outcome of
 26 problematic social media use (or even non-problematic use).”

27 543. By February 2019, the connection between social media use and problems
 28 surrounding sleep were conveyed to Meta management when Meta employees informed Sandberg

1 that “when social media use displaces sleep in adolescents (via nighttime social media use), it is
2 negatively correlated to indicators of mental health.”

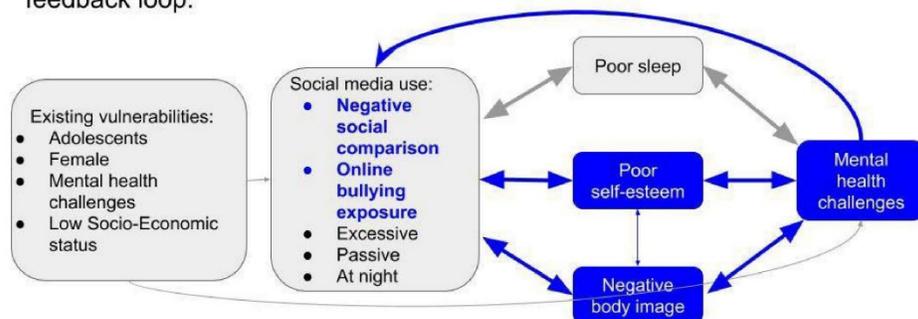
3 544. In November 2021, and in response to a forthcoming Wall Street Journal article
4 discussing problematic use of Meta Platforms, a member of Meta’s PR team brainstormed a
5 response to the forthcoming exposure “that FB researchers found that problematic use is a
6 significant problem facing users, brought forward recommendations, those recommendations
7 were then ignored, and [Meta] disbanded the team in 2019.”

8 545. Another Meta employee suggested that the PR team review a “one-pager” to help
9 manage the response, including Meta’s new external narrative that “time spent is a poor proxy for
10 measuring problematic use.”

11 546. A 2021 Meta study reinforced these conclusions when finding teens suffer the
12 most from negative comparison spirals “during longer sessions that happen in evening hours as
13 they have more time to spend on app with fewer interruptions.”

14 547. The harms of sleep disturbance and negative social comparison spirals present
15 dangers to young users not only in isolation but also because they reinforce each other, as
16 illustrated by the following Meta graphic:

17 **Populations are most at risk for developing mental health challenges**
18 **when they are also more likely to experience negative social**
19 **comparison and bullying on social media. These can develop into a**
20 **feedback loop.**



548. Meta knows that emotional exhaustion (caused by lack of sleep) is a factor that impacts whether teen users go down an unhealthy path of social comparison.

1 549. In addition to these mental health impacts, Meta has known since as early as 2015
2 that Instagram’s design created anxiety in teens. Instagram Research Manager ██████ noted
3 that Instagram “[p]rofile anxiety is real” for teens, because “the mechanics of Profile are in direct
4 conflict with the everyday moments [teens] want to share.” ██████ further noted that Meta’s
5 features such as Like are inherently flawed towards superficial connections.

6 550. Furthermore, Meta knows that “the always-on nature of social media” means that
7 “teens have few ways to escape negative experiences when they occur,” such as bullying and
8 harassment.

9 551. As a Meta researcher internally noted, there is “very likely” a “funnel” from
10 Instagram’s content to appearance comparison, to body image issues, and to depression.

11 552. As Meta’s Platforms disturb sleep, fuel adverse mental health consequences,
12 facilitate social comparison, cause anxiety, and fail to prevent bullying and harassment, this
13 combination has a dangerous effect on young users. Meta has known that Instagram’s features
14 hold tremendous capacity to cause or exacerbate thoughts of suicide and self-injury in vulnerable
15 teens. Meta’s research estimated that, on Instagram, “the vast majority of people who admit and
16 promote SSI [suicide and self-injury] are teens (45%-60%).”

17 553. In an internal Meta survey in or around 2021, 6% of teen girls in the U.S. and 13%
18 of teen girls in the U.K. “traced their desire to self-harm/commit suicide to Instagram.”

19 554. Meta knows that its Platforms worsen rather than alleviate thoughts of suicide and
20 self-injury. Fifteen percent of Instagram users told Meta that they thought the Platform made
21 thoughts of suicide or self-injury worse.

22 555. In February 2019, an internal Meta research presentation noted that “those with
23 lived experiences of SSI [suicide and self-injury] say they limit their time on Instagram when
24 they’re in a crisis [and] rather than using Instagram as a source of support during a crisis, users
25 pull back from the app, saying it is stressful[,] overwhelming[,] and] triggering.”

26 556. Knowledge of Meta’s negative impact on young users’ mental health and well-
27 being has been shared with other Meta top leaders.
28

1 557. As internal researchers told Zuckerberg, teens and younger users suffer from
2 worse well-being and mental health. Social media, he was also told, “can and does attenuate or
3 exacerbate a user’s experience with mental health issues.”

4 558. Indeed, Zuckerberg’s staff informed him that “a sizable proportion of [Instagram]
5 users (under a third) think we make issues related to mental health worse.”

6 559. In addition to Zuckerberg, Sandberg and Mosseri have also received repeated
7 briefings about the harms young users face on Meta’s Social Media Platforms.

8 560. Therefore, Meta’s leadership not only knows that young users are particularly
9 susceptible to poor mental health, but also know that Meta’s Social Media Platforms make the
10 problems they suffer from worse.

11 561. Externally, Meta downplays the harm its design features cause young users.
12 Rebuffing claims of addiction, Meta developed talking points for press interviews that
13 mischaracterized its design features as “empower[ing] users by giving them insights and
14 controls.”

15 562. Similarly, even though Meta knows that its Platforms are harmful to teenagers’
16 mental health, Meta externally characterizes Instagram as a source of support for teens struggling
17 with thoughts of suicide and self-injury and mental health issues generally, including in Mosseri’s
18 December 8, 2021 congressional testimony.

19 563. In August 2021, Instagram’s spokesperson Stephanie Otway exchanged messages
20 with Mosseri regarding reporter Jeff Horwitz’s forthcoming story “that essentially argues that
21 IG’s design is inherently bad for teenage girls (leads to SSI [suicide and self-injury], poor mental
22 health, [and] dysphoria),” further noting that Horwitz’s “arguments [are] based on our own
23 research so [they] are difficult to rebut” and that she was “mostly worried about the fallout from
24 the article . . . [and] that our own research confirmed what everyone has long suspected[.]”

25 564. Meta takes great effort to distance itself from the reality that Meta’s Platforms are
26 harmful for teen mental health. For example, when M.R., a 14-year-old, committed suicide after
27 being exposed to suicide and self-injury content on Instagram, Meta sent an executive to a U.K.
28 coroner’s court to deny that its Platform played any role in M.R.’s suicide—even though an

1 internal document had found a palpable risk of “similar incidents” because its algorithmic
2 Platform features were “[l]eading users to distressing content.”

3 565. During an official inquest investigating the role that social media platform content
4 played in M.R.’s death, and as reported by the Guardian on September 30, 2022, a Meta executive
5 said that such content was “safe” for children to see. The coroner rejected this claim, finding
6 instead in his October 13, 2022 report that M.R. “died from an act of self-harm whilst suffering
7 from depression and the negative effects of on-line content” that she had not sought out, but that
8 the Platforms’ algorithms had pushed on her.

9 566. The coroner’s inquest report continued:

10 The platform operated in such a way using algorithms as to result,
11 in some circumstances, of binge periods of images, video clips and
12 text some of which were selected and provided without requesting
13 them. These binge periods . . . are likely to have had a negative
14 effect on [M.R.] . . . In some cases, the content was particularly
15 graphic, tending to portray self-harm and suicide as an inevitable
16 consequence of a condition that could not be recovered from. The
17 sites normalised her condition focusing on a limited and irrational
18 view without any counterbalance of normality.

15 567. The coroner further observed that “[t]here was no age verification when signing up
16 to the on-line platform” and that M.R.’s parents “did not have access, to the material being
17 viewed or any control over that material.” Unsurprisingly, M.R. was under the age of 13 when
18 she began using Instagram.

19 568. Internally, while Meta employees brainstormed how to respond to stories about
20 M.R. that painted Meta in a negative light, it was noted that “in terms of improvements [around
21 promoting suicide that] we can make, most are on the product side.” Meta executive Davis
22 clarified in the same email thread that Meta had not actually made changes to Instagram to
23 address suicide and self-injury. These statements acknowledge Meta’s role in exacerbating
24 suicide and self-injury in teens based on how Meta designed its Platforms, as well as Meta’s lack
25 of meaningful work to address the issue. Internally, Meta closely studies its own role in
26 exacerbating suicide and self-injury in teens.

27 569. Meta employees have expressed frustration about their leadership’s refusal to take
28 their research and concerns about suicide and self-injury and Instagram seriously. For example, in

1 2019, Head of Global Communications for Instagram Kristina Schake wrote to Newton about
2 “the SSI [suicide and self-injury] escalation for Molly [Cutler]’s review. When I’m asked I’m
3 going to be very honest about how Adam [Mosseri] dismissed our concerns and told us we were
4 over reacting and thrashing engineers, as well as FB security not listening to us or understanding
5 the differences in IG versus FB.” Newton responded in agreement: “Yeah, I’m done being told
6 we’re overreacting.”

7 570. Similarly, in 2019, former Vice President of Global Affairs Nick Clegg wrote to
8 Zuckerberg, Sandberg, Mosseri, and Cox: “[O]ur present policies and public stance on teenage
9 self harm and suicide are so difficult to explain publicly that our current response looks
10 convoluted and evasive.”

11 571. Additionally, following BBC articles regarding M.R., Instagram, and eating
12 disorder and suicide content impact on teens, in January 2019, Meta crafted a press statement
13 which said: “Because self-harm is a complicated and nuanced issue, especially for those that are
14 suffering, we have worked with experts to ensure that our approach reflects that complexity and
15 nuance. This is why we allow content that consists of self-harm or eating disorder admission . . .
16 [and] we send support resources to the account holder.”

17 572. Approximately one week later, Meta executive Nicola Mendelsohn pushed back
18 on this external narrative, internally emailing Clegg and Sandberg: “No experts will come out and
19 speak on our behalf around the fact that we leave things up so that we can help people with self-
20 harm tendencies I would urge us to think again about why we are allowing this imagery to
21 stay up—it is truly horrific.”

22 573. A related internal email addressed to Sandberg noted, “[r]ight now, if someone
23 types in an IG search, it returns a grid of photos with no captions. This does not make[] sense for
24 hashtags pertaining to violence, self-injury, or other areas where our policies rely upon the
25 caption to determine if an image is violating IG’s product is essentially violating our content
26 policies by displaying self-injury images without captions.” This internal email implicitly
27 recognized that Meta’s public statement regarding the nuance of certain suicide and self-injury
28 content allowed to remain on Instagram was misleading because Meta displayed such content to

1 users in the Explore page without captions that colored the context or would allow users to seek
2 self-help resources.

3 574. Meta similarly downplayed the issue of compulsive use on its Platform. It
4 attempted to frame “the public narrative” on such use by promoting the concepts of “intentional”
5 or “meaningful” time spent on its platforms. However, Meta acknowledged internally that it does
6 not “have in-app educational and control upselling tools supporting meaningful and intentional
7 use of [Instagram].”

8 575. In addition to downplaying statements about the harms of its Platforms, Meta also
9 mischaracterizes platform features as helpful to well-being when in fact they are designed to fail.

10 576. To illustrate, Meta knows that its features contribute to teens struggling with the
11 amount of time they spend on Meta’s Social Media Platforms such as Instagram. Meta
12 researchers noted that “[t]eens talk about the amount of time they spend on Instagram as one of
13 the ‘worst’ aspects of their relationship to the app.” Meta researchers observed that in
14 conversations, teens had “an addicts’ narrative about their use” and “wish[ed] they could spend
15 less time caring about it, but they can’t help themselves.”

16 577. While Meta adopted so-called “time management” tools, in reality, those tools
17 cannot effectively counteract the overwhelming power of features like infinite scroll, autoplay,
18 and other use-inducing features.

19 578. In 2018, Meta launched “Daily Limit,” a feature it claimed would enable users to
20 restrict the amount of time they spend on Instagram each day. Despite the feature’s name, it does
21 not enable users to restrict the amount of time they spend on the app.

22 579. Instead, Daily Limit serves a pop-up notification whenever a user reaches the
23 maximum amount of time they wish to spend on Instagram each day. But this feature was
24 designed so that the user can easily dismiss the notification and return to using Instagram
25 unimpeded.

26 580. Moreover, the Daily Limit pop-up notification invites the user to reconsider their
27 preferred time limit. Upon information and belief, similar to nudges described above (where, if a
28 user turns their notifications off, Meta nudges the user to turn notifications back on), Meta

1 designed the Daily Limit feature to regularly tempt users, especially young users, to revert to
2 harmful, time-maximizing settings each and every time the user reaches their chosen limit.

3 581. In December 2021—just one day before Mosseri was scheduled to appear before
4 Congress, and shortly after a whistleblower thrust the well-being issues Meta causes teens onto
5 the national stage—Instagram launched the “Take a Break” tool. Take a Break sends users a pop-
6 up notification when they have spent more than a specified period of time scrolling without
7 interruption.

8 582. As with the Daily Limit notification, the Take a Break notification is easily
9 dismissed for a quick return to more infinite scrolling.

10 583. As one Meta employee rhetorically asked, “if we are spending so much time on
11 ‘taking a break nudge’ how are we actually going to solve for mental health needs of our users?”

12 584. Meta-retained experts admonished Meta of the shortcomings of the Take a Break
13 tool. Once the whistleblower report was no longer front-page news, Meta further watered down
14 the Daily Limit tool: while users could initially select a Daily Limit as low as ten minutes, in
15 February 2022, Meta quietly raised the minimum to 30 minutes.

16 585. Meta employees have internally acknowledged that Meta’s time spent tools are
17 ineffective because they are not adopted by a large portion of Instagram users and that Meta was
18 considering removing these tools altogether. In March 2020, ██████████ noted that only 1.4% of
19 Daily Active People (Instagram users who access the Platform daily) have a time spent reminder
20 set and that 25% of these people hit their time spent in a given day.

21 586. Internal documents reveal that Meta has been presented with various proposals to
22 mitigate its Platforms’ harms to young users. But time and again, Meta either implemented
23 insufficient half-measures or failed to act—in multiple instances at the direction of senior leaders.

24 587. In 2020, ██████████ indicated in an internal email that Meta “will not focus on
25 problematic use for the foreseeable future.” Newton, then Head of Public Policy, responded that
26 she believed user adoption of time spent tools is low in part because “we did no in-app education
27 about it and haven’t evolved or improved it over time,” reflecting that Meta did not meaningfully
28 commit to promoting the time spent feature. Meta employees on the email weighed in about

1 Meta’s proposal to remove the time spent tool, also noting that a new feature regarding “away
2 mode” and Take a Break had been deprioritized in 2020.

3 588. In designing its Daily Limit and Take a Break features, Meta could have provided
4 young users with robust tools that, once enabled, empowered young users to effectively self-
5 regulate their use of Meta’s Social Media Platforms.

6 589. But instead of being able to *set it and forget it*, young users who make what can be
7 a difficult choice to limit their daily use or take a break must make this difficult decision over and
8 over again. Meta’s design choices make the proverbial wagon that much easier for young users to
9 fall off.

10 590. Upon information and belief, Meta does so because it does not want its users to
11 avail themselves of tools that could help protect them from the addictive nature of Meta’s
12 Platforms.

13 591. Moreover, Meta has repeatedly made misleading statements regarding its own
14 internal research on user harms on its Platforms.

15 592. For example, Meta claims that it conducts research to make its Platforms safer for
16 teens. During congressional testimony on September 30, 2021, Davis stated that “we conduct this
17 research [about young people’s experiences on Instagram] . . . to minimize the bad and maximize
18 the good.” But, as Meta employees internally noted, and as discussed further below, Meta’s well-
19 being research is often not actually implemented into its Platforms, and Meta executives have
20 ignored or refused to fund requests to do so.

21 593. As another example, in August 2021, Senators Richard Blumenthal and Marsha
22 Blackburn wrote to Zuckerberg with detailed questions concerning the nature and findings of
23 Meta’s research on “the effects of social media platforms on kids’ well-being.” The senators
24 specifically asked whether Meta’s research had “ever found that its platforms and products can
25 have a negative effect on children’s and teens’ mental health or well-being.” Meta’s letter in
26 response failed to disclose its own studies demonstrating that the answer was yes.

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1 594. Beginning in September 2021, the Wall Street Journal published a series of articles
2 based on documents leaked by whistleblower Haugen, which detailed Meta’s knowledge of the
3 harms associated with using Meta’s platforms.

4 595. Meta—at the direction of its highest officers—publicly downplayed the results of
5 the company’s own research. Meta criticized its researchers’ methods and conclusions, and the
6 company crafted statements that sidestepped the negative experiences that its research showed
7 many teen users—especially teen girls—had on its platforms.

8 596. For instance, in a September 26, 2021, blog post, Meta’s Vice President of
9 Research Pratiti Raychoudhury suggested that some of the presentations relied upon by the Wall
10 Street Journal used “shorthand language . . . and d[id] not explain the caveats on every slide”
11 because they were “created for and used by people who understood the limitations of the
12 research.”

13 597. In private, however, senior leaders lauded this research. Just weeks before the Wall
14 Street Journal began reporting, Instagram’s Head of Research Dr. Hendrix told Mosseri and
15 others that the Hard Life Moments research—which revealed that some Instagram users
16 experiencing certain mental health struggles believed the Platform exacerbated those issues—was
17 “one of our more robust studies with a solid methodology.”

18 598. Meta’s response to the articles also contained misleading statements about the
19 substance of the research. Raychoudhury’s September 26, 2021, post claimed that “research
20 shows that on 11 of 12 well-being issues, teenage girls who said they struggled with those
21 difficult issues also said that Instagram made them better rather than worse.”

22 599. However, in an internal chat the day after the post was made, a Meta researcher
23 noted problematic aspects of this public statement: “I suppose it’s technically accurate, [but]
24 [l]eading with ‘[Instagram] makes things better in 11 out of 12 areas’ sounds a bit optimistic
25 In the case of problematic use, technically teen girls said [Instagram] makes it better, but it’s like
26 35% (better) vs. 33% (worse).”
27
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1 600. More broadly, and as the New York Times reported in October 2021, Meta’s
2 external response to the leaks “angered some employees who had worked on the research.” As
3 one researcher noted, the company was in effect “making a mockery of the research.”

4 601. In a group chat on October 5, 2021, Dr. Hendrix reported that she was “working
5 through a lot of very raw emotions” from some of the company’s researchers, noting that “[a]
6 couple of them have expressed that they may resign.” Dr. Hendrix also indicated that some of
7 Meta’s researchers “stand with [whistleblower Haugen]” and that there are “rumblings that
8 [Haugen’s] being lauded.”

9 602. In addition to downplaying and criticizing the leaked research, Meta also worked
10 to prevent further revelation of its research documenting Instagram’s harms to teens. In an
11 internal chat in August 2021, an Instagram research manager noted that the company was
12 “locking down access to some of the extra sensitive pieces of work.” In the same conversation,
13 the manager instructed a researcher to “make sure that any of our shareable deliverables or
14 insights docs that you own on the mental well-being space are locked down.”

15 603. In September 2021, Dr. Hendrix similarly urged researchers not to go to the press
16 regarding Meta’s “research and how we use the insights.” That month, Meta also considered a
17 comprehensive content-sharing proposal for the company’s internal research on well-being,
18 which would prevent some research from being accessed by many of Meta’s employees.

19 604. Yet, on September 30, 2021, when Senator Blackburn asked Davis in a
20 congressional hearing how Meta was “restricting access to data internally” and whether Meta’s
21 “policies changed since the Wall Street Journal articles,” Davis responded, “not that I’m aware of
22 certainly.”

23 605. Meta knows that its Social Media Platforms caused, and continue to cause, harm to
24 young users.

25 606. Meta also knows that “[t]argeted product interventions could flip the switch” of
26 negative mental health outcomes for its users. Such changes could include, for example,
27 “[p]ersonalized time-out mindfulness breaks” from Instagram and making “fun filters” such as
28 cat-ear filters more prominent, “rather than filters designed around beautification.”

1 607. Nevertheless, Meta repeatedly failed to implement changes over the years to
2 address these ongoing harms.

3 608. In 2017, Facebook’s former Vice President for User Growth publicly stated that he
4 prohibits his own children from using Facebook, and Meta researchers wrote in a public post that
5 they were “worrie[d] about [their] kids’ screen time.”

6 609. Other employees have reported personally experiencing the negative effects of
7 even short periods of using Meta’s Platforms. One employee wrote in 2019:

8 [I] do often find myself spending 10 or 15 minutes perusing content
9 on FB, scanning through a bunch of content that grabs my attention
10 because we’ve set up an incentive structure that rewards content
11 with catchy headlines, but then when [I] close the app, [I] feel
12 slightly worse about myself because [I] don’t feel that [I] got any
13 meaningful value out of that time. [S]o it feels like this is negatively
14 contributing to my wellbeing in a way that we don’t really have
15 codified in our framework today. [I] suspect many others fall into
16 this same category.

17 610. As a Meta employee wrote in an internal document in 2018, “[Instagram] could
18 stand to prioritize wellbeing higher than it currently is. I’ve heard reasonable arguments to
19 prioritize other goals ahead of user wellbeing and safety, but I sometimes think that’s dangerous.”

20 611. Instead of listening to its employees’ concerns and prioritizing user well-being and
21 safety, Meta disbanded its responsible innovation team, which was devoted to addressing “the
22 potential downsides of its products.”

23 612. Meta executives also ignored or declined requests to fund proposed well-being
24 initiatives and strategies that were intended to reduce the Platforms’ harmful features.

25 613. For example, in April 2019, David Ginsberg, then Meta’s Vice President of
26 Research, emailed Zuckerberg proposing investments in well-being on Instagram and Facebook.
27 Ginsberg recommended the investment because “there is increasing scientific evidence
28 (particularly in the US . . .) that the average net effect of [Facebook] on people’s well-being is
slightly negative.”

 614. As Ginsberg explained, Meta has a “deep understanding around three negative
drivers that occur frequently on [Facebook] and impact people’s well-being: [p]roblematic

1 use . . . , [s]ocial comparison . . . , [and] [l]oneliness.” Ginsberg noted that if the investment was
2 not approved, these initiatives would remain under- or unstaffed.

3 615. Nevertheless, Susan Li, a high-level member of Meta’s finance department,
4 responded that Meta’s leadership team declined to fund this initiative.

5 616. In September 2019, Fidji Simo, Head of Facebook, stated to Adam Mosseri, Head
6 of Instagram, that with respect to improving well-being on both Platforms, “the main problem is
7 that we need to increase investment.”

8 617. And in September 2020, [REDACTED], Director of Data Science at Instagram,
9 recognized in an internal chat that Meta faced “two workstreams”: “1. Keep regulators away,
10 keep teens engaged” and “2. Make teens safe.” [REDACTED] further relayed the belief among some in
11 the company that “we only really have bandwidth for 1.”

12 618. In July 2021, Cox was provided an internal summary report defining and analyzing
13 problematic use on Meta’s Facebook, Instagram, and virtual reality Platforms. The report
14 acknowledged that Meta had “no dedicated product focus to problematic use” and that the
15 company did not know whether any of the changes it had previously made actually “have had an
16 effect on problematic use.” The report further noted that “Facebook and Instagram currently are
17 not aligned in their approach, and there are several more high impact problematic use product
18 ideas that are not currently prioritized.”

19 619. In August 2021, Meta employees working on well-being efforts reached out to
20 executives Cox and Clegg to identify well-being priorities. They wrote:

21 After considering 1,000+ well-being topics, we selected the top
22 topics that key experts and policy stakeholders advocate are
23 important for us to focus on, and where we are currently
24 underinvested: problematic use, bullying + harassment,
connections, SSI [suicide and self-injury]. These topics are also
highly aligned with what teens want Facebook and Instagram to
prioritize.

25 620. The message noted that, as of August 2021, Meta was “not on track to succeed for
26 [these] core well-being topics,” due in part to a lack of “central ownership” and “minimal current
27 staffing.” The message’s “core minimal ask” was two-fold: “[e]stablishing a central cross-
28

1 [f]amily team” to maintain accountability and follow-through on well-being initiatives, and
2 “[a]ccelerating work around [p]roblematic [u]se.”

3 621. Clegg ultimately forwarded the request to Zuckerberg, recommending “additional
4 investment to strengthen our position on wellbeing across the company.” Clegg endorsed this
5 approach because politicians worldwide had raised “concerns about the impact of our products on
6 young people’s mental health.” He also noted that a “US policy elites survey” revealed “concerns
7 about the potential impacts of AR/VR on young users, particularly with regard to time spent on
8 the devices and the potential for harmful actors to target children.” Clegg concluded that while
9 Meta had a “strong program of research,” it “need[s] to do more and [is] being held back by a
10 lack of investment on the product side which means that [it is] not able to make changes and
11 innovations at the pace required to be responsive to policymaker concerns.”

12 622. In subsequent emails, Cox stated that it was “very low-likelihood that Mark
13 [Zuckerberg] chooses to fund more here.”

14 623. In fact, Zuckerberg ignored Clegg’s request for months—causing alarm among
15 Meta’s leadership. In September 2021, in the aftermath of significant media coverage of Meta’s
16 harmful effects on young people, Raychoudhury emailed Clegg, saying, “I feel even more
17 convinced that we need to make more progress on well-being on the product side.”

18 624. Mosseri shared that sentiment. In an October 2021 exchange discussing Clegg’s
19 well-being plans (to which Zuckerberg had still not responded), Mosseri complained to Emily
20 Dalton Smith, Meta’s Vice President of Product Management, “I’m really worried about this . . .
21 We’ve been talking about this for a long time but have made little progress.”

22 625. While Dalton Smith acknowledged that Meta had made progress on researching its
23 Platforms’ harmful impacts, Dalton Smith further explained that the company’s “biggest gap is
24 getting this research into product roadmaps,” and noted that “[w]e got 0 new [w]ell-being funding
25 for 2022.”

26 626. In November 2021, Clegg sent a follow-up email to his August 2021 inquiry,
27 stating “[t]his investment is important to ensure we have the product roadmaps necessary to stand
28 behind our external narrative of well-being on our apps, and soon in the metaverse.” Clegg

1 explained that “[a] number of us have met and agreed upon a revised investment proposal,” which
2 was “scaled back” from the original request.

3 627. Naomi Gleit, Meta’s Head of Product, responded to Zuckerberg in support: “Mark
4 [for what it’s worth] this is my #1 ‘below the line’ project to fund on Social Impact.” Gleit further
5 noted that the proposal had been pared back to seek only personnel for a cross-family team (XFN)
6 and not engineers (ENG).

7 628. Susan Li responded, “I’ll defer to Mark [Zuckerberg] on the decision here,” and
8 stated that “XFN heads are running even more constrained than ENG.”

9 629. Just as Zuckerberg ignored Clegg’s pleas for more well-being funding for months,
10 Bejar, former Meta Director of Site Integrity and former consultant to Meta, testified in 2023 that
11 Zuckerberg ignored his appeals for Meta to prioritize user well-being and engage in a “culture
12 shift” to ensure teen safety on its Platforms. As Bejar further testified, Meta “know[s] about
13 harms that teenagers are experiencing in its product, and they’re choosing not to engage about it
14 or do meaningful efforts around it.”

15 630. Despite the direct, personal experience of Meta’s employees of the harms of
16 Meta’s design and features, Meta’s own internal studies documenting the harmful effects of these
17 features, the opinions of many external experts and whistleblowers, and the voices of Meta’s
18 young users themselves who “expect [Meta] to take collaborative action” to support mental well-
19 being, Meta has persisted in developing and deploying features that exploit young users’
20 psychological vulnerabilities and significantly harm young users in its pursuit of profit.

21 IX. META’S COPPA NONCOMPLIANCE

22 631. The Children’s Online Privacy Protection Act of 1998 (COPPA) protects the
23 privacy of children by requiring technology companies like Meta to obtain informed consent from
24 parents prior to collecting the personal information of children online.

25 632. Meta routinely violates COPPA in its operation of Instagram and Facebook by
26 collecting the personal information of children on those Platforms without first obtaining (or even
27 attempting to obtain) verifiable parental consent, as required by the statute.
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1 **A. COPPA requires Meta to obtain verifiable parental consent for Instagram and**
2 **Facebook users under the age of 13.**

3 633. COPPA prohibits social media companies like Meta from collecting personal
4 information from children without first obtaining verifiable parental consent if: (a) the operator of
5 the social media platform has actual knowledge that it is collecting personal information from a
6 child; or (b) the operator’s service is directed to children. 15 U.S.C. § 6502(a)(1).

7 634. Meta’s operation of Instagram and Facebook is subject to COPPA’s verifiable
8 parental consent requirement under both of the two statutory triggers: (a) Meta routinely obtains
9 actual knowledge that users on Instagram and Facebook are under 13 years old; and (b) Meta
10 targets children as users of Instagram and Facebook, making the Platforms directed to children.
11 *See* 16 C.F.R. § 312.2.

12 635. The term “child” is defined by 15 U.S.C. § 6501(1) to mean an individual under
13 the age of 13. The terms “child,” “children,” “under-13 user(s),” “U13 users,” and “child-users”
14 herein refer to children under the age of 13.

15 636. “Verifiable parental consent” requires, at a minimum, providing a child’s parent
16 with notice of Meta’s “personal information collection, use, and disclosure practices” and further
17 requires Meta to obtain the parent’s authorization for Meta to collect, use, or disclose the child’s
18 information. Both of these requirements must be completed before Meta may collect a child’s
19 information. 15 U.S.C. § 6501(9).

20 637. Meta does not obtain—or even attempt to obtain—verifiable parental consent
21 before collecting the personal information of children on Instagram and Facebook. “Personal
22 information” is defined by statute and regulation to mean “individually identifiable information
23 about an individual collected online,” including the child’s name, address, email address, personal
24 identifiers, geolocation information, and photographs or videos of the child, among other
25 categories of information. 15 U.S.C. § 6501(8); 16 C.F.R § 312.2. Meta collects personal
26 information in these categories from all registered users of Instagram, including children.

27 638. Instead of obtaining verifiable parental consent, Meta relies on Instagram’s and
28 Facebook’s nominal bans on under-13 users to avoid any responsibility under COPPA to its

1 under-13 users and their parents. But Meta’s own records reveal that it has actual knowledge that
2 Instagram and Facebook target and successfully enroll children as users. Meta is not exempt from
3 COPPA.

4 639. COPPA empowers State Attorneys General to bring suit against companies that
5 violate the verifiable parental consent requirement. COPPA permits State Attorneys General to
6 obtain injunctive relief, damages, restitution, and other relief on behalf of residents of their States.
7 15 U.S.C. § 6504(a)(1).

8 640. COPPA also requires the FTC to promulgate regulations consistent with the
9 statute’s verifiable parental consent requirement as well as the “actual knowledge [of a] child”
10 and “directed to children” statutory triggers. 15 U.S.C. § 6502(b). The FTC has promulgated such
11 regulations as the Children’s Online Privacy Protection Rule. *See* 16 C.F.R. § 312.1 *et seq.*
12 (COPPA Rule) (last promulgated Jan. 17, 2013).

13 641. Under COPPA and the COPPA Rule, Meta is subject to COPPA’s “verifiable
14 parental consent” requirement—but Meta flouts its obligations under COPPA with respect to its
15 operation of Instagram and Facebook.

16 **B. Meta does not comply with COPPA with respect to Instagram.**

17 **1. Meta possesses actual knowledge of children on Instagram and collects**
18 **their personal information without obtaining parental consent.**

19 642. Meta is subject to COPPA’s verifiable parental consent requirement, among other
20 reasons because it collects the personal information of users under the age of 13 on Instagram
21 despite having “actual knowledge that it is collecting personal information from [children].” 15
22 U.S.C. § 6502(a)(1).

23 643. Publicly, for example in congressional testimony provided by Meta executive
24 Antigone Davis on September 30, 2021, Meta has downplayed its actual knowledge of under-13
25 users on Instagram by pointing out that its terms of service nominally disallow use of Instagram
26 by under-13 users—and that, in recent years, Meta has prompted users to self-report that they are
27 at least 13 years old.
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1 644. Despite Meta’s efforts to avoid its responsibilities under COPPA by attempting to
2 maintain willful ignorance of its users under the age of 13, Meta routinely obtains actual
3 knowledge of under-13 users on Instagram.

4 645. Within the company, Meta’s actual knowledge that millions of Instagram users are
5 under the age of 13 is an open secret that is routinely documented, rigorously analyzed and
6 confirmed, and zealously protected from disclosure to the public.

7 646. Meta’s extensive internal records documenting its actual knowledge of its under-
8 13 Instagram users and collection of data from those users include the following: (1) charts
9 boasting Instagram’s penetration into 11- and 12-year-old demographic cohorts; (2) an internal
10 report presented to Zuckerberg regarding the four million under-13 users on Instagram; (3) emails
11 and policies documenting Meta’s mishandling of known under-13 user accounts; (4) discussions
12 among Meta’s researchers taking pains to avoid uncovering Instagram’s under-13 users through
13 their studies; (5) documents admitting that Instagram’s registration process regularly elicits false
14 self-reported ages from its under-13 users; and (6) data from Meta’s age-estimation algorithms
15 confirming that millions of individual Instagram accounts belong to children under the age of 13.

16 647. As an internal Meta document from 2018 acknowledges: “we do very little to keep
17 U13s off our platform.”

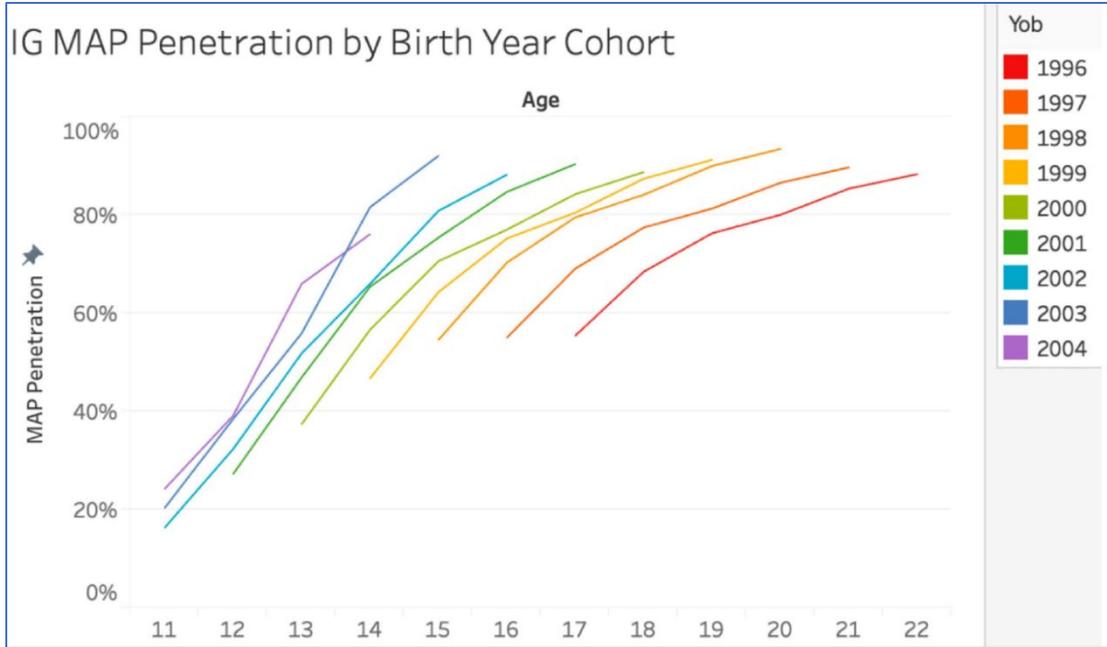
18 **a. Internal charts boast Meta’s successful penetration into 11- and 12-**
19 **year-old demographic cohorts.**

20 648. Despite its public-facing claims that users under the age of 13 are not allowed on
21 Instagram, including in congressional testimony provided by Meta executive Davis in September
22 2021, Meta’s private internal documents reveal that Meta has coveted and pursued the under-13
23 Instagram user demographic for years.

24 649. For example, one internal Meta presentation contains a chart depicting Instagram’s
25 Monthly Active People Penetration, showing approximately 20-60% penetration in the 11- to 13-
26 year-old age cohorts:

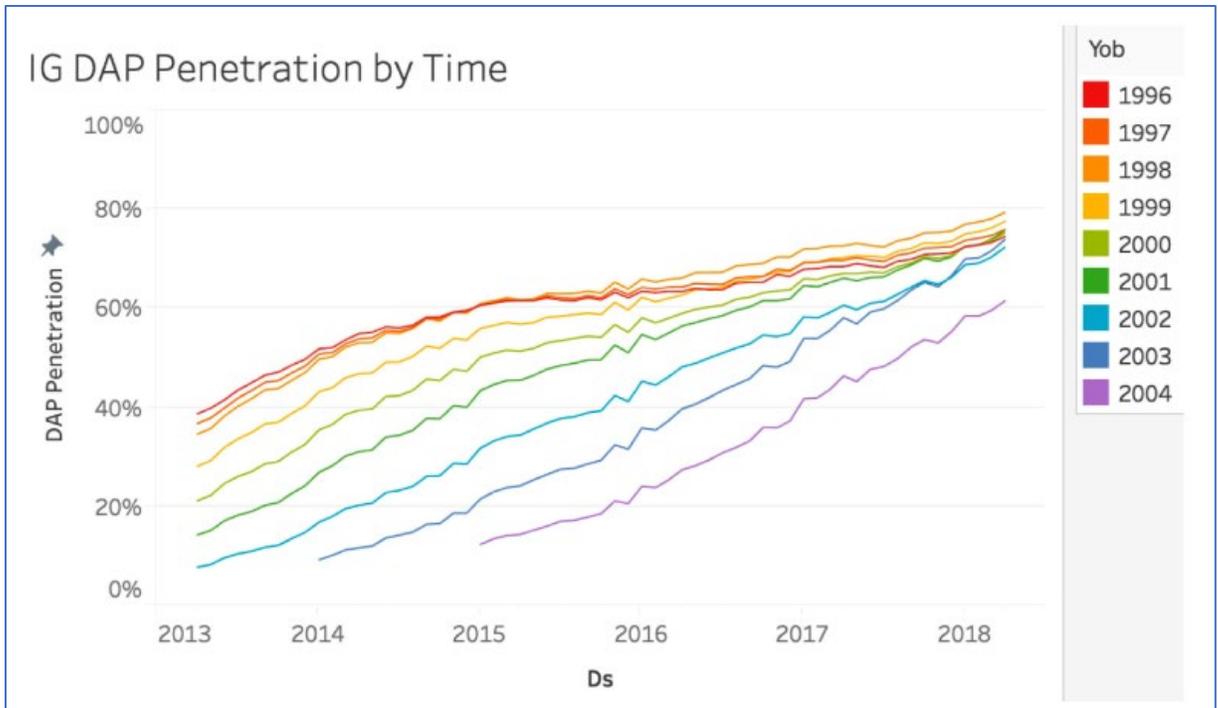
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650. In this chart, Meta recorded its knowledge that 20-60% of 11- to 13-year-old users in particular birth cohorts had actively used Instagram on at least a monthly basis. Rather than identifying this trend as a problem to be addressed, Meta described it as “penetration” into those known and purposefully demarcated age cohorts—a term denoting the company’s successful reach into otherwise untapped markets.

651. In a related chart, Meta tracked Daily Active People by Time from 2013 to 2018:



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652. The chart reveals that in 2016, approximately 20% of users from the 2004 birth year cohort (i.e., Instagram users who were 12 years old at that time) used Instagram on at least a daily basis.

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653. The Daily Active People by Time chart describes the daily and continuously increasing use of Instagram by under-13 users again as “penetration,” signaling that Meta not only knows users under the age of 13 are on Instagram, but desires and intends such use.

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654. The chart also illustrates that users’ daily habitual use of Instagram often begins when users are too young to legally consent to Meta’s collection of their personal information—then continues to increase year after year as the users become teens and adults.

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655. Similarly, in July 2021, Meta internally circulated a “youth dashboard” providing “insights into participation and engagement of youth (broken down by U13, 13-17 and 18+) across the Family of Apps” in the United States.

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656. Despite possessing actual knowledge of Instagram users under the age of 13 and documenting that knowledge in internal charts, Meta refuses to obtain verifiable parental consent as required by COPPA for users under the age of 13.

1 **b. An internal report informed Zuckerberg of four million users under**
2 **the age of 13 on Instagram.**

3 657. In January 2018, Zuckerberg received a report that included information on under-
4 13 users on Instagram, in advance of a meeting with the Youth Team.

5 658. That report explained that Meta “can estimate that there were 4M[illion] people
6 under 13 in 2015 on IG [in the US]. This represents around 30% of all 10-12 year[] old[s] in the
7 US.”

8 659. Through this report and other internal and external sources of information, Meta
9 and Zuckerberg acquired and confirmed their actual knowledge of users under 13 on Instagram.
10 Indeed, Meta and Zuckerberg knew that roughly a third of all 10- to 12-year-olds in the United
11 States were using Instagram and sharing personal information with Meta through that Platform.

12 660. Despite Meta’s actual knowledge and documentation of under-13 Instagram users
13 and data collection from under-13 users in the 2018 report, Meta did not obtain verifiable parental
14 consent for its ongoing collection of personal information from those users.

15 661. Meta’s awareness of the market for under-13 users is extensive. Meta knows, and
16 has reviewed and cited external data showing that 81% of “children start[] using social media
17 between the ages of 8 and 13,” that “93% of 6-12 year olds in the US have access to tablets or
18 smartphones, and 66% have their own device.”

19 662. In a document discussing how to secure teen and under-13 engagement with
20 Meta’s Platforms, Meta noted that its own research found “children first get a smart phone
21 (average age 10.3) and then a social media account (average age 11.4)” and “the largest
22 percentage (39%) got their first account between ages 10 and 12.”

23 663. Statistics tracking digital technology usage by children under the age of 13 were
24 also presented to Meta’s board of directors, showing Meta’s continued effort to build products to
25 attract children to its Platforms.

26 664. Externally, Meta denies that it strives to attract underage users to its Platforms. For
27 example, in September 2021, in response to a Wall Street Journal article regarding underage users
28 on Instagram, Meta provided a written statement claiming that “[I]ike all technology companies,

1 of course we want to appeal to the next generation, but that’s entirely different from the false
2 assertion that we knowingly attempt to recruit people who aren’t old enough to use our apps.”

3 **c. Emails and policies document Meta’s mishandling of known accounts**
4 **for users under the age of 13.**

5 665. Meta also acquired actual knowledge of specific under-13 user accounts through
6 external complaints regarding users under the age of 13 on Instagram. In such cases, Meta
7 frequently elected to continue retaining and collecting data from those accounts without obtaining
8 verifiable parental consent as required by COPPA.

9 666. In February 2018, after learning of a potential under-13 user, Meta employees
10 exchanged emails discussing how to contact the user’s mother. One Meta employee suggested
11 telling the mother that if her daughter was under 13, “we can keep her account up if you would
12 like to take control over the account and update the bio accordingly.” A Meta product policy
13 manager acknowledged that Meta had “done something similar like this in the past” to “coach[]”
14 a parent or parents to keep their under 13-year-old children’s accounts online.

15 667. “Coaching” or offering parents ways to keep accounts open for their children
16 under the age of 13 does not satisfy Meta’s obligation to obtain verifiable parental consent under
17 COPPA for the collection and use of the child’s personal information. Meta’s “coaching” does
18 not provide parents with the notices required by COPPA, including notices of what personal
19 information Meta is collecting from their children, nor does it satisfy COPPA’s requirement to
20 ensure that the person providing consent is actually the parent of the child.

21 668. In another email thread, Meta employees discussed why a 12-year-old girl’s four
22 accounts were not deleted, despite complaints from the girl’s mother stating her daughter was 12
23 years old and requesting the accounts to be taken down. The employees concluded that “the
24 accounts were ignored” in part because representatives of Meta “couldn’t tell for sure the user
25 was underage.”

26 669. In this instance and many others, Meta did not meaningfully enforce its nominal
27 age restriction on Instagram, despite its external claims to the contrary, including in Davis’s
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1 September 30, 2021 congressional testimony, in which she stated that “we will remove [underage
2 accounts].”

3 670. Upon information and belief, Meta did not promptly delete the personal data of
4 these and other under-13 users upon obtaining actual knowledge that the user was under the age
5 of 13, and instead retained and used some or all of the underage user’s personal data, without first
6 obtaining verifiable parental consent.

7 671. Additionally, Meta has a policy of automatically ignoring certain external reports
8 that Instagram users are under 13 years old. After Meta receives a report that an Instagram user is
9 under 13 years old, Meta’s policy is to allow the user to continue using their Instagram account
10 and disregard the report if the account does not contain a user bio or photos.

11 672. While Meta ignores reports that users are under 13, Meta continues collecting
12 personal information from those users without obtaining or even seeking parental consent.

13 673. In 2021, Meta received over 402,000 reports of under-13 users on Instagram via its
14 underage reporting webform and in-app underage reporting process. But Meta’s records show that
15 fewer than 164,000—far fewer than half of the reported accounts—were “disabled for potentially
16 being under the age of 13” that year.

17 674. Despite receiving reports of users under the age of 13, Meta continually failed to
18 prioritize effective age gates and COPPA compliance. For example, Meta chose not to build a
19 classifier to detect minors under 13. This type of work was often sidelined and received neither
20 adequate resources nor adequate leadership support.

21 675. In sum, after Meta failed to effectively exclude under-13 users from using
22 Instagram, Meta acquired actual knowledge that specific children were on Instagram when
23 concerned parents, siblings, teachers, and community members *told* Meta about individual
24 children on Instagram. Still, Meta declined to remove many of those children’s accounts and
25 instead elected to continue unlawfully collecting personal information from those children.

26 676. Between the first quarter of 2019 and the second quarter of 2023, Meta received
27 over 1.1 million reports of under-13 users on Instagram via its underage reporting webform and
28 in-app underage reporting process. These processes were only a few of many ways that Meta

1 acquired actual knowledge of under-13 users on its Social Media Platforms. Despite this actual
2 knowledge, Meta disabled only a fraction of those accounts and routinely continued to collect
3 children’s data without parental consent.

4 677. Similarly, Meta routinely mishandled and failed to disable Instagram accounts that
5 were “linked” to Facebook accounts where Meta had actual knowledge that Facebook users were
6 under the age of 13.

7 678. Meta collects information that identifies accounts on its various Social Media
8 Platforms that belong to the same individual user. For example, Meta collects email addresses
9 from users when they set up new Facebook and Instagram accounts. Meta instructs its Instagram
10 and Facebook users to provide an email address “that only you can access.” In or around
11 September 2020, Meta released a feature called “Accounts Center,” which allows users to link
12 their accounts on Facebook, Instagram, and Messenger using a single sign on.

13 679. On information and belief, Meta also provided its users with other ways to link
14 their Facebook and Instagram accounts before September 2020, including as early as 2017. For
15 example, an internal memo from June 2017 proposes suggesting friends to Facebook users using
16 their followers on Instagram, “[f]or Instagram users we can match to Facebook accounts (either
17 through linking or inference).”

18 680. As with Instagram, Meta routinely learns that users of its Facebook Platform are
19 under 13 from sources including reports from concerned parents, siblings, friends, and teachers.

20 681. But even after acquiring actual knowledge that Facebook users are under 13 years
21 old, Meta has neither promptly disabled those users’ linked accounts on Instagram nor obtained
22 parental consent for those users.

23 682. For example, from September 2020 to December 2021, when Meta obtained actual
24 knowledge that Facebook users were under 13 and placed their Facebook accounts into an “age
25 checkpoint,” Meta continued collecting personal information from the users’ linked Instagram
26 accounts in their “Accounts Center” and failed to seek parental consent. Externally, however,
27 Meta claimed in a July 27, 2021 post, titled “How Do We Know Someone Is Old Enough to Use
28

1 Our Apps?,” that it used a users’ age stated to either Platform to gate users’ access to both
2 Platforms.

3 683. Upon information and belief, even after Meta obtains actual knowledge that a
4 Facebook user is under 13 years old, Meta neither stops collecting personal information from
5 Instagram accounts that are connected to the same email address (without being officially
6 “linked” through Meta’s “Accounts Center”), nor does it obtain parental consent for those users.

7 684. Meta knows that its failure to take action after learning of under-13 users
8 jeopardizes its compliance with the law: an internal Meta report reveals that “our basic COPPA
9 compliance is at risk when product does not prioritize checkpointing and disabling u13s. We also
10 do not yet cross-enforce against u13s discovered on IG who have hard-linked FB accounts.”

11 685. Meta deceives the public regarding its policies when underage accounts are
12 reported. If someone reports that an account belongs to an individual under the age of 13, Meta
13 claims on its Instagram Help Center that “we will delete the account if we can’t verify the account
14 is managed by someone over 13 years old.” Meta also has prepared talking points stating that the
15 company requires users “to prove they are over 13 in order to regain access to their account” after
16 it has been reported to belong to an underage user. Zuckerberg told Congress on March 25, 2021,
17 “if we detect that someone might be under the age of 13, even if they lied, we kick them off.”

18 686. In practice, and as detailed above, Meta employees often do not take action unless
19 they can verify that the account actually belongs to an underage user. This results in underage
20 accounts remaining on the Platform despite having been reported to Meta as belonging to users
21 under the age of 13. As a matter of policy, Meta employees generally do not take action if the
22 reported account does not contain a user bio or photos.

23 687. And while Meta has developed talking points to claim that it “promptly delete[s]”
24 underage accounts after they are reported, in reality, Meta at times has a backlog of 2-2.5 million
25 under 13 accounts awaiting action—and permits the collection of data from those accounts until
26 Meta can evaluate the reported account.

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1 688. Internal documents from April 2021 recognize that “[a]ge verification (for under
2 13) has a big backlog and demand is outpacing supply” because of the “lack of [staffing]
3 capacity.”

4 **d. Meta’s researchers discussed strategic exclusion of 10- to 12-year-old**
5 **Instagram users.**

6 689. Meta employees tasked with conducting quantitative research related to users of
7 Instagram routinely encountered the problem of how to conduct research into Instagram’s user
8 base without revealing the fact that millions of Instagram users are under the age of 13.

9 690. One approach Meta’s researchers employed was to purposely *exclude* Instagram’s
10 under-13 users from their studies, in order to avoid creating a paper trail documenting the
11 company’s unlawful collection of personal data from children.

12 691. In February 2018, while discussing research on bullying on Instagram, Meta
13 employee Fiona Brown cautioned: “we just want to make sure to be sensitive about a couple of
14 Instagram-specific items. For example, will the survey go to under 13 year olds? Since everyone
15 needs to be at least 13 years old before they create an account, we want to be careful about
16 sharing findings that come back and point to under 13 year olds being bullied on the platform.”

17 692. Similarly, in February 2021, Meta researcher [REDACTED] noted
18 that she was “not includ[ing] younger kids (10-12 yos) in this research” that involved studying
19 “child-adult sexual-related content/behavior/interactions,” explaining that there “are definitely
20 kids this age on IG” but that she was “concerned about risks of disclosure since they aren’t
21 supposed to be on IG at all.”

22 693. In 2021, Meta contracted with a vendor, Answer Lab, to conduct a survey of
23 preteens. Meta instructed Answer Lab to not inform Meta employees if any of the preteen survey
24 subjects were on Instagram, so that Meta “as a company won’t be made aware of under 13.”
25 However, despite Meta’s efforts to shield itself from this knowledge, it learned that several of the
26 preteen subjects were active on Instagram.

1 694. An internal Meta presentation titled “User Trends” from 2021 reveals that Meta
2 has completed studies on the privacy needs of tweens while building products for that target
3 group.

4 695. Meta possesses survey data from 2020 indicating that, out of 3,983 children
5 responding, 22% of child respondents aged 6 to 9 and 35% of child respondents aged 10 to 12 had
6 used Instagram.

7 696. In May 2021, Meta received external research conducted on social media
8 platforms including Instagram and Facebook; this research, provided by an organization called
9 Thorn, revealed that of children ages 9-12, 45% used Facebook and 40% used Instagram daily.

10 697. In 2021, a Meta researcher asked a clarifying question regarding Meta’s “Youth
11 Platform study from the Tween perspective”: “in the screener, we will ask the parents if their U13
12 child is on IG/FB/WA in order to terminate them then. What happens to kids who slip through the
13 screener and then say they are on IG during the interviews?” Newton, Head of Public Policy,
14 responded “we’re not collecting user names right?” Upon information and belief, even when
15 Meta learns of specific children on Instagram through *interviews with the children*, Meta takes the
16 position that it still lacks actual knowledge of that it is collecting personal information from an
17 under-13 user because it does not collect user names while conducting these interviews. In this
18 way, Meta goes through great lengths to avoid meaningfully complying with COPPA, looking for
19 loopholes to excuse its knowledge of users under the age of 13 and maintain their presence on the
20 Platform.

21 698. When Meta acquired actual knowledge of under-13 users on Instagram from its
22 internal researchers, Meta did not obtain verifiable parental consent for those under-13 users, and
23 instead focused on ensuring that the research did not accurately reveal the fact of the under-13
24 users.

25 **e. Meta knows that Instagram’s lack of effective age-gating elicits false**
26 **self-reports of children’s ages.**

27 699. For most of its history, up until December 2019, Instagram did not require new
28 users to disclose their age or date of birth in order to create an Instagram account. During that

1 time, Meta did not require users to take even the minimal step of self-attesting that they were over
2 the age of 13. Instead, for over seven years, under-13 users faced no practical obstacles to
3 creating accounts on Instagram.

4 700. Unsurprisingly, millions of users under age 13 created Instagram accounts during
5 this period, a fact that was routinely discussed within Meta and was reported up to Zuckerberg.

6 701. Internally, Meta researchers noted that it was bad practice not to collect ages from
7 users on sign up.

8 702. Eventually, in response to pressure from regulators and the public, Meta purported
9 to implement an age gate as part Instagram’s account registration process—but the term “gate”
10 was a misnomer because it did not prevent under-13 users from creating and using Instagram
11 accounts.

12 703. To the contrary, Meta initially designed its age gate in a way that prompted all
13 users, including children under the age of 13, to provide an age over 13. Specifically, Meta’s
14 sign-up page contained a drop-down menu that automatically generated a date and year of birth
15 representing the user to be 13 years old. The design of the age gate signaled to children the
16 specific date that they could affirm to advance through the registration process, even though the
17 date automatically populated by Instagram was not their actual date of birth.

18 704. Meta knew that its use of a sign-up page automatically generating a date 13 years
19 prior to the date of registration aided under-13 users in misrepresenting their age in order to
20 access Instagram.

21 705. “[E]ncourag[ing] children to falsify their ages to gain access” is impermissible
22 under COPPA. *See COPPA July 2020 Guidance* § H(3).³⁵

23 706. Meta only recently changed Instagram’s sign-up page to automatically generate
24 the instant date and year, rather than a date 13 years prior.

25 707. Meta’s adoption of an age gate that permits the user to enter *any* date of birth,
26 regardless of its accuracy, still does not prevent under-13 users from using Instagram.

27 _____
28 ³⁵ *Complying with COPPA: Frequently Asked Questions*, Fed. Trade Comm’n (July
2020), <https://archive.ph/PEj8q> (hereinafter “July 2020 COPPA Guidance”).

1 708. Instagram’s current age gate allows users under age 13 to make several attempts at
2 entering a date of birth which would yield an age of over 13, thus permitting the user to create an
3 account. Instagram only temporarily blocks an underage user’s renewed attempts for a mere 12
4 hours before permitting them to try again.

5 709. In sum, Meta’s age gate efforts for Instagram have long been ineffective: first,
6 Instagram utilized no age gate for several years, then implemented an age gate that defaulted to an
7 entry of ages over 13, and now uses an age gate that still depends on an under-13 user to correctly
8 self-report their own age, without any verification.

9 710. In an email from 2020 (after Meta implemented its age gate), Mosseri
10 acknowledged to Zuckerberg that “Instagram doesn’t know the age of many of its users,”
11 showing that the “age-gate” did not apply to all Instagram users.

12 711. Meta knows that its age limits “are unenforced.” Nonetheless, Meta externally
13 touts its age-gating as an effective means to keep children under the age of 13 off Instagram and
14 Facebook.

15 712. While testifying before Congress on September 30, 2021, Meta executive Davis
16 stated: “if we see someone trying to, repeatedly, change the [birth] date to get past that [age
17 screen], we actually will restrict their ability to access the app.” But Meta only locks such a user
18 out for a mere 12 hours before they can try to access Instagram again.

19 713. Internal Meta documents reveal that the company is aware that because of these
20 intentional design choices, under-13 users routinely supply a false date of birth when registering
21 for Instagram.

22 714. For example, in a December 2017 internal chat, an Instagram employee noted that
23 “roughly 90%” of users claiming to be 13 years old had misrepresented their age.

24 715. In February 2021, when responding to an email regarding user retention among
25 young people, a Meta employee explained, “[W]e know that stated age = 13 contains a lot of
26 misrepresenters (presumably, those younger than 13).”

27 716. As recently as March 2020, Meta researchers proposed surveying and studying 10-
28 to 12-year-olds on Instagram about bullying. The rationale to include this age group was that

1 Meta knew that under-13 users “just create their own IG accounts” despite the nominal ban for
2 this age group on the Platform. Upon information and belief, Meta gained knowledge of specific
3 under-13 users when it conducted this anti-bullying research. Upon information and belief, Meta
4 did not delete or disable these under-13 accounts after surveying the users.

5 717. In January 2021, in an internal chat with Director of Data Science [REDACTED], a Meta
6 employee noted that, for purposes of internal planning and strategy, Meta could not rely on the
7 “stated” age of users who claim to be 13 years old because “they lie about it a TON.”

8 718. And in 2021, Meta employee [REDACTED] stated that internal data “suggests
9 only 40% of labeled 15yo actually report a “Teen Stated Age” (it’s even lower for 13yos),” which
10 confirms that “[t]eens indeed very rarely give their proper age.” Meta knows that its age-gating is
11 ineffective and that more than half of its teen users lied about their age.

12 719. Among other Meta employees, Mosseri possesses actual knowledge that use of
13 Instagram by under-13 users is the status quo. As he explained in an internal chat in November
14 2021, “Tweens want access to Instagram, and they lie about their age to get it now. We’d like it if
15 they aged up from an age appropriate version to the full [version]of Instagram, so the explicit
16 strategy, which is on pause, is to let them download the main app and cater the experience to their
17 age.”

18 720. While Mosseri’s message used the word “pause” and while Meta may well have
19 “paused” the efforts to make Instagram appropriate for children, Meta’s practice for tweens
20 continues to be to “let them download the main app,” anticipating that they will later “age up” to
21 being teenagers, exactly as Mosseri had described.

22 721. And Meta internally acknowledges that its infrastructure perpetuates 11- and 12-
23 year-olds use of Meta’s Platforms. In an email from 2017, Zuckerberg expressly stated that Meta
24 chose not to “build a whole separate product” for 11- and 12-year-olds because children in this
25 age group “aren’t so different from 13 or 14 year olds, and we thought if we built a much more
26 restrictive product, they wouldn’t want to use it.”

1 722. In the same 2017 email, Zuckerberg noted that because “kids are getting their first
2 devices at 7, 8 or 9,” Meta was choosing to build a different product targeted instead at that even
3 younger group of under-13 users.

4 723. In other words, Meta knows that 11- and 12-year-olds have used and will continue
5 to use the version of Instagram that nominally excludes them. While Meta externally claimed that
6 it built under-13 products for kids and tweens in a September 27, 2021 post on Instagram’s
7 website entitled “Pausing ‘Instagram Kids’ and Building Parental Supervision Tools,” internally
8 it recognizes that the under-13 products were truly directed to the younger age group of 7- to 9-
9 year-olds (not tweens) with the expectation that tweens would continue to lie about their age to
10 access the unrestricted adult version of Instagram.

11 724. In a 2022 research document, Meta noted that tweens and teens “deal[t] with bad
12 actors [on Instagram] in different ways,” using a 13- to 14-year-old age bucket to capture
13 “tweens,” showing that Meta knows that users who claim to be 13 or 14 often actually include
14 users under the age of 13.

15 725. Meta has access to, and chooses not to use, feasible alternative age verification
16 methods that would significantly reduce or eliminate the number of underage users on Meta’s
17 Social Media Platforms, for example, by requiring young users to submit student IDs upon
18 registration.

19 726. Internal communications reveal that Meta has strategically chosen to eschew
20 effective age verification designs in favor of user growth and retention of Instagram’s youngest
21 users.

22 727. In December 2017, an Instagram employee indicated that Meta had a method to
23 ascertain young users’ ages but advised that “you probably don’t want to open this Pandora’s
24 box” regarding age verification improvements.

25 728. Similarly, Meta has expressed concerns that any efforts to exclude “u13 age liars”
26 could “impact growth” —i.e., Meta’s bottom line. In an internal email from 2019, Davis asked
27 Nick Clegg to “clarify with product leadership whether goal for age collection is to implement
28

1 measures needed to identify and remove u13 age liars, which may impact growth, or whether we
2 are waiting to test growth impact before committing to anything.”

3 729. Externally, Meta misleads the public by claiming, in a March 17, 2021 post on
4 Instagram’s website, that “we know that young people can lie about their date of birth. We want
5 to do more to stop this from happening,” and by developing talking points stating that “we are
6 continuously looking for better ways to identify and remove underage accounts.” But internal
7 documents show that Meta consistently avoids research and projects that could unearth the
8 existence of users under the age of 13—because it would impact Meta’s bottom line.

9 730. Rather than excluding under-13 users from Instagram, Meta could alternatively
10 comply with COPPA by obtaining informed parental consent after providing notice to parents of
11 its intent to collect and use children’s personal information. Meta chooses not to do so.

12 731. Despite knowing that its lack of age gates and later implementation of minimal age
13 gate designs have allowed users under age 13 onto Instagram, Meta does not obtain verifiable
14 parental consent before collecting the personal information of those users who routinely register
15 for, and provide their personal information to, Instagram.

16 **f. Data from Meta’s age-estimation algorithms confirms that millions of**
17 **individual accounts belong to children under age 13.**

18 732. Because Meta knows that the self-reported ages of its youngest users are
19 inaccurate, Meta maintains additional repositories of user age data generated by Meta’s “age
20 modeling algorithms” (or age models) that calculate each user’s age based on sources of
21 information that are more reliable than mere self-disclosures provided by children. These
22 calculated ages are referred to internally as “modified” ages, “estimated” ages, or “imputed” ages.

23 733. Meta creates and retains records reflecting the estimated ages of all of its users, as
24 determined by those age-modeling algorithms, sometimes referred to as “age affinity.”

25 734. Upon information and belief, when Meta internally tracks users’ ages for purposes
26 of planning and strategy, Meta internally modifies the “stated” age of users to yield “modified”
27 ages (i.e., Meta’s best estimate of the users’ actual ages based on data collected from their use of
28 Meta’s Platforms).

1 735. An internal presentation from September 2019, entitled “How are Teens doing on
2 IG,” included historic data representing daily active users of Instagram in the United States
3 according to Meta’s “Age Affinity model.” The presentation included usage trends in
4 demographics identified as “13 y” and “<13 y” from March 2018 through July 2019. Meta’s use
5 of its Age Affinity model to track “<13 y” users of Instagram in the United States is one of many
6 ways that Meta employees acquired actual knowledge that under-13 users were using Instagram
7 and that Meta was therefore collecting their user data.

8 736. In 2021, Mosseri “green lighted u13 modeling,” approving the development of an
9 age model specifically designed to identify users under the age of 13.

10 737. As recently as September 2021, ██████████ instructed Meta employees to use stated
11 ages for purposes of “privacy” and modeled ages for purposes of “engagement” (i.e., increasing
12 users’ engagement with Instagram and thereby increasing Meta’s revenue). Meta does not use
13 stated ages for engagement because Meta knows that stated ages are not accurate. Meanwhile,
14 Meta publicly maintains that it does not allow under-13 users on its Platforms, relying primarily
15 on its faulty age-collection at sign-up.

16 738. Davis internally took issue with Meta’s practice of cherry-picking the contexts in
17 which it used stated ages and modeled ages. In September 2020, she wrote that Meta “need[s]
18 leadership to support the basic principle that if we’re using a signal to predict age for business
19 purposes, it should be used to enforce on age.”

20 739. On information and belief, Meta employees review Meta’s age-modeling data—
21 both through aggregate reports summarizing users’ ages and on the basis of individual user
22 accounts.

23 740. On information and belief, some of Meta’s age-estimation algorithms and related
24 reporting methods have artificially imposed a minimum “floor” on predicted user ages,
25 preventing the algorithm from reporting an under-13 age for a particular user, even when the user
26 is in fact under 13 years of age.

27 741. On information and belief, other age-estimation algorithms and related reporting
28 methods used by Meta presently and/or historically do *not* prevent the algorithm from reporting

1 an age under 13 for a particular user; such algorithms and reports can and do accurately report to
2 Meta employees that individual users of Instagram are under 13 years of age.

3 742. On information and belief, through its possession of and review of estimated age
4 data, Meta employees have frequently acquired actual knowledge that individual users of
5 Instagram are under 13 years of age and that the personal information of under-13 users on
6 Instagram is being collected by Meta.

7 743. Meta externally claimed, through congressional testimony provided by Mosseri on
8 December 8, 2021, that “we train our technology to identify if people are above or below 18 using
9 multiple signals,”—including birthday posts—and that Meta is building new technology to do the
10 same for users under 13. But internal documents reveal that Meta sometimes limits such age-
11 modeling to users over the age of 13.

12 744. Former Meta Director of Site Integrity and former consultant to Meta Bejar
13 testified that Meta does not meaningfully utilize birthday posts to identify users who claim to be
14 over 13 years old but are not. In fact, Meta’s internal reporting mechanism for using birthday
15 posts is complicated which prevents most reports from reaching “completion,” or the point where
16 a person successfully submits a report to Instagram.

17 745. Despite Meta’s actual knowledge, acquired through its possession and review of
18 estimated age data and/or acquired through other sources, that Meta collects personal information
19 of users under the age of 13 in the ordinary course of its operations, Meta does not obtain
20 verifiable parental consent for under-13 users.

21 **2. Instagram is “directed to children.”**

22 746. Independent of Meta’s “actual knowledge” of users under age 13, Meta is also
23 subject to COPPA’s verifiable parental consent requirement because Instagram, or a portion
24 thereof, is “directed to children.” *See* 15 U.S.C. § 6502(a)(1); 16 C.F.R. § 312.2.

25 747. The FTC promulgated regulations implementing Section 6502(b) of COPPA,
26 including 16 C.F.R. § 312.2, which defines website or online service “directed to children” as one
27 “that is targeted to children.” The regulation lists factors for determining whether an online
28

1 service, or a part thereof, is directed to children and therefore subject to the statute’s “verifiable
2 parental consent” requirement. These factors include:

3 subject matter, visual content, use of animated characters or child-
4 oriented activities and incentives, music or other audio content, age
5 of models, presence of child celebrities or celebrities who appeal to
6 children, language or other characteristics of the Web site or online
7 service, as well as whether advertising promoting or appearing on
8 the Web site or online service is directed to children. The
9 Commission will also consider competent and reliable empirical
10 evidence regarding audience composition, and evidence regarding
11 the intended audience.

12 16 C.F.R. § 312.2.

13 748. An online service is “directed to children” if it “targets children as one of its
14 audiences - even if children are not the primary audience.”³⁶ Even if a website claims to target
15 teenagers or adults, “in reality, [the] site may attract a substantial number of children under 13,
16 and thus may be considered [to be] . . . ‘directed to children’”³⁷

17 749. Under COPPA and applicable regulations, Instagram is “directed to children”
18 considering the following facts: (1) Instagram’s “audience composition” includes millions of
19 users under the age of 13; (2) advertising that promotes Instagram and appears on Instagram is
20 directed to children; (3) Meta’s design of the Instagram registration process allows children to use
21 Instagram; (4) internal communications reveal that under-13 users are an “intended audience” of
22 Instagram; (5) subject matter, characters, activities, music, and other content on Instagram are
23 child-oriented; and (6) models and celebrities on Instagram are children and/or child-oriented.

24 **a. Instagram’s audience composition includes millions of users under
25 the age of 13.**

26 750. Under 16 C.F.R. § 312.2, empirical evidence regarding audience composition is
27 relevant to determining whether an online service, or a portion thereof, is directed to children.

28 751. Meta’s own records reveal that Instagram’s audience composition includes
millions of children under the age of 13.

³⁶ July 2020 COPPA Guidance, *supra* note 35.

³⁷ *Id.*

1 752. As alleged above, the Daily Active People and Monthly Active People Penetration
2 charts reveal that a substantial proportion of American children had used Instagram on a monthly
3 or daily basis when they were under 13 years of age.

4 753. Additionally, Zuckerberg was briefed in 2018 on the fact that there were
5 “4m[illion] people under 13 in 2015 on IG [in the US],” a figure representing “around 30% of all
6 10-12 years old in the US.”

7 754. Another empirical indicator of the huge number of under-13 users on Instagram is
8 the number of under-13 users *reported* to Meta, including reports by concerned parents, teachers,
9 and siblings of users under the age of 13. Even assuming some, but not all of the under-13 users
10 on Instagram are reported to Meta, the underage reports nonetheless provide some indication that
11 Instagram’s audience contains a substantial number of children under the age of 13. Between the
12 first quarter of 2019 and the second quarter of 2023, Meta received over 1.1 million reports of
13 users under age 13 on Instagram via its underage reporting webform and in-app underage
14 reporting process.

15 755. There are millions of under-13 users on Instagram today.

16 756. The sheer number of under-13 users of Instagram composing Instagram’s audience
17 demonstrates that Instagram is, in fact, targeted to children.

18 757. On information and belief, Meta possesses competent and reliable empirical
19 evidence, and such evidence is corroborated by external sources, reflecting the generally known
20 fact that there are millions of under-13 users on Instagram.

21 **b. Advertising that promotes Instagram and appears on Instagram is**
22 **directed to children.**

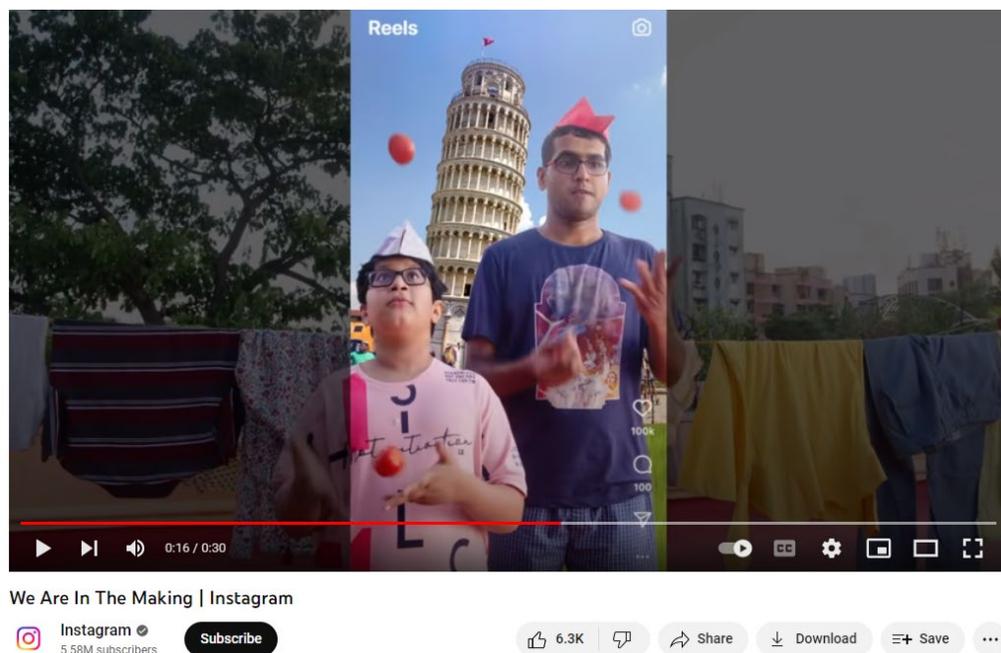
23 758. Under 16 C.F.R. § 312.2, whether “advertising promoting or appearing on . . . the
24 online service is directed to children” is relevant to determining whether an online service, or a
25 portion thereof, is directed to children.

26 759. Meta’s ads promoting Instagram feature and are directed to children—and ads that
27 Meta hosts on Instagram are also child-directed.
28

1 760. Meta has published advertising campaigns for Instagram featuring actors who
2 appear to be children or teens, as shown in the below screenshot from a television commercial for
3 Instagram that aired in April 2023:



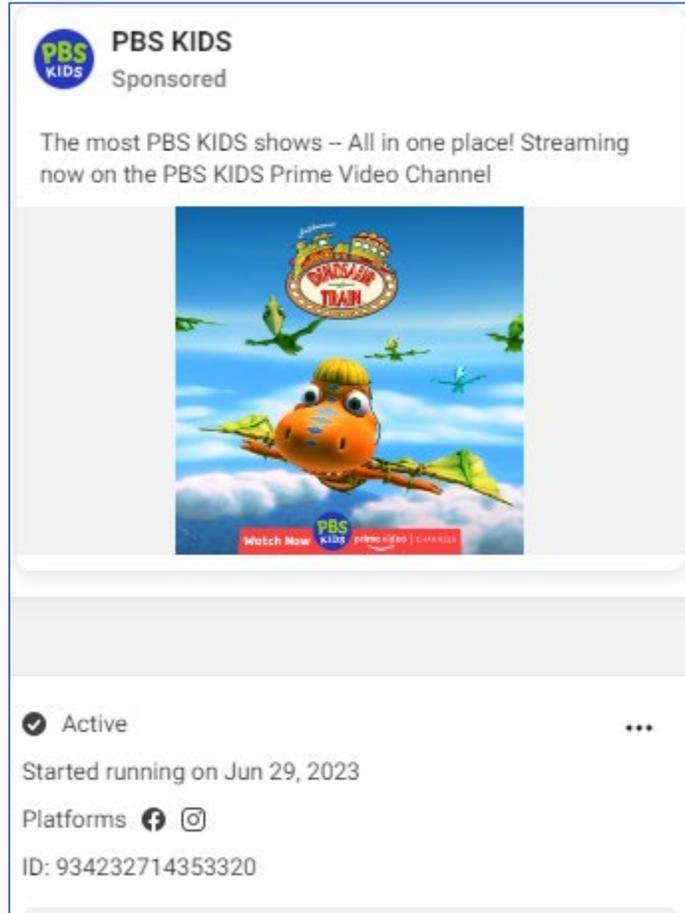
12 761. Meta also posted an advertisement for Instagram on YouTube in October 2021,
13 featuring one or more individuals who appear to be children or teens, as depicted in the following
14 screenshot:



26 762. These advertisements and others by Meta related to Instagram were directed to
27 children and teens and featured individuals who appeared to be children or teens.
28

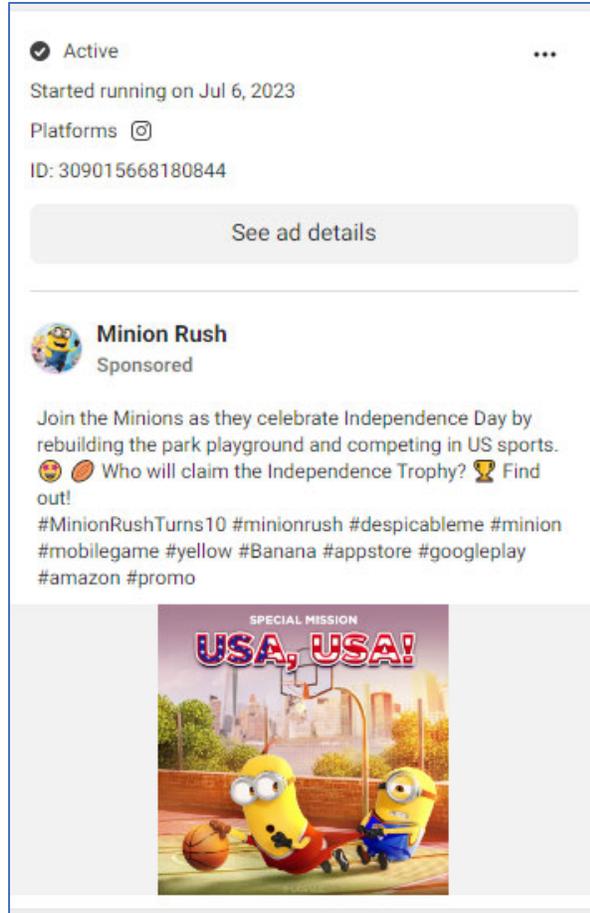
1 763. And Meta displays advertisements within Instagram that feature children and are
2 directed to children.

3 764. For example, according to Meta’s Ad Library website, an advertisement promoting
4 the children’s television show “Dinosaur Train” and the “PBS KIDS Prime Video Channel” was
5 run on Instagram and Facebook in July 2023, as depicted in the following screenshot:



21 765. Also according to Meta’s Ad Library website, an advertisement featuring
22 children’s cartoon characters “the Minions” was run on Instagram in July 2023, as depicted in the
23 following screenshot:

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766. Meta’s practice of hosting advertisements targeting children is another way that Instagram is directed to children.

c. Meta’s design of the Instagram registration process allows children under 13 to use Instagram.

767. As set forth in detail above, Instagram first utilized no age gate for several years, then implemented an age gate that defaulted to a user age of 13 or above, then implemented an age gate that depends on children to self-report their own age. Meta is aware that because of these intentional design choices, under-13 users routinely supply a false date of birth when registering for Instagram.

768. Meta has access to, and chooses not to use, alternative feasible age verification methods that would significantly reduce or eliminate the number of underage users on Meta’s

1 Social Media Platforms, for example, by requiring young users to submit student IDs upon
2 registration.

3 769. Instagram’s decision not to use effective age verification that would exclude
4 under-13 users is one way that it effectively targets and welcomes under-13 users onto the
5 Platform.

6 770. Because Meta does not effectively exclude users under the age of 13 from
7 Instagram, Meta’s external narrative regarding its COPPA compliance and age verification is
8 misleading, including inaccurate public statements by Zuckerberg himself. This has been
9 acknowledged by Meta’s own employees. While discussing Zuckerberg’s congressional
10 statements in March 2021, Software Engineer [REDACTED] noted: “Oof. This
11 statement that mark made isn’t accurate: ‘And we have additional systems that try to determine
12 what someone’s age might be so if we detect that someone might be under the age of 13, even if
13 they lied, we kicked them off.’ We don’t have u13 models today.”

14 **d. Users under age 13 are an “intended audience” of Instagram.**

15 771. Under 16 C.F.R. § 312.2, “evidence regarding the intended audience” of an online
16 service is relevant to determining whether an online service, or a portion thereof, is directed to
17 children. A platform is “directed to children” if it targets children as “one of its audiences—even
18 if children are not the primary audience.”³⁸

19 772. Meta’s internal communications show users under age 13 are an intended audience
20 of Instagram.

21 773. An internal email from 2020 between Mosseri and [REDACTED], then
22 Facebook Engineering Director—Youth Team, states that Meta explicitly intended for its users
23 under age 13 to “age up” from Messenger Kids (Meta’s product that is designed and marketed to
24 children under the age of 13) to the full Instagram Platform “*in their tweens years* as they get a
25 cellular phone,” before these users were nominally allowed on Instagram (emphasis added). The
26

27
28 ³⁸ July 2020 COPPA Guidance, *supra* note 35.

1 same email emphasized the importance of “solidifying [Meta’s] dominance in the youth space” to
2 secure a new generation of Instagram users.

3 774. Additionally, Research Director for Instagram [REDACTED] wrote to Davis in 2021 that
4 “Instagram is investing in experiences targeting youth aged roughly 10- to 12,” noting that
5 “research among this population is very sensitive.” In another email from 2021, [REDACTED] wrote:
6 “we are spinning up a cross-company Youth initiative that spans Instagram and Messenger Kids .
7 . . . Youth has been an umbrella term we’re using for ages 6+ up through late teens/early 20’s
8 [sic].”

9 775. In that same year, [REDACTED], [REDACTED] and others internally discussed Meta’s use of
10 stated ages provided by children as a “proxy” to study children under the age of 13, noting Meta’s
11 internal language code:

- 12 • Young kids (0-5)
- 13 • Kids (6-9)
- 14 • Tweens (10-12)
- 15 • Early teens (13-15)
- 16 • Later teens (16+)

17 776. In an internal presentation from July 2021, Meta employees asked “what approach
18 should we take to profile with tweens” and “how do tweens want to curate content/identity” in the
19 dual context of IG Youth and the main Instagram Platform among a host of other tween specific
20 inquiries (such as what close friendships mean for tweens).

21 777. In 2021, Meta employees also discussed their engagement in “new
22 experiences/teen engagement work” for “under 13 users” over instant messaging.

23 778. For example, in February 2021, [REDACTED] noted that Meta was working to recruit
24 “Gen Alpha before they reach teenage years” to Instagram. A Meta researcher noted in November
25 2020 that Meta was studying “where can IG best meet the needs and desires of Gen Alpha.” Gen
26 Alpha is the generation with birth years beginning in the 2010s (in 2020, this would have
27 included children aged 10 and under).
28

1 779. Consistent with this strategy, Meta has extensively studied the habits and attitudes
2 of users under age 13 toward Instagram, through confidential surveys, focus groups, and other
3 internal studies.

4 780. In March 2020, Meta internally circulated a study called “Beyond the Individual
5 User: Understanding our Products through the Household Ecosystem.” In this study, Meta
6 compiled data from surveys that Meta conducted with families containing at least one parent, one
7 teen, and one preteen (a child under the age of 13). Meta collected information about how teens
8 encourage their siblings who are under 13 years old to use social media, in order to gain
9 perspective on how to target children under the age of 13 to use Instagram.

10 781. In an internal chat from January 2021, ██████████ discussed ways that Meta could
11 utilize its teen users to recruit pre-teens (under the age of 13) to use Instagram.

12 782. In November 2020, Meta employees discussed how to ensure that Instagram
13 retained a market share of children under the age of 13 (whom they referred to as “future teens”).

14 783. As early as 2016, internal Meta documents reveal Zuckerberg’s implicit intent to
15 increase teen engagement on Meta’s Platforms by building experiences for “under-13s.”

16 784. In October 2021, a Meta employee acknowledged that Meta had previously built
17 experiences for users under the age of 13.

18 785. In 2020, two Meta researchers submitted a proposal to study friendships and how
19 they change over time. This included studying tweens ages 10 to 12 years old who use Instagram.

20 786. Researcher ██████████ suggests this research is valuable because “[r]ecent
21 teen studies and competitive analyses have identified that close friend relationships are a
22 prominent priority of young users. The presence of close friends and engagement between friend
23 groups is a known driver of application adoption and daily usage and value - which also happens
24 to be the primary focus of IG Growth and inherent priority for Sharing Experiences and Threads.”

25 787. At times, Meta even publicly acknowledges that focusing on Instagram users
26 under age 13 is a part of its business strategy.

27 788. For example, in September 2018, Meta released a “guide” for parents, urging them
28 to allow their children to join Instagram, lest the children risk “social marginalization.”

1 Commentators noted that the guide suggested that children under the age of 13 already use
2 Instagram, and the guide indicated that Instagram did not collect ages of users at time of signup.

3 789. Meta explicitly lists “pre-teens” in financial review documents within its
4 discussions of “Meta themes.”

5 790. In September 2021, in an internal chat including Newton (Instagram Head of
6 Public Policy), Mosseri (Head of Instagram), Dr. Hendrix (Head of Research at Instagram), and
7 Otway (Instagram’s spokesperson), Otway warned the team that reporter Jeff Horwitz possessed
8 Meta’s “marketing research that ‘indicates a tolerance for or even desire to recruit users in the
9 sub-13 range to the current IG platform.’”

10 791. On information and belief, Meta pursues children as Instagram users because, in
11 the short term, children generate revenue for Instagram by consuming Instagram advertising for
12 extended periods of time, and in the long term, Meta strives to retain and profit from those same
13 users as they “age up” into teen and eventually adult users of Meta’s Platforms .

14 792. Despite its widespread efforts to secure the market of users under the age of 13,
15 externally, Meta denies that it designs Instagram to appeal to children; for example, Davis
16 testified to Congress on September 30, 2021 that Meta’s Platforms are not designed for children
17 12 and under.

18 793. Meta’s communications expressing its intent to reach under-13 users are one way
19 that it reveals itself to be “directed to children.”

20 **e. Subject matter, characters, activities, music, and other content on**
21 **Instagram are child-oriented.**

22 794. Under 16 C.F.R. § 312.2, “subject matter, visual content, use of animated
23 characters or child-oriented activities and incentives, music or other audio content” are relevant to
24 determining whether an online service, or a portion thereof, is directed to children.

25 795. Instagram publicly hosts thousands of accounts and pages on its Platform that
26 include child-oriented subject matter, characters, activities, music, and other categories of content
27 for children.

28

1 796. To list only a few representative examples, Meta has admitted that it hosts the
 2 following accounts or pages on Instagram. Each such account or page on Instagram is child-
 3 oriented because it hosts images and videos relating to a character, product, or brand that is
 4 specially made for and/or marketed to children:

Instagram Page	URL
Bluey	https://www.instagram.com/officialblueytv/
DC Super Hero Girls	https://www.instagram.com/dcsuperherogirls/
Disney Junior	https://www.instagram.com/disneyjunior/
Dr. Seuss	https://www.instagram.com/drseuss/
Dragon Ball Super	https://www.instagram.com/dragonballsuper/
Hasbro	https://www.instagram.com/hasbro/
Hello Kitty	https://www.instagram.com/hellokitty/
Hot Wheels	https://www.instagram.com/hotwheelsofficial/
JoJo Siwa	https://www.instagram.com/itsjojosiwa/
Lego	https://www.instagram.com/lego/
Mickey Mouse	https://www.instagram.com/mickeymouse/
Miraculous Ladybug	https://www.instagram.com/miraculous/
Monster High	https://www.instagram.com/monsterhigh/
My Little Pony	https://www.instagram.com/mylittlepony/
Nick Jr.	https://www.instagram.com/nickjr/
Nickelodeon	https://www.instagram.com/nickelodeon/
Paddington Bear	https://www.instagram.com/paddingtonbear/
Patrick Star	https://www.instagram.com/officialpatrickstar/
PAW Patrol	https://www.instagram.com/pawpatrol/
PBS Kids	https://www.instagram.com/pbskids/
Peppa Pig	https://www.instagram.com/officialpeppa/
Pokemon	https://www.instagram.com/pokemon/

1	Rugrats	https://www.instagram.com/rugrats/
2	Sesame Street	https://www.instagram.com/sesamestreet/
3	Sonic the Hedgehog	https://www.instagram.com/sonicthehedgehog/
4	SpongeBob SquarePants	https://www.instagram.com/spongebob/
5	Teenage Mutant Ninja Turtles	https://www.instagram.com/tmnt/
6	Thomas & Friends	https://www.instagram.com/thomasandfriends/
7	Transformers	https://www.instagram.com/transformersofficial/
8		

9
10 797. These and thousands of other child-oriented parts of Instagram are “a part []of” an
11 online service that “is directed to children.”³⁹

12 798. Meta’s maintenance and/or promotion of thousands of child-oriented pages on
13 Instagram is one of the ways that Meta causes Instagram to be “directed to children.”

14 **f. Models and celebrities on Instagram are children**
15 **and/or child-oriented.**

16 799. Under 16 C.F.R. § 312.2, the “age of models, presence of child celebrities, [and]
17 celebrities who appeal to children” are relevant to determining whether an online service, or a
18 portion thereof, is directed to children.

19 800. Meta hosts, maintains, and promotes thousands of accounts on Instagram that are
20 dedicated to displaying images and videos of child models, child celebrities, and other child-
21 oriented celebrities.

22 801. As a representative example, Instagram currently hosts the Instagram account of
23 JoJo Siwa, a popular celebrity among tweens. JoJo Siwa is now over the age of 13 but she has
24 maintained an active public Instagram account since she was approximately 8 years old.

25 802. When confronted with evidence that JoJo Siwa—then and now a popular celebrity
26 among tweens—had been active on Instagram since she was eight years old, and had Instagram
27 followers who were minors, Mosseri’s response was: “I don’t want to hear it.”

28 ³⁹ See 16 C.F.R. § 312.2.

1 803. Thousands of pages on Instagram feature child celebrities and child-oriented
2 celebrities which are directed to children.

3 804. Similarly, Meta is aware that Instagram contains influencer accounts belonging to
4 children under the age of 13 (but technically owned by their parents or agents) that are child
5 directed.

6 805. In an email exchange from 2019 discussing Meta’s response to a New York Times
7 exposé on child influencer accounts, a Meta employee wrote “Branded content for under 13 is
8 happening on IG.” The employee then discusses three types of under-13 influencers/actors (on
9 accounts run by parents) on IG, with references to specific accounts. The employee acknowledges
10 that branded content posted by child influencers under the age of 13 (such as video game reviews)
11 appeals to children under 13.

12 **3. Meta does not obtain verifiable parental consent before collecting personal**
13 **information from users under the age of 13 on Instagram.**

14 806. Despite Meta’s “actual knowledge” of under-13 users and the fact that Instagram
15 is “directed to children,” Meta does not obtain verifiable parental consent, as required by COPPA,
16 before collecting the personal information of its child users.

17 807. To obtain verifiable parental consent, Meta would need to (1) first provide notice
18 to the parent of the company’s “personal information collection, use, and disclosure practices,”
19 then (2) obtain the parent’s authorization for the company to “collect[], use, and disclos[e], as
20 applicable . . . personal information and the subsequent use of that information”—all in
21 conformity with the COPPA regulations and all prior to the child’s information being collected.
22 15 U.S.C. § 6501(9).

23 808. On information and belief, Meta does not provide sufficient notice on its Instagram
24 websites or Platform, through a prominently posted link or directly to parents, about what
25 information it collects from children, how it uses such information, its disclosure practices, and
26 parents’ rights to review or delete their children’s information.

27 809. Meta has admitted that it does not provide parents with such notice and does not
28 obtain verifiable parental consent with respect to child users on Instagram.

1 810. Meta nonetheless collects “personal information” from all registered users of
2 Instagram, including all users under the age of 13 on Instagram, without first obtaining verifiable
3 parental consent.

4 811. Meta collects “personal information” of children through Instagram including, but
5 not limited to, geolocation information, persistent identifiers of the child, unique device
6 identifiers, photos and videos of the child, and other individually identifiable information about
7 each user under the age of 13.

8 **C. Meta does not comply with COPPA with respect to Facebook.**

9 812. Under COPPA, Meta is also required to obtain verifiable parental consent with
10 respect to users under the age of 13 on Facebook including because (1) Meta has “actual
11 knowledge” of under-13 users on Facebook; and (2) Facebook, or a portion thereof, is directed to
12 children.

13 **1. Meta has actual knowledge of users under age 13 on Facebook.**

14 813. Like with Instagram, the prevalence of under-13 users on Facebook—and Meta’s
15 collection of those users’ personal information—is an open secret within Meta.

16 814. On information and belief, Meta possesses and confirms its actual knowledge that
17 it collects the personal information of children on Facebook through the same categories of
18 information alleged above with respect to Instagram, including (i) internal communications and
19 data revealing the existence of under-13 users on Facebook; (ii) internal communications
20 revealing that Facebook’s weak age-gating process effectively and predictably allows children
21 onto Facebook; and (iii) data generated by Meta’s age-estimation algorithms confirming that
22 millions of individual Facebook accounts belong to children under age 13.

23 815. In January 2018, Zuckerberg received a report in advance of a meeting to discuss
24 underage users on Meta’s Platforms. The report noted that “Facebook is likely U13’s first social
25 media app,” but that the company needed to “figure out our tweens strategy” for Facebook.

26 816. Other internal communications incidentally discuss Facebook’s under-13 users
27 that were known to Meta’s employees.
28

1 817. In a 2020 internal “Case Study” reviewing “FB Dating,” a dating service within
2 Facebook, Meta employee ██████████ reported that there were multiple “confirmed
3 minors” using FB Dating, including two who “admitted in conversation to being under 12” and
4 one “in the third grade.” The study expressed concern that “individuals who were paired with
5 minors” on FB Dating reacted negatively to learning that they were interacting with children—
6 which, according to the document, posed a risk of “serious reputation damage to Facebook.”

7 818. Meta possesses data from 2020 indicating that, out of 3,989 children surveyed,
8 31% of child respondents aged 6-9 and 44% of child respondents aged 10 to 12-years-old had
9 used Facebook.

10 819. Meta is also aware that its registration process for Facebook does not prevent users
11 under the age of 13 from creating Facebook accounts—and that it allows them onto the Platform
12 despite nominally prohibiting them.

13 820. Meta employs a similar policy of ignoring certain reports of under-13 users on
14 Facebook as it does for Instagram. When Meta receives a report that a Facebook user is under 13
15 years old, Meta automatically ignores the report and continues collecting the child’s personal
16 information if there are no photos associated with the account.

17 821. Upon information and belief, Meta has confirmed its knowledge of specific under-
18 13 user accounts through its review of data generated by Meta’s age-estimation algorithms
19 confirming that millions of individual Facebook accounts belong to children under the age of 13.

20 **2. Facebook is “directed to children.”**

21 822. Upon information and belief, Facebook is “directed to children” including because
22 internal communications reveal that children are an intended audience of Facebook and because
23 Facebook maintains and promotes thousands of pages and accounts that are child-oriented.

24 823. Employees within Meta routinely exchange communications revealing that
25 children are an intended audience of Facebook.

26 824. ██████████ stated in an internal chat in May 2021 that “the reality is that kids are
27 using phones from younger ages” and “[I]’d prefer FB to own the market which has builds with
28 safety in mind” “as opposed to someone else.”

1 825. Similarly, a 2018 report to Zuckerberg emphasized that the company needed to
2 “figure out our tweens strategy” for Facebook.

3 826. An internal presentation titled “2017 Teens Strategic Focus” outlines Meta’s plans
4 to “win back” the teen market by specifically targeting the under-13 market. The presentation has
5 slides documenting the following information about users under the age of 13: “significant tablet
6 usage starts at 3-4,” “Smartphones dominate from age 10,” and “Social identity is an Unmet need
7 Ages 5-11.” Another stated goal was to build an under-13 Platform to “grow [Monthly Active
8 People], [Daily Active People] and time spent among U13 kids.”

9 827. While developing IG Youth and Messenger Kids for children under the age of 13,
10 Max Eulenstein, a Vice President Co-Head of Product at Instagram, noted in November 2020 that
11 his team was meeting with Zuckerberg to “highlight data showing why IG Youth could help with
12 the tween market for FACEBOOK.”

13 828. Additionally, thousands of Facebook pages and accounts are child-oriented,
14 including because they feature child-oriented subject matter, characters, activities, and music, as
15 well as child models, child celebrities, and celebrities who appeal to children.

16 829. And Meta has published advertising campaigns designed to encourage more
17 children to use its Social Media Platforms like Facebook. Meta touts the alleged safety of those
18 Platforms. In a recent television ad, Meta claimed that it “build[s] technology that gives you more
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1 control and helps keep you safe” including through “tools that can protect—so you can connect.”

2 This advertisement featured children, as shown in the screenshot below:

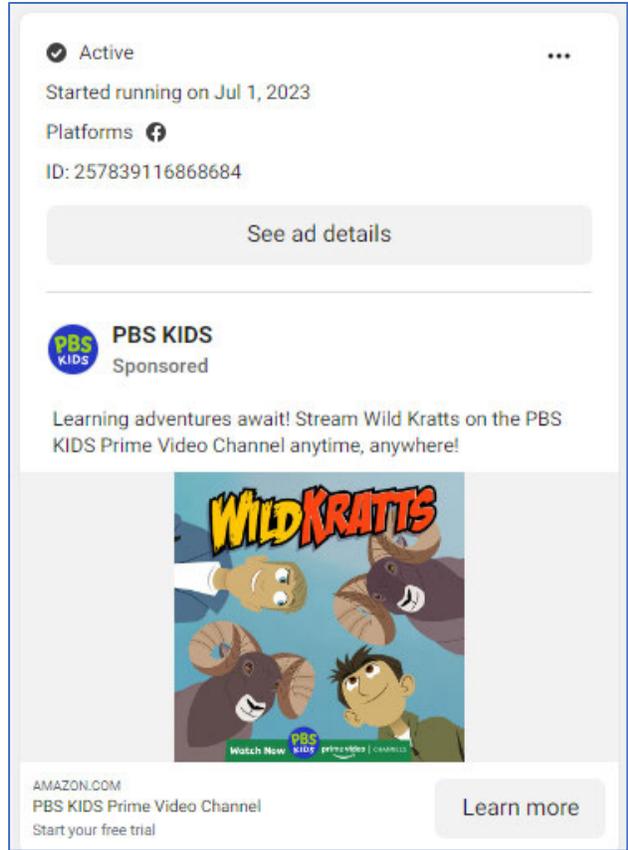
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830. Similarly, Meta permits advertisements to be displayed within Facebook that feature children and are directed to children.

831. According to Meta’s Ad Library website, an advertisement promoting the PBS Kids television show “Wild Kratts” and the “PBS KIDS Prime Video Channel” was run on Facebook in July 2023, as depicted in the following screenshot:

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832. Because Facebook is targeted to children, Meta is required to obtain verifiable parental consent for its collection of personal information from users under the age of 13.

3. Meta does not obtain verifiable parental consent before collecting personal information from users under age 13 on Facebook.

833. Despite being required under COPPA to obtain verifiable parental consent, Meta does not obtain—or even attempt to obtain—verifiable parental consent before collecting the personal information of children on Facebook.

834. On information and belief, Meta also does not provide sufficient notice on its Facebook websites or Platform, through a prominently posted link or directly to parents, about what information it collects from children, how it uses such information, its disclosure practices, and parents’ rights to review or delete their children’s information.

1 835. The “personal information” of children collected by Meta through Facebook
2 includes, but is not limited to, geolocation information, persistent identifiers of the user, unique
3 device identifiers, photos and videos of the children, and other individually identifiable
4 information about each child-user.

5 **X. META CONTINUES TO EXPAND AND INTRODUCE NEW PLATFORMS**

6 836. Meta has indicated, both publicly and internally, that it plans to expand its
7 presence in the Virtual Reality (VR) arena.

8 837. Virtual Reality is a new way to interact with computers wherein a user’s body is
9 virtually placed into a 3D digital world that they can control by moving their body as though in
10 the real world.

11 838. Meta first ventured into virtual reality when, in 2014, it purchased VR headset
12 manufacturer Oculus. Meta has since developed a flagship VR Social Media Platform called
13 “Horizon Worlds.”

14 839. In May 2022, the organization SumOfUs (now called Eko), released a report
15 documenting the harms it found on Horizon Worlds, including harassment and abuse.

16 840. On March 8, 2023, the Center for Countering Digital Hate published a report about
17 bullying, sexual harassment of minors, and harmful content on Horizon Worlds.

18 841. As of April 2023, Meta made Horizon Worlds available to young users between
19 the ages of 13 to 17.

20 842. The Filing States have attempted to investigate Meta’s actions in the VR space,
21 specifically by issuing Civil Investigative Demands on June 7, 2023, requesting information
22 about minors on Horizon Worlds, including users under age 13.

23 843. To date, Meta has not responded to the Filing States’ requests for information and
24 documents on this topic.

25 844. Upon information and belief, Meta is developing and deploying new features on its
26 nascent virtual reality Platforms such as Horizon Worlds, which users may link to their accounts
27 on Facebook and Instagram.
28

- 1 f. Meta misrepresented, directly or indirectly, expressly or by implication that Meta’s
2 collection of user data was not for the purpose of causing those users to become
3 addicted to the Social Media Platforms, when in reality that was one of the purposes
4 for which Meta collected user data;
- 5 g. Meta has made other false and deceptive representations, including as set forth in
6 paragraphs 1 through 835.

7 **B. Unfair and/or Unconscionable Acts and Practices**

8 847. Meta engaged in unfair and unconscionable acts and practices, including the
9 following unfair and/or unconscionable acts and practices, in connection with young users’ use of
10 and/or addiction to Meta’s Social Media Platforms:

- 11 a. Meta targeted its Social Media Platforms to young users while knowingly designing
12 its Social Media Platforms to include features that Meta knew to be psychologically
13 and physically harmful to young users—including features known to promote
14 compulsive, prolonged, and unhealthy use by young users;
- 15 b. Meta utilized Social Media Platform features that unfairly and/or unconscionably
16 harm young users independently of any actions taken by third-party users of Meta’s
17 Platforms. These features include infinite scroll, ephemeral content features, autoplay,
18 quantification and display of “Likes,” and disruptive alerts, all of which were unfairly
19 and/or unconscionably utilized by Meta to extract additional time and attention from
20 young users whose developing brains were not equipped to resist those manipulative
21 tactics;
- 22 c. Meta designed, developed, and deployed disruptive audiovisual and vibration
23 notifications and alerts and ephemeral content features in a way that unfairly and/or
24 unconscionably exploited young users’ psychological vulnerabilities and cultivated a
25 sense of “fear of missing out” in order to induce young users to spend more time than
26 they would otherwise choose on Meta’s Social Media Platforms;
- 27 d. Meta algorithmically served content to young users, according to “variable
28 reinforcement schedules,” thereby manipulating dopamine releases in young users,

1 852. Meta has repeatedly collected, used, or shared personal information about children
2 under the age of 13 and continues to systematically do so.

3 853. Meta has failed and continues to fail to provide direct notice to parents about the
4 information it collects from children and how it uses such information, and its disclosure practices
5 are in violation of Sections 312.4(b) and 312.4(c) of the COPPA Rule, 16 C.F.R. § 312.4(b)-
6 312.4(c).

7 854. Meta has failed and continues to fail to provide sufficient notice on its Social
8 Media Platforms about the information it collects from children and how it uses such information,
9 and its disclosure practices are in violation of Section 312.4(d) of the COPPA Rule, 16 C.F.R.
10 § 312.4(d).

11 855. Meta has failed to obtain verifiable parental consent prior to collecting or using
12 any personal information of children, in violation of Section 312.5 of the COPPA Rule, 16 C.F.R.
13 § 312.5.

14 856. Under 16 C.F.R. § 312.9, a violation of COPPA constitutes an unfair or deceptive
15 act or practice, in violation of 15 U.S.C. § 45.

16 857. The Filing States have reason to believe that Meta has violated COPPA and the
17 COPPA Rule with respect to residents of each filing state.

18 858. Under 15 U.S.C § 6504, the Attorneys General of the Filing States are empowered
19 to bring a civil action to:

- 20 a. Enjoin practices which violate COPPA and the COPPA Rule;
- 21 b. Enforce compliance with the COPPA Rule;
- 22 c. Obtain damages, restitution, and other compensation; and
- 23 d. Obtain such other relief as the Court may consider appropriate.

24 859. Absent injunctive relief by this Court, Meta is likely to continue to violate the
25 COPPA Rule.

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1 Business and Professions Code section 17500 *et seq.*, by making or causing to be made untrue or
2 misleading statements with the intent to induce members of the public to use Meta’s platforms
3 when such statements were likely to mislead members of the public about the nature and safety of
4 Meta’s platforms. Meta’s untrue or misleading representations include, but are not limited to, the
5 representations described in paragraph 846.

6 867. At the time the untrue or misleading representations were made, Meta knew or by
7 the exercise of reasonable care should have known that the representations were untrue or
8 misleading.

9
10 **COUNT IV: UNFAIR COMPETITION BY META IN VIOLATION OF BUSINESS AND**
11 **PROFESSIONS CODE SECTION 17200 (BY THE PEOPLE OF THE STATE OF**
12 **CALIFORNIA)**

13 868. California realleges and incorporates herein by reference each of the allegations
14 contained in the preceding paragraphs 1 through 859 and 865 to 867 as though fully alleged in
15 this cause of action.

16 869. From a date unknown to California and continuing to the present, Meta has
17 engaged in and continues to engage in unlawful, unfair, or fraudulent acts or practices, which
18 constitute unfair competition within the meaning of Section 17200 of the Business and
19 Professions Code. Meta’s acts of unfair competition include, but are not limited to, the following:

20 870. Meta has committed unlawful business practices by violating California Business
21 and Professions Code section 17500 *et seq.*, as alleged in Count III;

22 871. Meta has made deceptive representations, directly or indirectly, expressly or by
23 implication, regarding its Social Media Platforms, including, but not limited to, those described in
24 paragraph 846.

25 872. Meta has engaged in unfair acts and omissions with regard to its Social Media
26 Platforms, as described in paragraphs 847-850.

27 873. Meta has engaged in the acts and practices alleged in Count I, which violated
28 COPPA and the COPPA Rule.

1 **COUNT V: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF THE**
2 **COLORADO CONSUMER PROTECTION ACT, COLO. REV. STAT. § 6-1-105(1)(e)**

3 874. Colorado realleges and incorporates by reference each of the allegations contained
4 in the preceding paragraphs 1 through 850 as though fully alleged in this cause of action.

5 875. In numerous instances in connection with the advertising, marketing, promotion,
6 and other representations regarding its Platforms, including but not limited to statements made to
7 reporters, statements made to the public via Meta’s website, and statements provided in testimony
8 to Congress, such as through the means described in paragraphs 846.a. through 846.g., Meta
9 knowingly and/or recklessly made false representations regarding the characteristics, uses,
10 benefits, and/or alterations of its Platforms.

11 876. Such representations include, but are not limited to, those set forth in paragraphs
12 846.a. through 846.g. These and other false statements by Meta were material to consumers’
13 decisions regarding their usage of Meta’s Platforms. These representations also had the capacity
14 to deceive consumers and were intended to induce young consumers’ use of the Platforms.

15 877. The deceptive acts or practices alleged herein constitute separate violations of the
16 Colorado Consumer Protection Act. By engaging in the acts and practices alleged herein, both
17 separately and as taken together, Meta violated Colo. Rev. Stat. § 6-1-105(1)(e).

18
19 **COUNT VI: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF THE**
20 **COLORADO CONSUMER PROTECTION ACT, COLO. REV. STAT. § 6-1-105(1)(g)**

21 878. Colorado realleges and incorporates by reference each of the allegations contained
22 in the preceding paragraphs 1 through 850 as though fully alleged in this cause of action.

23 879. Through the acts and omissions described above, including but not limited to those
24 set forth in paragraphs 846.a. through 846.g., Meta represented that its Social Media Platforms
25 met a particular standard, quality, and grade of safety appropriate for its young users that Meta
26 knew or should have known they did not meet.

27 880. For example, as detailed above, Meta made specific representations regarding the
28 safety of its Platforms in its “Community Standards Enforcement Reports,” which described the

1 percentage of content posted that Meta removed for violating its Community Standards. In its
2 Reports and accompanying statements made on its website, to reporters, and to Congress, Meta
3 promoted this “prevalence” metric as a reliable measure of the safety of its Social Media
4 Platforms. Meta represented that because it aggressively enforced its Community Standards—
5 thereby reducing the “prevalence” of Community-Standards-violating content—its Social Media
6 Platforms were safe products for young users, and only rarely exposed young users to harmful
7 content and harmful experiences.

8 881. But Meta knew or should have known the “prevalence” of content which violated
9 its Community Standards was not the same as the actual “prevalence” of harmful content on its
10 Social Media Platforms. Meta knew or should have known that the prevalence of harmful
11 content—as reflected in Meta’s own internal research and assessments—was significantly higher
12 than the public-facing prevalence metrics Meta reported to consumers. Meta thus knew that its
13 Social Media Platforms did not meet the standard, quality, and/or grade necessary to make it safe
14 for young users, despite its representations to the contrary.

15 882. The representations alleged herein constitute separate violations of the Colorado
16 Consumer Protection Act. By engaging in the acts and practices alleged herein, both separately
17 and as taken together, Meta violated Colo. Rev. Stat. § 6-1-105(1)(g).

18
19 **COUNT VII: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF THE**
20 **COLORADO CONSUMER PROTECTION ACT, COLO. REV. STAT. § 6-1-105(1)(u)**

21 883. Colorado realleges and incorporates by reference each of the allegations contained
22 in the preceding paragraphs 1 through 850 as though fully alleged in this cause of action.

23 884. In numerous instances in connection with the advertising, marketing, promotion,
24 and other representations regarding its Platforms, including but not limited to statements made to
25 reporters, statements made to the public via Meta’s website, and statements provided in testimony
26 to Congress, such as through the means described in paragraphs 846.a. through 846.g., Meta
27 failed to disclose material information to consumers regarding its Social Media Platforms. Such
28 information includes but is not limited to the fact that these Platforms were designed to induce

1 compulsive and extended use, the effects of which are particularly harmful for young users, and
2 that harmful content on the Platforms was more prevalent than what Meta represented to
3 consumers.

4 885. Meta knew this information at the time it advertised, promoted, and/or sold its
5 Platforms but failed to disclose it. Meta made these and other material omissions with an intent to
6 induce young users to use its Social Media Platforms.

7 886. The material omissions alleged herein constitute separate violations of the
8 Colorado Consumer Protection Act. By engaging in the acts and practices alleged herein, both
9 separately and as taken together, Meta violated Colo. Rev. Stat. § 6-1-105(1)(u).

10
11 **COUNT VIII: DECEPTIVE AND UNFAIR ACTS OR PRACTICES BY META IN**
12 **VIOLATION OF THE COLORADO CONSUMER PROTECTION ACT,**
13 **COLO. REV. STAT. § 6-1-105(1)(rrr)**

14 887. Colorado realleges and incorporates by reference each of the allegations contained
15 in the preceding paragraphs 1 through 850 as though fully alleged in this cause of action.

16 888. Through the above-described acts and omissions, including but not limited to the
17 acts and omissions described in paragraphs 847 through 850, Meta knowingly and/or recklessly
18 engaged in unfair, unconscionable, deceptive, deliberately misleading, false, and/or fraudulent
19 acts and/or practices.

20 889. At all relevant times, Meta knew of the mental and physical harms suffered by
21 young users of its Social Media Platforms. Meta deliberately misled consumers regarding these
22 harms and exploited the vulnerabilities of young users to maximize engagement. Such conduct
23 led to, among other things, young users' compulsive and unhealthy use of, and addiction to, the
24 Social Media Platforms.

25 890. Meta's acts and omissions alleged herein offend public policy, fall in the
26 penumbra of conduct generally recognized under common-law theories of products liability, and
27 are immoral, unethical, oppressive, and unscrupulous, including because they constitute knowing
28 decisions causing unnecessary and unjustified harm to young users for Meta's financial gain.

1 891. Meta's acts and omissions alleged herein are also likely to cause, and have caused,
2 substantial injury to consumers that could not be reasonably avoided. Young users could not have
3 reasonably avoided injuries resulting from Meta's acts and omissions, nor can they do so in the
4 future, for numerous reasons, including but not limited to Meta's misrepresentations and failure to
5 disclose the dangerous nature of its Social Media Platforms, and Meta's use of psychologically
6 manipulative engagement-inducing features, knowing that young users are especially susceptible
7 to those features.

8 892. The deceptive and/or unfair act or practices engaged in by Meta as recited above
9 constitute separate violations of the Colorado Consumer Protection Act. By engaging in the acts
10 and practices alleged herein, both separately and as taken together, Meta violated Colo. Rev. Stat.
11 § 6-1-105(1)(rrr).

12
13 **COUNT IX: VIOLATIONS OF THE CONNECTICUT UNFAIR TRADE PRACTICES**
14 **ACT, CONNECTICUT GENERAL STATUTES § 42-110b et seq.**

15 893. At all relevant times, Meta was engaged in trade or commerce in Connecticut
16 pursuant to Connecticut General Statutes (Conn. Gen. Stat.) § 42-110b(a).

17 894. The State of Connecticut realleges and incorporates herein by reference each
18 allegation contained in the preceding paragraphs 1 through 850.

19 895. The State of Connecticut alleges that the aforesaid acts and practices in paragraph
20 846 constitute deceptive acts or practices in violation of Conn. Gen. Stat. § 42-110b(a).

21 896. The State of Connecticut alleges that the aforesaid acts and practices of Meta in
22 paragraphs 847 through 850 offend public policy pertaining to the protection of minors from the
23 harms of addiction as well as protecting the privacy and safety of minors online as embodied in
24 COPPA.

25 897. The State of Connecticut alleges that the aforesaid acts and practices of Meta in
26 paragraphs 847 to 850 are oppressive, unethical, immoral, and unscrupulous.

27 898. Meta's conduct substantially harmed Connecticut consumers in that Meta's unfair
28 acts and omissions caused young Connecticut users' compulsive and unhealthy use of and

1 addiction to Meta’s Social Media Platforms which resulted in mental and physical harms, as
2 alleged in paragraphs 847 through 850.

3 899. Meta’s acts and practices, as described herein, therefore constitute unfair acts or
4 practices in violation of Conn. Gen. Stat. § 42-110b(a).

5 900. Meta knew, or should have known, that its conduct was unfair or deceptive in
6 violation of Conn. Gen. Stat. § 42-110b, and as a consequence Meta is subject to civil penalties of
7 not more than \$5,000 per violation pursuant to Conn. Gen. Stat. § 42-110o(b).

8
9 **COUNT X: VIOLATIONS OF THE DELAWARE CONSUMER FRAUD ACT (Delaware**
10 **CFA), 6 Del. Code Ann. § 2513 et seq.**

11 901. The State of Delaware, *ex rel.* Kathleen Jennings, Attorney General, incorporates
12 and realleges each of the paragraphs 1 through 859.

13 902. Meta and each Defendant at all relevant times were “person[s]” as defined under
14 the Delaware CFA. Specifically, Meta and each Defendant were corporations, businesses, or
15 partnerships.

16 903. Meta conducted “sale[s]” of “merchandise” as defined by the Delaware CFA
17 during all relevant times.

18 904. Meta created and disseminated “advertisements” as defined by the Delaware CFA
19 during all relevant times.

20 905. Meta intentionally and purposefully sold and transacted in merchandise and
21 advertisement within the State of Delaware at all relevant times.

22 906. The State of Delaware alleges that Meta’s acts and omissions described in
23 paragraphs 1 to 850 of this Complaint constitute violations of the Delaware CFA, including 6 Del.
24 Code Ann. § 2513(a).

25 907. Meta acted, used, and/or employed deception, fraud, false pretense, false promise,
26 misrepresentation, unfair practice, and/or the concealment, suppression, or omission of material
27 fact with intent that others rely upon such concealment, suppression, or omission, in connection
28

1 with the sale, lease, receipt, or advertisement of merchandise, by engaging in the conduct
2 described in paragraph 846.

3 908. Meta engaged in unfair practices because its actions described in paragraphs 847-
4 850 caused or were likely to cause substantial injury to consumers which is not reasonably
5 avoidable by consumers themselves and not outweighed by countervailing benefits to consumers
6 or to competition.

7 909. Meta's violation of various laws and regulations, including the Children's Online
8 Privacy Protection Rule (COPPA) constituted a substantial injury to the consumers and
9 constituted an unfair practice as defined by the Delaware CFA.

10 910. Meta has willfully engaged in the acts and practices described in this Complaint in
11 violation of the Delaware CFA because it knew or should have known that its conduct was a
12 violation of the Delaware CFA.

13
14 **COUNT XI: VIOLATIONS OF THE DELAWARE DECEPTIVE TRADE PRACTICES**
15 **ACT (Delaware DTPA), 6 Del. Code Ann. § 2531 *et seq.***

16 911. The State of Delaware, *ex rel.* Kathleen Jennings, Attorney General, incorporates
17 and realleges each of the paragraphs 1 through 850 as if fully set forth herein.

18 912. The Delaware DTPA, 6 Del. Code Ann. § 2531 *et seq.*, prohibits a business from
19 engaging in conduct which creates a likelihood of confusion or of misunderstanding.

20 913. Meta and each Defendant are "person[s]" engaged in a business, trade or
21 commerce in the State of Delaware within the meaning of § 2531 of the Delaware DTPA.

22 914. As described in paragraphs 1 to 850 of the Complaint, Meta has engaged in
23 conduct which created the likelihood of confusion or misunderstanding.

24 915. Meta represented that its goods and/or services had approval, characteristics,
25 ingredients, uses, benefits, or quantities that they did not have in violation of 6 Del. Code Ann. §
26 2532 (a)(5).

27 916. Meta advertised goods or services with intent not to sell them as advertised in
28 violation of 6 Del. Code Ann. § 2532(a)(9).

1 917. Meta engaged in a series of conduct, described in paragraph 846 which similarly
2 create a likelihood of confusion or of misunderstanding. 6 Del. Code Ann. § 2532(a)(12).

3 918. Meta’s actions constituted willful violations of the Delaware DTPA because they
4 knew or should have known that its conduct was prohibited by that statute.

5
6 **COUNT XII: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF**
7 **GEORGIA FAIR BUSINESS PRACTICES ACT, O.C.G.A. § 10-1-390 et seq.**

8 919. The State of Georgia, by and through Christopher M. Carr, Attorney General of
9 the State of Georgia, realleges and incorporates herein by reference each of the allegations
10 contained in the preceding paragraphs as though fully alleged in this cause of action.

11 920. Prior to initiating this proceeding under the Georgia Fair Business Practices Act
12 (FBPA), the State of Georgia, by and through the Attorney General and his designees, complied
13 with O.C.G.A. § 10-1-397(c).

14 921. The State of Georgia, by and through the Attorney General, is authorized pursuant
15 to O.C.G.A. § 10-1-397(b)(2) to initiate this action, which may be brought in federal district court
16 pursuant to O.C.G.A. § 10-1-397.1.

17 922. Meta’s consumer acts or practices are or were conducted in “trade” or
18 “commerce,” as those terms are defined in O.C.G.A. § 10-1-392(a)(28) of the FBPA, in whole or
19 in part in the State of Georgia.

20 923. Meta and each Defendant are or were during all relevant times engaged in the
21 conduct of “consumer acts or practices,” as that term is defined in O.C.G.A. § 10-1-392(a)(7) of
22 the FBPA, in whole or in part in the State of Georgia.

23 924. While engaged in consumer acts or practices in trade or commerce, Meta is using,
24 has used, and/or is about to use the following deceptive methods, acts, and practices in whole or
25 in part in the State of Georgia, including through the means described in paragraph 846.

26 925. Meta’s aforesaid methods, acts, and practices are deceptive and are thus unlawful
27 under the FBPA, including O.C.G.A. § 10-1-393(a) and (b).

28

1 926. The State of Georgia, by and through the Attorney General, is authorized to bring
2 this action whether or not any person has actually been misled by Meta’s deceptive methods, acts,
3 and practices.

4
5 **COUNT XIII: UNFAIR ACTS OR PRACTICES BY META IN VIOLATION OF**
6 **GEORGIA FAIR BUSINESS PRACTICES ACT, O.C.G.A. § 10-1-390 *et seq.***

7 927. The State of Georgia, by and through Christopher M. Carr, Attorney General of
8 the State of Georgia, realleges and incorporates herein by reference each of the allegations
9 contained in the preceding paragraphs as though fully alleged in this cause of action.

10 928. Prior to initiating this proceeding under the FBPA, the State of Georgia, by and
11 through the Attorney General and his designees, complied with O.C.G.A. § 10-1-397(c).

12 929. The State of Georgia, by and through the Attorney General, is authorized pursuant
13 to O.C.G.A. § 10-1-397(b)(2) to initiate this action, which may be brought in federal district court
14 pursuant to O.C.G.A. § 10-1-397.1.

15 930. Meta’s consumer acts or practices are or were conducted in “trade” or
16 “commerce,” as those terms are defined in O.C.G.A. § 10-1-392(a)(28) of the FBPA, in whole or
17 in part in the State of Georgia.

18 931. Meta is or was during all relevant times engaged in the conduct of “consumer acts
19 or practices,” as that term is defined in O.C.G.A. § 10-1-392(a)(7) of the FBPA, in whole or in
20 part in the State of Georgia.

21 932. While engaged in consumer acts or practices in trade or commerce, Meta is using,
22 has used, and/or is about to use unfair methods, acts, and practices in whole or in part in the State
23 of Georgia, that cause, have caused, and/or are likely to cause young users’ compulsive and
24 unhealthy use of and addiction to Meta’s Social Media Platforms, including by the means
25 described in paragraphs 847 through 850.

26 933. At all relevant times, Meta had a thorough understanding of the mental and
27 physical harms and addiction suffered by young users of its Social Media Platforms. Instead of
28 taking adequate measures to mitigate these damaging effects, Meta turned a blind eye to them,

1 and persisted in its use of manipulative and harmful features to exploit young users’
2 psychological vulnerabilities.

3 934. Meta’s methods, acts, and practices alleged herein have caused, continue to cause,
4 and/or are likely to cause substantial injury to consumers including physical and mental harms as
5 well as significant risks to the health and safety of consumers—especially young users.

6 935. The substantial injury suffered by consumers due to Meta’s methods, acts, and
7 practices could not be reasonably avoided. Young users could not have reasonably avoided
8 injuries resulting from Meta’s acts and practices, including because Meta misrepresented and
9 failed to disclose the dangerous nature of its Social Media Platforms and because Meta utilized
10 psychologically manipulative engagement-inducing features, knowing that young users are
11 especially susceptible to those psychologically manipulative tactics.

12 936. The substantial injury that Meta’s methods, acts, and practices alleged herein have
13 caused, continue to cause, and/or are likely to cause consumers is not outweighed by
14 countervailing benefits to consumers or competition.

15 937. Meta’s methods, acts, and practices alleged herein are immoral, unethical,
16 oppressive, and unscrupulous, including because they constitute knowing decisions causing
17 unnecessary and unjustified harm to young users for Meta’s financial gain.

18 938. The Georgia legislature has expressed a public policy goal of protecting youth
19 from the harms of addiction and related afflictions and unhealthy use of the internet. Meta’s
20 methods, acts, and practices alleged herein, including Meta’s actions taken to encourage young
21 users’ compulsive and unhealthy use of and addiction to its Social Media Platforms, are therefore
22 offensive to public policy.

23 939. Meta’s aforesaid methods, acts, and practices as a result are unfair and thus are
24 unlawful under the FBPA, including O.C.G.A. § 10-1-393(a) and (b).

25 940. The State of Georgia, by and through the Attorney General, is authorized to bring
26 this action whether or not any person has actually been misled by Meta’s unfair methods, acts,
27 and practices.

28

1 **COUNT XIV: UNFAIR OR DECEPTIVE ACTS OR PRACTICES BY META IN**
2 **VIOLATION OF THE HAWAI‘I UNFAIR AND DECEPTIVE ACTS OR TRADE**
3 **PRACTICES ACT, HAW. REV. STAT. CHAPTER 480**

4 941. The State of Hawai‘i realleges and incorporates herein by reference each of the
5 allegations contained in the paragraphs 1 through 850 as though fully alleged in this cause of
6 action.

7 942. The State of Hawai‘i alleges that the aforementioned acts and practices by Meta
8 constitute deceptive acts or practices in violation of the Hawai‘i Unfair and Deceptive Acts or
9 Trade Practices Act (HIUDAP), *Haw. Rev. Stat. (HRS) § 480-1 et seq.*

10 943. The State of Hawai‘i alleges that the aforesaid acts and practices of Meta in
11 paragraphs above are unfair because they offend public policy and are oppressive, unethical,
12 immoral, unscrupulous, and/or substantially injurious.

13 944. Meta’s unfair or deceptive acts or practices described above constitute multiple,
14 separate violations of the HIUDAP.

15 945. Meta’s violations of the HIUDAP justify penalties of up to \$10,000, per
16 Defendant, for each violation pursuant to HRS § 480-3.1.

17
18 **COUNT XV: DECEPTIVE ACTS OR PRACTICES BY META**
19 **IN VIOLATION OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE**
20 **BUSINESS PRACTICES ACT, 815 ILCS 505/1 et seq.**

21 946. The People of the State of Illinois reallege and incorporate herein by reference
22 each of the allegations contained in paragraphs 1-850 above as though fully alleged in this cause
23 of action.

24 947. In numerous instances in the course of trade or commerce, including through the
25 means described in the allegations in paragraphs 53-835 above, Meta engaged in the following
26 deceptive acts, practices, and omissions, with the intent that consumers rely on the deceptive acts,
27 practices, and omissions:
28

- 1 a. Misrepresenting, directly or indirectly, expressly or by implication, that Meta’s Social
2 Media Platforms are not psychologically or physically harmful for young users and are
3 not designed to induce young users’ compulsive and extended use, when they are in
4 fact so designed;
- 5 b. Misrepresenting, directly or indirectly, expressly or by implication, that Meta’s Social
6 Media Platforms are less addictive and/or less likely to result in psychological and
7 physical harm for young users than its Social Media Platforms are in reality;
- 8 c. Misrepresenting, directly or indirectly, expressly or by implication, through the
9 publication of CSER reports and intentional omission of material BEEF and TRIPS
10 data from those reports, and through other communications, that the incidence or
11 prevalence of negative or harmful user experiences on Meta’s Social Media Platforms
12 was lower than it actually was;
- 13 d. Misrepresenting, directly or indirectly, expressly or by implication, that Meta
14 prioritized young users’ health and safety over maximizing profits, when in fact Meta
15 subordinated young user health and safety to its goal of maximizing profits by
16 prolonging young users’ time spent on its Social Media Platforms;
- 17 e. Misrepresenting, directly or indirectly, expressly or by implication, that Meta prevents
18 under-13 users from using Instagram and/or Facebook when in fact Meta was aware
19 that it does not prevent under-13 users from using Instagram and Facebook;
- 20 f. Misrepresenting, directly or indirectly, expressly or by implication, that Meta’s
21 collection of user data was not for the purpose of causing those users to become
22 addicted to the Social Media Platforms, when in reality that was one of the purposes
23 for which Meta collected user data; and
- 24 g. Making other false and deceptive representations, as set forth in the allegations in
25 paragraphs 53-835 above.

26 948. By engaging in the acts and practices alleged herein, Meta engaged in unfair and
27 deceptive acts or practices declared unlawful under Section 2 of the Illinois Consumer Fraud and
28

1 Deceptive Business Practices Act (Illinois Consumer Fraud Act), 815 ILCS 505/2, which states in
2 relevant part:

3 Unfair methods of competition and unfair or deceptive acts or
4 practices, including but not limited to the use or employment of
5 any deception fraud, false pretense, false promise,
6 misrepresentation or the concealment, suppression or omission of
7 any material fact, with intent that others rely upon the
8 concealment, suppression or omission of such material fact, or the
9 use or employment of any practice described in Section 2 of the
10 “Uniform Deceptive Trade Practices Act”, approved August 5,
11 1965, in the conduct of any trade or commerce are hereby declared
12 unlawful whether any person has in fact been misled, deceived or
13 damaged thereby.

14 **COUNT XVI: UNFAIR ACTS OR PRACTICES BY META**
15 **IN VIOLATION OF THE ILLINOIS CONSUMER FRAUD AND DECEPTIVE**
16 **BUSINESS PRACTICES ACT, 815 ILCS 505/1 *et seq.***

17 949. The People of the State of Illinois reallege and incorporate herein by reference
18 each of the allegations contained in paragraphs 1-850 above as though fully alleged in this cause
19 of action.

20 950. Meta, in the course of trade or commerce, engaged in unfair acts and practices that
21 caused young users’ compulsive and unhealthy use of and addiction to Meta’s Social Media
22 Platforms, including by:

- 23 a. Targeting its Social Media Platforms to young users while knowingly designing its
24 Social Media Platforms to include features that Meta knew to be psychologically and
25 physically harmful to young users—including features known to promote compulsive,
26 prolonged, and unhealthy use by young users;
- 27 b. Utilizing Social Media Platform features that unfairly harm young users independently
28 of any actions taken by third-party users of Meta’s Platforms. These features include
infinite scroll, ephemeral content features, autoplay, quantification and display of
Likes, and disruptive alerts, all of which were unfairly utilized by Meta to extract
additional time and attention from young users whose developing brains were not
equipped to resist those manipulative tactics;

- 1 c. Designing, developing, and deploying disruptive audiovisual and vibration
2 notifications and alerts and ephemeral content features in a way that unfairly exploited
3 young users' psychological vulnerabilities and cultivated a sense of "fear of missing
4 out" in order to induce young users to spend more time than they would otherwise
5 choose on Meta's Social Media Platforms;
- 6 d. Algorithmically serving content to young users according to "variable reinforcement
7 schedules," thereby manipulating dopamine releases in young users, unfairly inducing
8 them to engage repeatedly with its products—much like a gambler at a slot machine;
9 and
- 10 e. Collecting the personal information of under-13 users of Instagram and Facebook
11 without first obtaining verifiable parental consent.

12 951. Meta's deployment of manipulative and harmful features, both on their own and
13 especially *in combination*, for use by young users is an unfair act or practice.

14 952. At all relevant times, Meta had a thorough understanding of the mental and
15 physical harms and addiction suffered by young users of its Platforms. Instead of taking adequate
16 measures to mitigate these damaging effects, Meta turned a blind eye to them, and persisted in
17 exploiting young users' psychological vulnerabilities. Meta's acts and practices alleged herein are
18 immoral, unethical, oppressive, and unscrupulous, including because they constitute knowing
19 decisions causing unnecessary and unjustified harm to young users for Meta's financial gain.

20 953. Meta's acts and practices alleged herein also have caused and continue to cause
21 substantial injury to consumers that could not be reasonably avoided. Young users could not have
22 reasonably avoided injuries resulting from Meta's acts and practices, including because Meta
23 misrepresented and failed to disclose the dangerous nature of its Social Media Platforms and
24 because Meta utilized psychologically manipulative engagement-inducing features, knowing that
25 young users are especially susceptible to those psychologically manipulative tactics.

26 954. Meta's acts and practices, including Meta's actions taken to encourage young
27 users' compulsive and unhealthy use of and addiction to its Social Media Platforms, are offensive
28 to public policy, as defined by statute and common law. The Illinois legislature has expressed a

1 public policy goal of protecting youth from the harms of addiction and related afflictions. *See*,
2 *e.g.*, Juvenile Court Act of 1987, Article IV (“Addicted Minors”), 705 ILCS 405/4-1 *et seq.*;
3 Juvenile Drug Court Treatment Act, 705 ILCS 410 (recognizing public policy goal of reducing
4 juvenile addiction to drugs); Illinois Gambling Act, 230 ILCS 10 *et seq.* (recognizing policy
5 issues related to “[c]ompulsive gambling” and prohibiting minors from casino gambling). The
6 protection of minors from the dangers of addiction is a well-established objective underlying
7 public policy in Illinois; Meta’s acts and practices alleged herein, including Meta’s actions taken
8 to encourage young users’ compulsive and unhealthy use of and addiction to its Social Media
9 Platforms, are therefore offensive to public policy.

10 955. In addition, the public policy of protecting youth’s private information and
11 requiring parental consent prior to collecting this information is established in COPPA and the
12 COPPA Rule.

13 956. By engaging in the acts and practices alleged herein, Meta engaged in unfair acts
14 or practices declared unlawful under Section 2 of the Illinois Consumer Fraud and Deceptive
15 Business Practices Act (Illinois Consumer Fraud Act), 815 ILCS 505/2, which states in relevant
16 part:

17 Unfair methods of competition and unfair or deceptive acts or
18 practices, including but not limited to the use or employment of
19 any deception fraud, false pretense, false promise,
20 misrepresentation or the concealment, suppression or omission of
21 any material fact, with intent that others rely upon the
22 concealment, suppression or omission of such material fact, or the
23 use or employment of any practice described in Section 2 of the
24 “Uniform Deceptive Trade Practices Act”, approved August 5,
25 1965, in the conduct of any trade or commerce are hereby declared
26 unlawful whether any person has in fact been misled, deceived or
27 damaged thereby.
28

- 1 c. Representing, through the publication of CSER reports and intentional omission of
- 2 material BEEF and TRIPS data from those reports, and through other
- 3 communications, that the incidence or prevalence of negative or harmful user
- 4 experiences on Meta’s Social Media Platforms was lower than it actually was;
- 5 d. Representing that Meta prioritized young users’ health and safety over maximizing
- 6 profits, when in fact Meta subordinated young user health and safety to its goal of
- 7 maximizing profits by prolonging young users’ time spent on its Social Media
- 8 Platforms;
- 9 e. Representing that Meta prevents under-13 users from using Instagram and/or
- 10 Facebook when in fact Meta was aware that it does not prevent under-13 users from
- 11 using Instagram and Facebook;
- 12 f. Representing that Meta’s collection of user data was not for the purpose of causing
- 13 those users to become addicted to the Social Media Platforms, when in reality that was
- 14 one of the purposes for which Meta collected user data; and
- 15 g. Making other false and deceptive representations, as set forth in the allegations in
- 16 paragraphs 53-835 above.

17 960. By engaging in the acts and practices alleged herein, Meta engaged in unfair or
18 deceptive acts or practices declared unlawful under Section 2 of the Illinois Consumer Fraud and
19 Deceptive Business Practices Act (Illinois Consumer Fraud Act), 815 ILCS 505/2, which states in
20 relevant part:

21 Unfair methods of competition and unfair or deceptive acts or
22 practices, including but not limited to the use or employment of any
23 deception fraud, false pretense, false promise, misrepresentation or
24 the concealment, suppression or omission of any material fact, with
25 intent that others rely upon the concealment, suppression or
26 omission of such material fact, ***or the use or employment of any
practice described in Section 2 of the “Uniform Deceptive Trade
Practices Act”, approved August 5, 1965,*** in the conduct of any
27 trade or commerce are hereby declared unlawful whether any
28 person has in fact been misled, deceived or damaged thereby.
(emphasis added).

1 **COUNT XVIII: UNFAIR OR DECEPTIVE ACTS OR PRACTICES BY META IN**
2 **VIOLATION OF THE INDIANA DECEPTIVE CONSUMER SALES ACT, IND. CODE**
3 **§ 24-5-0.5-3(a), -3(b)(1), AND -3(b)(2)**

4 961. The State of Indiana realleges and incorporates herein by reference each of the
5 allegations contained in the preceding paragraphs as though fully alleged in this cause of action.

6 962. The Deceptive Consumer Sales Act (DCSA) regulates unfair, abusive, and/or
7 deceptive acts, omissions, and/or practices between a supplier and consumer when engaging in
8 consumer transactions. Ind. Code § 24-5-0.5 *et seq.*

9 963. Under the DCSA, a consumer transaction includes services and other intangibles.
10 Ind. Code § 24-5-0.5-2.

11 964. In supplying Indiana consumers with products and services, Meta was and remains
12 involved in consumer transactions in Indiana, as defined by Ind. Code § 24-5-0.5-2.

13 965. Meta regularly engages in or solicits consumer transactions with Indiana
14 consumers. As such, Meta is a supplier pursuant to Ind. Code § 24-5-0.5-2.

15 966. Meta has engaged in unfair, abusive, and/or deceptive acts, omissions, and/or
16 practices affecting Indiana consumers, in violation of Ind. Code § 24-5-0.5-3(a), in connection
17 with consumers transactions as detailed throughout this Complaint, including but not limited to
18 the misrepresentations, unfair and deceptive acts, omissions and practices identified in Section XI
19 above.

20 967. Meta has engaged in unfair, abusive, and/or deceptive acts, omissions, and/or
21 practices affecting Indiana consumers, in violation of Ind. Code § 24-5-0.5-3(a), in connection
22 with consumers' transactions as detailed throughout this Complaint, including but not limited to
23 the conduct in violation of the Children's Online Privacy Protection Act, 15 USC § 6501 *et seq.*;
24 16 C.F.R. § 312.1 *et seq.*, as set forth in Count I above.

25 968. Meta has engaged in deceptive acts affecting Indiana consumers in violation of
26 Ind. Code § 24-5-1.5-3(b)(1), by misrepresenting that its products and/or services had
27 performance, characteristics, uses, and/or benefits they did not have, which Meta knew or
28

1 reasonably should have known that they did not have, as detailed throughout this Complaint,
2 including but not limited to the misrepresentations identified in Section XI(A) above.

3 969. Meta has engaged in deceptive acts affecting Indiana consumers in violation of
4 Ind. Code § 24-5-1.5-3(b)(2), by misrepresenting that its products and/or services were of a
5 particular standard, quality, grade, style, or model when they were not, and which Meta knew or
6 reasonably should have known they were not, as detailed throughout this Complaint, including
7 but not limited to the misrepresentations identified in Section XI(A) above.

8 970. Each of Meta’s unfair and deceptive acts, omissions and practices constitutes a
9 separate violation of the DCSA actionable by the Attorney General of the State of Indiana.

10
11 **COUNT XIX: KNOWING VIOLATIONS OF THE INDIANA DECEPTIVE CONSUMER**
12 **SALES ACT AND INCURABLE DECEPTIVE ACTS, IND. CODE § 24-5-0.5-1 *et seq.***

13 971. The State of Indiana realleges and incorporates herein by reference each of the
14 allegations contained in the preceding paragraphs as though fully alleged in this cause of action.

15 972. Meta committed the acts alleged in this Complaint with knowledge of their
16 deceptive nature, and therefore committed knowing violations of the DCSA, subjecting it to
17 penalties under Ind. Code § 24-5-0.5-4(g).

18 973. The unfair and deceptive acts asserted in this Complaint are incurable deceptive
19 acts and were committed by Meta as part of a scheme, artifice, or device with intent to defraud or
20 mislead, subjecting Meta to penalties under Ind. Code § 24-5-0.5-8.

21
22 **COUNT XX: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF THE**
23 **KANSAS CONSUMER PROTECTION ACT, K.S.A. § 50-626**

24 974. The State of Kansas, *ex rel.* Kris W. Kobach, Attorney General, realleges and
25 incorporates herein by reference each of the allegations contained in paragraphs 1 through 850 as
26 though fully alleged in this cause of action.

27 975. Meta is or was during all relevant times a “supplier” who in the ordinary course of
28 business, solicits, engages in or enforces “consumer transactions,” whether or not dealing directly

1 with the consumer, as those terms are defined in K.S.A. § 50-624 of the Kansas Consumer
2 Protection Act (KCPA).

3 976. In numerous instances, in connection with a consumer transaction, Meta engaged
4 in deceptive acts or practices as alleged and described herein, specifically including the conduct
5 described in paragraphs 1 through 850, in violation of K.S.A. § 50-626.

6 977. Each of Meta’s deceptive acts or practices as alleged herein, constitute a separate
7 violation of K.S.A. § 50-626.

8
9 **COUNT XXI: UNCONSCIONABLE ACTS OR PRACTICES BY META IN VIOLATION**
10 **OF THE KANSAS CONSUMER PROTECTION ACT, K.S.A. §50-627**

11 978. The State of Kansas, *ex rel.* Kris W. Kobach, Attorney General, realleges and
12 incorporates herein by reference each of the allegations contained in paragraphs 1 through 850 as
13 though fully alleged in this cause of action.

14 979. Meta is or was during all relevant times a “supplier” who in the ordinary course of
15 business, solicits, engages in or enforces “consumer transactions,” whether or not dealing directly
16 with the consumer, as those terms are defined in K.S.A. § 50-624 of the Kansas Consumer
17 Protection Act (KCPA).

18 980. Meta’s acts or practices, as alleged and described herein, specifically including the
19 conduct described in paragraphs 1 through 850, are unconscionable, in violation of K.S.A. § 50-
20 627.

21 981. Each unconscionable practice alleged herein, constitutes a separate violation of
22 K.S.A. § 50-627.

23
24 **COUNT XXII: VIOLATIONS OF KENTUCKY CONSUMER PROTECTION ACT, KY.**
25 **REV. STAT. CHAPTER § 367 *et seq.***

26 982. The Commonwealth of Kentucky, realleges and incorporates herein by reference
27 each of the allegations contained in the preceding paragraphs 1 through 850 as though fully
28 alleged in this cause of action.

1 983. Meta and each Defendant is or was during all relevant times “persons” conducting
2 “trade” or “commerce” as those terms are defined in Ky. Rev. Stat. §§ 367.110 - 367.300 of the
3 Kentucky Consumer Protection Act (KYCPA).

4 984. The Commonwealth of Kentucky alleges that the aforesaid acts and practices of
5 Meta constitute unfair, false, misleading, or deceptive acts or practices in violation of the
6 KYCPA, including Ky. Rev. Stat § 367.170.

7 985. Kentucky consumers have suffered harm and loss as a result of Meta’s violations
8 of the KYCPA.

9 986. Meta has willfully engaged in the acts and practices described in this Complaint in
10 violation of the KYCPA. Accordingly, the Commonwealth seeks the imposition of civil penalties
11 pursuant to Ky. Rev. Stat. § 367.990 for each and every violation of the KYCPA in addition to
12 other relief sought herein.

13 987. The Commonwealth believes that the public interest is served by seeking before
14 this Court a permanent injunction to restrain the methods, acts, and practices described herein.
15 The Commonwealth believes that Kentucky consumers are suffering and will continue to suffer
16 harm unless the acts and practices complained of herein are permanently enjoined.

17
18 **COUNT XXIII: VIOLATIONS OF LOUISIANA UNFAIR TRADE PRACTICES AND**
19 **CONSUMER PROTECTION LAW, LA. REV. STAT. ANN. §§ 51:1401 to 1428**

20 988. The State of Louisiana incorporates and realleges each and every allegation in
21 paragraphs 1 through 850 as if fully set forth herein.

22 989. The Louisiana Unfair Trade Practices and Consumer Protection Law (Louisiana
23 Consumer Protection Law) prohibits unfair or deceptive acts or practices in the conduct of any
24 trade or commerce. LA. REV. STAT. ANN. § 51:1405(A).

25 990. At all relevant times, Meta has engaged in the conduct of “trade” or “commerce”
26 as those terms are defined by LA. REV. STAT. ANN. § 51:1402(10).

27
28

1 which protects Michigan residents against “[u]nfair, unconscionable, or deceptive methods, acts,
2 or practices in the conduct of trade or commerce.”

3 998. The Attorney General has provided sufficient notice and is authorized to bring this
4 claim pursuant to Mich. Comp. Laws § 445.905 and 445.911, as well as her *parens patriae*
5 authority.

6 999. At all relevant times, Meta was engaged in the conduct of trade or commerce as
7 that term is defined at Mich. Comp. Laws § 445.902(1)(g).

8 1000. The allegations set forth above comprise violations of the following subsections of
9 the MCPA, Mich. Comp. Laws § 445.903(1):

10 (a) Causing a probability of confusion or misunderstanding as to the source, sponsorship,
11 approval, or certification of goods or services.

12 (b) Representing that goods or services have sponsorship, approval, characteristics,
13 ingredients, uses, benefits, or quantities that they do not have or that a person has
14 sponsorship, approval, status, affiliation, or connection that he or she does not have.

15 (e) Representing that goods or services are of a particular standard, quality, or grade, or
16 that goods are of a particular style or model, if they are of another.

17 (s) Failing to reveal a material fact, the omission of which tends to mislead or deceive the
18 consumer, and which fact could not reasonably be known by the consumer.

19 (bb) Making a representation of fact or statement of fact material to the transaction such
20 that a person reasonably believes the represented or suggested state of affairs to be other
21 than it actually is.

22 (cc) Failing to reveal facts that are material to the transaction in light of representations of
23 fact made in a positive manner.

24 1001. Specifically, Meta violated § 3(1)(a) by knowingly and intentionally causing
25 confusion about its services’ approval through, inter alia, the publication of CSER reports and
26 intentional omission of material BEEF and TRIPS data from those reports, and through other
27 communications, suggesting that the incidence or prevalence of negative or harmful user
28 experiences on Meta’s Social Media Platforms was lower than it actually was.

1 1002. For the same reason, Meta violated § 3(1)(b) by misrepresenting its goods or
2 services' characteristics, uses, and benefits by, inter alia, knowingly and intentionally publishing
3 CSER reports and making intentional omission of material BEEF and TRIPS data from those
4 reports, and through other communications, suggesting that the incidence or prevalence of
5 negative or harmful user experiences on Meta's Social Media Platforms was lower than it actually
6 was.

7 1003. Meta violated § 3(1)(s) by failing to reveal the above-described material facts and
8 other known or suspected realities regarding the negative or harmful user experiences on Meta's
9 Social Media Platforms, which misled consumers and could not have been reasonably known by
10 them, in part because consumers lack access to Meta's internal data and metrics.

11 1004. Meta violated § 3(1)(bb) through representations and statements of fact material to
12 users' decision to use Meta's Social Media Platforms by routinely publishing misleading reports
13 boasting a deceptively low incidence of user harms, deceptively representing that targeted
14 features of its platforms are not manipulative or otherwise designed to promote young users'
15 prolonged and unhealthy engagement with social media, and misrepresenting that its platforms
16 are designed and maintained to ensure safe experiences for young users.

17 1005. Meta violated § 3(1)(cc) by making representations of fact in a positive manner,
18 i.e., making statements through published reports and otherwise to the effect that targeted features
19 of its platforms are not manipulative or otherwise designed to promote young users' prolonged
20 and unhealthy engagement with social media, and that its platforms are designed and maintained
21 to ensure safe experiences for young users. It failed to reveal facts material to the users'
22 transaction with Meta by intentionally omitting certain data from its statements and reports that
23 would have suggested the incidence or prevalence of negative or harmful user experiences
24 attendant to use, the revealing of which would have been material to users' decision to engage
25 with the platforms.

26 1006. Individual consumers have suffered damages as a result of Meta's conduct. Again,
27 all of the allegations regarding Meta's practices apply to tens of thousands of Michigan residents.

28 1007. Meta's violations of the MCPA were persistent, knowing, and willful.

COUNT XXVI

DECEPTIVE TRADE PRACTICES

MINN. STAT. § 325D.43 *et seq.*

1008. The State of Minnesota, by its Attorney General, Keith Ellison, re-alleges and incorporates herein by reference each of the allegations contained in paragraphs 1 through 850 above as though fully alleged in this cause of action.

1009. Minnesota Statutes section 325D.44, subdivision 1 provides in part:

A person engages in a deceptive trade practice when, in the course of business, vocation, or occupation, the person:

(5) represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that the person does not have;

(7) represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another; and

(14) engages in any other conduct which similarly creates a likelihood of confusion or of misunderstanding.⁴⁰

1010. Meta and each Defendant are “persons” within the meaning of Minnesota Statutes section 325D.44.

1011. Meta’s Social Media Platforms are a “good” or “service” within the meaning of Minnesota Statutes section 325D.44.

1012. In numerous instances in the course of business, vocation, or occupation, Meta violated Minnesota Statutes section 325D.44, subdivision 1(5), 1(7), and 1(14) by representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have, representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, and engaging in deceptive acts, practices, and omissions that caused a likelihood of confusion or of

⁴⁰ Pursuant to 2023 Minn. Laws ch. 57, art. 4, section 6, Minn. Stat. § 325D.44, subd. 1(13) is to be re-codified as Minn. Stat. § 325D.44, subd. 1(14). For simplicity, the State of Minnesota refers to this provision as Minn. Stat. § 325D.44, subd. 1(14), though this provision has been in effect for the full relevant time period and continues through the present.

1 misunderstanding among Minnesota consumers in connection with its advertising, marketing,
2 promotion, and other representations regarding its goods or services. Those acts, practices, and
3 omissions include, but are not limited to:

- 4 a. Misrepresenting, directly or indirectly, expressly or by implication, that Meta's Social
5 Media Platforms are not psychologically or physically harmful for young users and are
6 not designed to induce young users' compulsive and extended use, when they are in
7 fact so designed;
- 8 b. Misrepresenting, directly or indirectly, expressly or by implication, that Meta's Social
9 Media Platforms are less addictive and/or less likely to result in psychological and
10 physical harm for young users than its Social Media Platforms are in reality;
- 11 c. Misrepresenting, directly or indirectly, expressly or by implication, through the
12 publication of CSER reports and intentional omission of material BEEF and TRIPS
13 data from those reports, and through other communications, that the incidence or
14 prevalence of negative or harmful user experiences on Meta's Social Media Platforms
15 was lower than it actually was;
- 16 d. Misrepresenting, directly or indirectly, expressly or by implication, that Meta
17 prioritized young users' health and safety over maximizing profits, when in fact Meta
18 subordinated young user health and safety to its goal of maximizing profits by
19 prolonging young users' time spent on its Social Media Platforms;
- 20 e. Misrepresenting, directly or indirectly, expressly or by implication, that Meta prevents
21 under-13 from using Instagram and/or Facebook when in fact Meta was aware that it
22 does not prevent under-13 users from using Instagram and Facebook;
- 23 f. Misrepresenting, directly or indirectly, expressly or by implication, that Meta's
24 collection of user data was not for the purpose of causing those users to become
25 addicted to the Social Media Platforms, when in reality that was one of the purposes
26 for which Meta collected user data; and
- 27 g. Making other false and deceptive representations set forth in this Complaint.
28

1 1013. Due to Meta’s deceptive acts, practices, and omissions described in this
2 Complaint, consumers are suffering, have suffered, and will continue to suffer substantial injury.

3 1014. Meta’s acts, practices, and omissions described in this Complaint constitute
4 multiple separate violations of Minnesota Statutes section 325D.44, subdivision 1.

5
6 **COUNT XXVII**

7 **UNFAIR OR UNCONSCIONABLE ACTS**

8 **MINN. STAT. § 325D.43 *et seq.***

9 1015. The State of Minnesota, by its Attorney General, Keith Ellison, re-alleges and
10 incorporates herein by reference each of the allegations contained in paragraphs 1 through 850
11 above as though fully alleged in this cause of action.

12 1016. Minnesota Statutes section 325D.44, subdivision 1(13) prohibits any person from
13 engaging in “unfair methods of competition” or “unfair or unconscionable acts or practices.”
14 Minn. Stat. § 325D.44, subd. 1(13).⁴¹

15 1017. “[A]n unfair method of competition or an unfair or unconscionable act or practice
16 is any method of competition, act, or practice that: (1) offends public policy as established by the
17 statutes, rules, or common law of Minnesota; (2) is unethical, oppressive, or unscrupulous; or (3)
18 is substantially injurious to consumers.”⁴²

19 1018. In numerous instances in the course of business, vocation, or occupation, Meta
20 violated Minnesota Statutes section 325D.44, subdivision 1(13) by engaging in unfair or
21 unconscionable acts, practices, and omissions that were unethical, oppressive, or unscrupulous
22 and/or substantially injurious to consumers. Those acts, practices, and omissions include, but are
23 not limited to:

24
25 ⁴¹ 2023 Minn. Laws ch. 57, art. 4, sect. 6 (to be codified at Minn. Stat. § 325D.44, subd.
26 1(13)), took effect on August 1, 2023. Therefore, the relevant time for the State of Minnesota’s
claim under Count XXVII pursuant to Minn. Stat. § 325D.44, subdivision 1(13) began on August
1, 2023, and continues through the present.

27 ⁴² 2023 Minn. Laws ch. 57, art. 4, sect. 17 (to be codified at Minn. Stat. § 325F.69, subd.
28 8); *see* 2023 Minn. Laws ch. 57, art. 4, sect. 7 (to be codified at Minn. Stat. § 325D.44, subd.
2(b)).

- 1 a. Meta’s targeting its Social Media Platforms to young users while knowingly designing
2 its Social Media Platforms to include features that Meta knew to be psychologically
3 and physically harmful to young users—including features known to promote
4 compulsive, prolonged, and unhealthy use by young users;
- 5 b. Meta utilizing Social Media Platform features that unfairly and/or unconscionably
6 harm young users independent of any actions taken by third-party users of Meta’s
7 Platforms. These features include infinite scroll, ephemeral content features, autoplay,
8 quantification and display of “Likes,” and disruptive alerts, all of which were unfairly
9 and/or unconscionably utilized by Meta to extract additional time and attention from
10 young users whose developing brains were not equipped to resist those manipulative
11 tactics;
- 12 c. Meta designing, developing, and deploying disruptive audiovisual and vibration
13 notifications and alerts and ephemeral content features in a way that unfairly and/or
14 unconscionably exploited young users’ psychological vulnerabilities and cultivated a
15 sense of “fear of missing out” in order to induce young users to spend more time than
16 they would otherwise choose on Meta’s Social Media Platforms;
- 17 d. Meta algorithmically serving content to young users, according to “variable
18 reinforcement schedules,” thereby manipulating dopamine releases in its young users,
19 unfairly or unconscionably inducing them to engage repeatedly with its products—
20 much like a gambler at a slot machine; and
- 21 e. Meta’s deployment of manipulative and harmful features, both on its own and in
22 combination, for use by young users.

23 1019. These acts, practices, and omissions caused young users’ compulsive and
24 unhealthy use of and addiction to Meta’s Social Media Platforms. At all relevant times, Meta had
25 a thorough understanding of the mental and physical harms and addiction suffered by young users
26 of its Platforms. Instead of taking adequate measures to mitigate these damaging effects, Meta
27 turned a blind eye to them, and persisted in exploiting young users’ psychological vulnerabilities.
28 Meta’s acts, practices, and omissions alleged herein are unethical, oppressive, and unscrupulous,

1 including because they constitute knowing decisions causing unnecessary and unjustified harm to
2 young users for Meta’s financial gain.

3 1020. Meta’s acts, practices, and omissions alleged herein also have caused and continue
4 to cause substantial injury to consumers that could not be reasonably avoided. Young users could
5 not have reasonably avoided injuries resulting from Meta’s acts, practices, and omissions,
6 including because Meta misrepresented and failed to disclose the dangerous nature of its Social
7 Media Platforms and because Meta utilized psychologically manipulative engagement-inducing
8 features, knowing that young users are especially susceptible to those psychologically
9 manipulative tactics.

10 1021. Due to Meta’s unfair and unconscionable acts, practices, and omissions described
11 in this Complaint, consumers are suffering, have suffered, and will continue to suffer substantial
12 injury.

13 1022. Meta’s unfair and unconscionable acts, practices, and omissions described in this
14 Complaint constitute multiple separate violations of Minnesota Statutes section 325D.44,
15 subdivision 1(13).

16
17 **COUNT XXVIII: UNFAIR AND DECEPTIVE ACTS OR PRACTICES BY META IN**
18 **VIOLATION OF THE MISSOURI MERCHANDISING PRACTICES ACT (MO. REV.**
19 **STAT. § 407.020)**

20 1023. Missouri realleges and incorporates herein by reference each of the allegations
21 contained in the preceding paragraphs 1 through 850 as though fully alleged in this cause of
22 action.

23 1024. The Missouri Merchandising Practices Act (MMPA), Mo. Rev. Stat. §407.020.1
24 prohibits every “act, use or employment by any person of any deception, fraud, false pretense,
25 false promise, misrepresentation, unfair practice or the concealment, suppression, or omission of
26 any material fact in connection with the sale or advertisement of any merchandise in trade or
27 commerce.”
28

1 1025. At all relevant times, Meta was engaged in trade or commerce in Missouri
2 pursuant to the MMPA.

3 1026. Missouri alleges that the aforesaid acts and practices of Meta summarized in
4 Paragraph 846 constitute acts or practices involving misrepresentations, deception, or the
5 concealment, suppression, or omission of material fact in violation of Mo. Rev. Stat. §407.020.1.

6 1027. Missouri alleges that the aforesaid acts and practices of Meta summarized in
7 Paragraphs 847 through 850 constitute unfair practices that are unethical, oppressive, or
8 unscrupulous and present a risk of or cause substantial injury to consumers in violation of Mo.
9 Rev. Stat. §407.020.1.

10 1028. Each unlawful act or practice alleged herein constitutes a separate violation of the
11 Missouri Merchandising Practices Act.

12
13 **COUNT XXIX: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF**
14 **THE NEBRASKA CONSUMER PROTECTION ACT**

15 1029. The State of Nebraska realleges and incorporates herein each of the allegations
16 contained in paragraphs 1 through 850 as though fully alleged in this cause of action.

17 1030. The Nebraska Consumer Protection Act (NE CPA) prohibits deceptive acts or
18 practices in the conduct of any trade or commerce. Neb. Rev. Stat. § 59-1602.

19 1031. As described in preceding paragraphs and summarized in Section XI.A of the
20 Complaint, Meta has engaged in deceptive acts or practices in violation of the NE CPA.

21 1032. Each deceptive act or practice, as alleged herein, constitutes a separate violation of
22 the NE CPA and the NE UDTPA.

23
24 **COUNT XXX: UNFAIR ACTS OR PRACTICES BY META IN VIOLATION OF THE**
25 **NEBRASKA CONSUMER PROTECTION ACT**

26 1033. The State of Nebraska realleges and incorporates herein each of the allegations
27 contained in paragraphs 1 through 850 as though fully alleged in this cause of action.

28

1 1034. The Nebraska Consumer Protection Act (NE CPA) prohibits unfair acts or
2 practices in the conduct of any trade or commerce. Neb. Rev. Stat. § 59-1602.

3 1035. As described in preceding paragraphs and summarized in Section XI.B of the
4 Complaint, Meta has engaged in unfair acts or practices in violation of the NE CPA.

5 1036. Each unfair act or practice, as alleged herein, constitutes a separate violation of the
6 NE CPA and the NE UDTPA.

7
8 **COUNT XXXI: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF**
9 **THE NEBRASKA UNIFORM DECEPTIVE TRADE PRACTICES ACT**

10 1037. The State of Nebraska realleges and incorporates herein each of the allegations
11 contained in paragraphs 1 through 850 as though fully alleged in this cause of action.

12 1038. The Nebraska Uniform Deceptive Trade Practices Act (NE UDTPA) specifies
13 multiple practices, which when conducted in the course of business, constitute deceptive trade
14 practices. Neb. Rev. Stat. § 87-302(a).

15 1039. Meta’s actions, as described in preceding paragraphs and summarized in Section
16 XI.A, constitute deceptive trade practices in violation of Neb. Rev. Stat. §§ 87-302(a)(2), 87-
17 302(a)(5), 87-302(a)(7), 87-302(a)(9), and 87-302(a)(14).

18 1040. Each deceptive act or practice, as alleged herein, constitutes a separate violation
19 of the NE CPA and the NE UDTPA.

20
21 **COUNT XXXII: UNCONSCIONABLE ACTS OR PRACTICES BY META IN**
22 **VIOLATION OF THE NEBRASKA UNIFORM DECEPTIVE TRADE PRACTICES ACT**

23 1041. The State of Nebraska realleges and incorporates herein each of the allegations
24 contained in paragraphs 1 through 850 as though fully alleged in this cause of action.

25 1042. The NE UDTPA prohibits unconscionable acts or practices by a supplier in
26 connection with a consumer transaction. Neb. Rev. Stat. § 87-303.01.

1 subjecting itself to enforcement and penalties as provided in N.J. STAT. ANN. §§ 56:8-8, 11, 13,
2 14, and 15.

3 1054. Each unlawful practice alleged herein constitutes a separate violation of the CFA.

4
5 **COUNT XXXIV: VIOLATION OF N.Y. GENERAL BUSINESS LAW § 349**

6 1055. The Attorney General of the State of New York realleges and incorporates by
7 reference each and every allegation in the paragraphs above as if the same were fully set forth
8 herein.

9 1056. New York General Business Law (GBL) § 349 provides that “[d]eceptive acts or
10 practices in the conduct of any business, trade or commerce or in the furnishing of any service in
11 [New York] are . . . unlawful.”

12 1057. At all relevant times, Meta has been engaged in business, trade or commerce in
13 New York within the meaning of GBL § 349.

14 1058. Meta engaged in deceptive practices in providing its Social Media Platforms, as set
15 forth above.

16 1059. The Attorney General of the State of New York timely provided Meta with the
17 pre-litigation notice required by GBL § 349(c).

18 1060. By engaging in the acts and practices described above, all of which were material,
19 Meta has engaged in and continues to engage in deceptive practices in violation of GBL § 349(a).

20
21 **COUNT XXXV: VIOLATION OF N.Y. GENERAL BUSINESS LAW § 350**

22 1061. The Attorney General of the State of New York realleges and incorporates by
23 reference each and every allegation in the paragraphs above as if the same were fully set forth
24 herein.

25 1062. New York General Business Law (GBL) § 350 prohibits “false advertising in the
26 conduct of any business.”

27 1063. At all relevant times, Meta has been engaged in business in New York within the
28 meaning of GBL § 350.

1 1080. An act or practice is unfair if it causes or is likely to cause substantial injury to
2 consumers, which is not reasonably avoidable by consumers, and such substantial injury is not
3 outweighed by countervailing benefits to consumers or to competition. 15 U.S.C. § 45(n).

4 1081. At all relevant times, Meta has engaged in carrying on, conducting or transaction
5 of business in New York within the meaning of New York Executive Law § 63(12).

6 1082. Meta has engaged in repeated illegality by committing unfair acts and practices in
7 the design, advertising, promotion, marketing, and distribution of Social Media Platforms
8 including but not limited to those discussed in section XI.B above.

9 1083. Meta’s conduct has caused and is likely to cause substantial injury to consumers in
10 New York and throughout the United States that cannot be reasonably avoidable and is not
11 outweighed by countervailing benefits.

12 1084. By engaging in the acts and practices described above, which include violations of
13 Section 5(a) of the Federal Trade Commission Act, Meta has engaged in and continues to engage
14 in repeated illegal acts or persistent illegality in violation of New York Executive Law § 63(12).

15
16 **COUNT XXXIX: VIOLATIONS OF THE NORTH CAROLINA UNFAIR OR**
17 **DECEPTIVE TRADE PRACTICES ACT, N.C.G.S. § 75-1.1**
18 **(BY STATE OF NORTH CAROLINA)**

19 1085. The State of North Carolina incorporates and re-alleges paragraphs 1 through 850
20 as if they were fully set forth herein.

21 1086. The North Carolina Unfair or Deceptive Trade Practices Act prohibits “unfair or
22 deceptive acts or practices in or affecting commerce.” N.C.G.S. § 75-1.1(a).

23 1087. Meta has committed unfair or deceptive acts or practices in violation of N.C.G.S. §
24 75-1.1(a) as described in this Complaint, including but not limited to:

- 25 a. Targeting its Social Media Platforms to young users, despite understanding the risks of
26 psychological and physical harms, including compulsive and unhealthy use of or
27 addiction to its Social Media Platforms.
28

- 1 b. Designing its Social Media Platforms to exploit young users’ psychological
- 2 vulnerabilities with engagement-inducing features including but not limited to infinite
- 3 scroll, ephemeral content display, autoplay, and disruptive audiovisual and vibration
- 4 notifications, producing compulsive, prolonged, or unhealthy use by young users.
- 5 c. Failing to comply with the Children’s Online Privacy Protection Act, 15 U.S.C. §
- 6 6501 *et seq.*, as alleged in Count I, in violation of public policy.
- 7 d. Falsely, deceptively, or misleadingly representing, directly or indirectly, expressly or
- 8 by implication, that:
 - 9 i. Meta’s Social Media Platforms are not psychologically or physically harmful
 - 10 for young users, while Meta knew young users experienced such harms.
 - 11 ii. Meta’s Social Media Platforms are not designed to induce young users’
 - 12 compulsive, prolonged, or unhealthy use, when they are in fact so designed.
 - 13 iii. The incidence of negative or harmful user experiences on Meta’s Social Media
 - 14 Platforms is low, while omitting Meta’s knowledge regarding the heightened
 - 15 extent users encountered such experiences.
 - 16 iv. Meta prioritized young users’ health and safety, when in fact Meta
 - 17 subordinated young users’ health and safety to the goal of maximizing profits
 - 18 by prolonging time spent on its Social Media Platforms.
 - 19 v. Users under 13 are excluded from Meta’s Social Media Platforms, when Meta
 - 20 knew that its policies and practices were insufficient to exclude such users.

21 1088. Meta’s above-described unfair or deceptive acts and practices have been in or
22 affecting commerce in North Carolina.

23
24 **COUNT XL: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF N.D.**
25 **CENT. CODE §51-15-02 (BY NORTH DAKOTA)**

26 1089. The State of North Dakota, *ex rel.* Drew H. Wrigley, Attorney General,
27 incorporates and realleges paragraphs 1 through 850 as if they were fully set forth herein.

1 1090. In numerous instances, in connection with the sale or advertisement of
2 merchandise, as defined by N.D. Cent. Code § 51-15-01, Meta engaged in unlawful and deceptive
3 acts or practices by making misrepresentations or false promises, directly or indirectly, expressly,
4 impliedly, or by omission of material facts, with the intent that others rely thereon, including the
5 misrepresentations set forth in Section XI.A above, in violation of N.D. Cent. Code §51-15-02.

6 1091. Each of Meta’s deceptive acts or practices, misrepresentations, or false promises,
7 as alleged herein, constitutes a separate violation of N.D. Cent. Code §51-15-02.

8
9 **COUNT XLI: UNLAWFUL ACTS OR PRACTICES BY META IN VIOLATION OF**
10 **N.D. CENT. CODE §51-15-02 (BY NORTH DAKOTA)**

11 1092. The State of North Dakota, *ex rel.* Drew H. Wrigley, Attorney General,
12 incorporates and realleges paragraphs 1 through 850 as if they were fully set forth herein.

13 1093. Meta’s acts, uses, or employments of acts or practices, in connection with the sale
14 or advertisement of any merchandise, as alleged and described herein, including specifically in
15 Section XI.B above, are unconscionable or caused, or are likely to cause, substantial injury to a
16 person which is not reasonably avoidable by the injured person and not outweighed by
17 countervailing benefits to consumers or to competition, and constitute violations of N.D. Cent.
18 Code §51-15-02.

19 1094. Each of Meta’s unlawful acts or practices, as alleged herein, constitute a separate
20 violation of N.D. Cent. Code §51-15-02.

21
22 **COUNT XLII: VIOLATIONS OF OHIO CONSUMER SALES PRACTICES ACT –**
23 **UNFAIR OR DECEPTIVE ACTS OR PRACTICES - OHIO REVISED CODE § 1345.02**

24 1095. Ohio realleges and incorporates herein by reference each of the allegations
25 contained in the preceding paragraphs 1 through 850 as though fully alleged in this cause of
26 action.

27 1096. Meta and each Defendant are “suppliers,” as they engaged in the business of
28 effecting “consumer transactions” by soliciting “consumers” either directly or indirectly for

1 services, including access to Meta's Social Media Platforms in exchange for users' personal data
2 and time, for a purpose that was primarily for personal, family, or household use, as those terms
3 are defined by Ohio Rev. Code §1345.01(A), (C), and (D).

4 1097. In numerous instances in connection with the advertising, marketing, promotion,
5 and other representations regarding its products, including through the means described in Section
6 XI, paragraphs 846 through 850, Meta committed unfair or deceptive acts or practices in violation
7 of the Ohio Consumer Sales Practices Act (CSPA), Ohio Rev. Code §1345.02(A), by making the
8 deceptive representations, directly or indirectly, expressly or by implication, with the intent that
9 consumers rely on the deceptive representations, including, but not limited to, the representations
10 outlined in Section XI, paragraphs 846 through 850.

11 1098. Further, Meta committed unfair or deceptive acts or practices in violation of the
12 CSPA, Ohio Rev. Code §1345.02(A), by engaging in unfair acts and omissions that caused young
13 users' compulsive and unhealthy use of, and addiction to, Meta's Social Media Platforms. At all
14 relevant times, Meta had a thorough understanding of the mental and physical harms and
15 addiction suffered by young users of its Platforms. Instead of taking adequate measures to
16 mitigate these damaging effects, Meta knowingly persisted in exploiting young users'
17 psychological vulnerabilities. Meta's acts and omissions constitute knowing decisions causing
18 unnecessary and unjustified harm to young users for Meta's financial gain. Meta's unfair acts
19 include, but are not limited to, the acts outlined in Section XI, paragraphs 846 through 850.

20 1099. Each unfair or deceptive act or practice engaged in by Meta as recited above
21 constitutes a separate violation of the CSPA.

22 1100. The acts or practices described above have been previously determined by Ohio
23 courts to violate the CSPA, Ohio Rev. Code §1345.01 *et seq.* Meta committed said violations
24 after such decisions were made available for public inspection pursuant to Ohio Rev. Code
25 §1345.05(A)(3).

1 1108. Meta’s violations of the UTPA set forth herein were willful because Meta knew or
2 should have known that its conduct violated the UTPA.

3 1109. Pursuant to O.R.S. §§ 646.632, 646.636, and 646.642, the State of Oregon seeks a
4 permanent injunction against Meta; restitution for consumers; civil penalties up to \$25,000 per
5 willful violation; and costs, reasonable expenses, and attorneys’ fees.

6 1110. Meta and each Defendant was served with a notice in writing that identified the
7 alleged unlawful conduct and the relief the State of Oregon would seek. Neither Meta nor any
8 Defendant executed and delivered a satisfactory assurance of voluntary compliance as provided in
9 O.R.S. § 646.632(2).

10
11 **COUNT XLV: VIOLATIONS OF OREGON’S UTPA, O.R.S. § 646.608(1)(e)**

12 1111. The State of Oregon, *ex rel.* Ellen F. Rosenblum, Attorney General, incorporates
13 and realleges each of the paragraphs 1 through 850 and Count XLIV as if fully set forth herein.

14 1112. Meta, acting in the course of its businesses, vocations, or occupations, violated
15 O.R.S. § 646.608(1)(e) when Meta expressly and by implication made false or misleading
16 representations that its goods or services have characteristics, uses, benefits or qualities that the
17 goods or services do not have. The representations relate to Meta’s Social Media Platforms,
18 including but not limited to those representations described in paragraph 846.

19 1113. Meta’s violations of the UTPA set forth herein were willful because Meta knew or
20 should have known that its conduct violated the UTPA.

21 1114. Pursuant to O.R.S. §§ 646.632, 646.636, and 646.642, the State of Oregon seeks a
22 permanent injunction against Meta; restitution for consumers; civil penalties up to \$25,000 per
23 willful violation; and costs, reasonable expenses, and attorneys’ fees.

24 1115. Meta and each Defendant was served with a notice in writing that identified the
25 alleged unlawful conduct and the relief the State would seek. Neither Meta nor any Defendant
26 executed and delivered a satisfactory assurance of voluntary compliance as provided in O.R.S.
27 § 646.632(2).

28

1 **COUNT XLVI: VIOLATIONS OF OREGON’S UTPA, O.R.S. § 646.608(1)(t)**

2 1116. The State of Oregon, *ex rel.* Ellen F. Rosenblum, Attorney General, incorporates
3 and realleges each of the paragraphs 1 through 850 and Counts XLIV and XLV as if fully set
4 forth herein.

5 1117. Meta, acting in the course of its businesses, vocations, or occupations, violated
6 O.R.S. § 646.608(1)(t) when Meta failed to disclose concurrent with tender or delivery of Meta’s
7 Social Media Platforms known material defects and material nonconformities resulting in young
8 users’ compulsive and unhealthy use of and addiction to Meta’s Social Media Platforms.

9 1118. Meta’s violations of the UTPA set forth herein were willful because Meta knew or
10 should have known that its conduct violated the UTPA.

11 1119. Pursuant to O.R.S. §§ 646.632, 646.636, and 646.642, the State of Oregon seeks a
12 permanent injunction against Meta; restitution for consumers; civil penalties up to \$25,000 per
13 willful violation; and costs, reasonable expenses, and attorneys’ fees.

14 1120. Meta and each Defendant was served with a notice in writing that identified the
15 alleged unlawful conduct and the relief the State would seek. Neither Meta nor any Defendant
16 executed and delivered a satisfactory assurance of voluntary compliance as provided in O.R.S. §
17 646.632(2).

18
19 **COUNT XLVII: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF**
20 **THE PENNSYLVANIA UNFAIR TRADE PRACTICES AND CONSUMER**
21 **PROTECTION LAW (UTPCPL)**

22 1121. The Commonwealth of Pennsylvania realleges and incorporates herein by
23 reference each of the paragraphs 1 through 850 as if fully set forth herein.

24 1122. At all relevant times set forth herein, Meta has engaged in trade and commerce
25 pursuant to 73 P.S. § 201-2(3) of the UTPCPL, in connection with its sale and advertisement of
26 merchandise.

27 1123. Unfair methods of competition and unfair or deceptive acts or practices in the
28 conduct of trade or commerce as defined by subclauses (i) through (xxi) of Section 201-2(4) of

1 the UTPCPL are declared unlawful, and whenever the Attorney General has reason to believe that
2 any person is using or is about to use any method, act, or practice declared unlawful, Section 201-
3 4 of the UTPCPL authorizes the Attorney General to bring an action against such person to
4 restrain these methods, acts, or practices.

5 1124. The acts and practices described in paragraphs 1 through 850 constitute deceptive
6 acts or practices, as prohibited by section 201-3 of the UTPCPL as defined by subclauses 201-
7 2(4)(ii), (vii), and (xxi) of section 201-2(4) as follows:

- 8 a. Causing likelihood of confusion or of misunderstanding as to the source, sponsorship,
9 approval or certification of goods or services, 73 P.S. § 201-2(4)(ii);
- 10 b. Representing that goods or services are of a particular standard, quality or grade, or
11 that goods are of a particular style or model, if they are of another, 73 P.S. § 201-
12 2(4)(vii); and
- 13 c. Engaging in any other fraudulent or deceptive conduct which creates a likelihood of
14 confusion or of misunderstanding, 73 P.S. § 201-2(4)(xxi).

15 1125. The Commonwealth of Pennsylvania alleges that all of the practices described
16 above were performed willfully. Accordingly, and pursuant to section 201-8 of the UTPCPL, the
17 Commonwealth of Pennsylvania seeks the imposition of civil penalties of One Thousand and
18 00/100 Dollars (\$1,000.00) for each violation of the UTPCPL in addition to other relief sought, as
19 appropriate.

20 1126. The Commonwealth of Pennsylvania believes that the public interest is served by
21 seeking before this Court a permanent injunction to restrain the methods, acts and practices
22 described herein, as well as seeking restitution and civil penalties for violation of the law. The
23 Commonwealth of Pennsylvania believes that citizens of the Commonwealth of Pennsylvania are
24 suffering and will continue to suffer harm unless the acts and practices complained of herein are
25 permanently enjoined.

1 **COUNT XLVIII: UNFAIR ACTS OR PRACTICES BY META IN VIOLATION OF THE**
2 **PENNSYLVANIA UNFAIR TRADE PRACTICES AND CONSUMER PROTECTION**
3 **LAW (UTPCPL)**

4 1127. The Commonwealth of Pennsylvania realleges and incorporates herein by
5 reference each of the paragraphs 1 through 850 as if fully set forth herein.

6 1128. At all relevant times set forth herein, Meta has engaged in trade and commerce
7 pursuant to 73 P.S. § 201-2(3) of the UTPCPL, in connection with its sale and advertisement of
8 merchandise.

9 1129. Unfair methods of competition and unfair or deceptive acts or practices in the
10 conduct of trade or commerce as defined by subclauses (i) through (xxi) of section 201-2(4) of
11 the UTPCPL are declared unlawful, and whenever the Attorney General has reason to believe that
12 any person is using or is about to use any method, act, or practice declared unlawful, section 201-
13 4 of the UTPCPL authorizes the Attorney General to bring an action against such person to
14 restrain these methods, acts, or practices.

15 1130. The acts and practices described in paragraphs 1 through 850 constitute unfair
16 methods of competition or unfair or deceptive acts or practices, as prohibited by section 201-3 of
17 the UTPCPL as defined by subclause 201-2(4)(xxi) of section 201-2(4) as follows:
18 Engaging in any other fraudulent or deceptive conduct which creates a likelihood of confusion or
19 of misunderstanding, 73 P.S. § 201-2(4)(xxi).

20 1131. The Commonwealth of Pennsylvania alleges that all of the practices described
21 above were performed willfully. Accordingly, and pursuant to section 201-8 of the UTPCPL, the
22 Commonwealth of Pennsylvania seeks the imposition of civil penalties of One Thousand and
23 00/100 Dollars (\$1,000.00) for each violation of the UTPCPL in addition to other relief sought, as
24 appropriate.

25 1132. The Commonwealth of Pennsylvania believes that the public interest is served by
26 seeking before this Court a permanent injunction to restrain the methods, acts and practices
27 described herein, as well as seeking restitution and civil penalties for violation of the law. The
28 Commonwealth of Pennsylvania believes that citizens of the Commonwealth of Pennsylvania are

1 suffering and will continue to suffer harm unless the acts and practices complained of herein are
2 permanently enjoined.

3
4 **COUNT XLIX: VIOLATIONS OF RHODE ISLAND DECEPTIVE TRADE PRACTICES**
5 **ACT, R.I. GEN. L. §§ 6-13.1-1 TO 6-13.1-10**

6 1133. The State of Rhode Island incorporates and realleges each of the paragraphs 1
7 through 850 as if fully set forth herein.

8 1134. The Rhode Island Deceptive Trade Practices Act (RI DTPA) makes unfair
9 methods of competition and unfair or deceptive acts or practices in the conduct of any trade or
10 commerce unlawful. R.I. Gen. Laws § 6-13.1-2.

11 1135. The RI DTPA defines “unfair methods of competition and unfair and deceptive
12 acts or practices” as, among other things, “conduct that . . . creates a likelihood of confusion or of
13 misunderstanding,” “any other methods, acts, or practices that mislead or deceive members of the
14 public in a material respect,” and “any act or practice that is unfair or deceptive to the consumer.”
15 R.I. Gen. Laws § 6-13.1-1(6)(xii), (xiv), (xiii).

16 1136. Any person, firm, or corporation who violates the RI DTPA is liable for a civil
17 penalty up to \$10,000 for each violation. R.I. Gen. Laws § 6-13.1-8.

18 1137. Meta’s acts or practices enumerated in the foregoing paragraphs have been in the
19 conduct of trade or commerce, directly or indirectly, in Rhode Island.

20 1138. As alleged herein, Meta made representations including that Meta’s Social Media
21 Platforms are not designed to harm young users or to induce compulsive use, that Meta’s Social
22 Media Platforms are less addictive than they actually are, that the incidence of negative user
23 experiences was lower than it actually was, that Meta was not prioritizing profit maximization
24 over young users’ well-being when it was, that Meta effectively excluded under-13 users when its
25 safeguards were insufficient, that Meta complied with federal laws and regulations related to the
26 exclusion of under-13 users when it did not, and that Meta did not collect user data for the
27 purpose of causing addiction to its Social Media Platforms when it had such a purpose. These
28 representations constitute conduct that creates a likelihood of confusion or misunderstanding and

1 that deceive and mislead members of the public regarding Meta’s Social Media Platforms. R.I.
2 Gen. Laws § 6-13.1-1(6)(xii), (xiii), (xiv).

3 1139. Similarly, as alleged herein, Meta is engaging in unfair acts to consumers,
4 including implementing psychologically manipulative, engagement-inducing features that harm
5 consumers and targeting young users despite knowing their specific vulnerability to compulsive
6 and unhealthy platform use. These unfair acts constitute conduct that is especially unfair to
7 younger users. R.I. Gen. Laws § 6-13.1-1(6)(xiii).

8 1140. Meta’s acts or practices, both past and continuing, are immoral, unethical,
9 oppressive, unscrupulous, and substantially injurious to Rhode Island consumers. Pursuant to R.I.
10 Gen. Laws § 6-13.1-2 and § 6-13.1-5, the acts, practices, representations, and omissions of Meta
11 described herein are unlawful, violate the prohibition against unfair or deceptive acts or practices
12 found in RI DTPA, and restraint of these practices is in the public interest.

13
14 **COUNT L: VIOLATION OF THE SOUTH CAROLINA UNFAIR TRADE PRACTICES**
15 **ACT, S.C. CODE ANN. SECTION 39-5-10 *et seq.***

16 1141. The State of South Carolina realleges and reaffirms each and every allegation set
17 forth in all preceding paragraphs as if fully restated in this section.

18 1142. The State of South Carolina brings this claim under the South Carolina Unfair
19 Trade Practices Act (SCUTPA), asserting a claim under sections 39-5-50 and 39-5-110 of the
20 South Carolina Code.

21 1143. Section 39-5-10 *et seq.* of the South Carolina Code prohibits unfair or deceptive
22 acts or practices in the conduct of any trade or commerce.

23 1144. Meta’s acts and practices as described in this Complaint constitute “trade” or
24 “commerce” within the meaning of SCUTPA.

25 1145. Meta engaged in unfair and/or deceptive acts or practices within the meaning of
26 Section 39-5-20 of the South Carolina Code through, inter alia, acts and omissions that caused
27 young users’ compulsive and unhealthy use of and addiction to Meta’s Social Media Platforms.
28

1 1146. Meta’s misrepresentations are deceptive because they have the capacity to mislead
2 a substantial number of consumers.

3 1147. An act or practice may be unfair if it offends public policy; is immoral, unethical,
4 oppressive, unconscionable, or causes injury to consumers. Meta’s acts or practices as alleged in
5 this Complaint are unfair.

6 1148. Meta’s unfair and deceptive conduct related to addicting young users to its
7 Platforms affects the public interest. Moreover, Meta’s acts or practices regarding South Carolina
8 as alleged herein are capable of repetition.

9 1149. Meta knew or reasonably should have known that its conduct violated SCUTPA
10 and therefore is willful for the purposes of section 39-5-110 of the South Carolina Code,
11 justifying civil penalties.

12 1150. The State of South Carolina seeks all remedies available under SCUTPA
13 including, without limitation, the following:

- 14 a. Injunctive and other equitable relief pursuant to section 39-5-50(a) of the South
15 Carolina Code;
- 16 b. Restoration of all ascertainable losses under section 39-5-50(b) of the South Carolina
17 Code to any person or entity who suffered them as a result of Meta’s conduct;
- 18 c. Civil penalties in an amount up to \$5,000.00 per violation with every unfair or
19 deceptive act or practice by Meta constituting a separate and distinct violation; and
- 20 d. Costs and attorneys’ fees pursuant to section 1-7-85 of the South Carolina Code.

21
22 **COUNT LI: VIOLATIONS OF VIRGINIA CONSUMER PROTECTION ACT, VA.**
23 **CODE §§ 59.1-198 TO 59.1-207**

24 1151. The Commonwealth of Virginia, *ex rel.* Jason S. Miyares, Attorney General,
25 incorporates and realleges each of the paragraphs 1 through 850 as if fully set forth herein.

26 1152. Meta is or was during all relevant times a “supplier” of “goods” and/or “services”
27 in connection with “consumer transactions” as those terms are defined in § 59.1-198 of the
28 Virginia Consumer Protection Act (VCPA).

1 1153. The Commonwealth of Virginia alleges that the aforesaid acts and practices of
2 Meta, including but not limited to those described in paragraph 846, constitute violations of the
3 VCPA, including Virginia Code § 59.1-200(A)(5), (6), and (14).

4 1154. Individual consumers have suffered losses as a result of Meta’s violations of the
5 VCPA.

6 1155. Meta has willfully engaged in the acts and practices described in this Complaint in
7 violation of the VCPA.

8 1156. Pursuant to Va. Code §§ 59.1-203, 205, and 206, the Commonwealth of Virginia
9 seeks a permanent injunction against Meta restraining future VCPA violations; restitution for
10 consumers for monies acquired by means of any VCPA violations; and civil penalties, costs,
11 reasonable expenses, and attorneys’ fees.

12
13 **COUNT LII: DECEPTIVE ACTS OR PRACTICES IN VIOLATION OF THE**
14 **WASHINGTON CONSUMER PROTECTION ACT, WASH. REV. CODE § 19.86.020**

15 1157. Washington realleges and incorporates herein by reference each of the allegations
16 contained in the preceding paragraph 1 through 850 as though fully alleged in this cause of action.

17 1158. Meta engaged in deceptive acts or practices affecting Washington consumers,
18 including young users, parents of young users, and Meta advertisers, and in violation of Wash.
19 Rev. Code. § 19.86.020 by making representations, directly or indirectly, expressly or by
20 implication, regarding its Social Media Platforms, including but not limited to the following: (a)
21 that Meta’s Social Media Platforms are not psychologically or physically harmful for young users
22 and children and are not designed to induce compulsive and extended use by young users and
23 children; (b) that Meta’s Social Media Platforms are not addictive and/or are unlikely to result in
24 psychological or physical harm for young users and children; (c) that the incidence or prevalence
25 of negative or harmful user experiences on Meta’s Social Media Platforms is lower than it
26 actually is; (d) that Meta prioritized young users’ and children’s health and safety over
27 maximizing profits; (e) that Meta does not allow the promotion of harmful material on its Social
28 Media Platforms; (f) that under-13 users are effectively excluded by Meta from using Instagram

1 and/or Facebook; (g) that Meta’s collection of user data was not for the purpose of increasing
2 users’ use of the Social Media Platforms; and (h) other deceptive representations.

3 1159. Meta’s conduct as described herein occurred in trade or commerce within the
4 meaning of the Washington Consumer Protection Act, Wash. Rev. Code. § 19.86.010(2), directly
5 or indirectly affecting the people of the State of Washington.

6 1160. Meta’s deceptive acts or practices affected the public interest in that they impacted
7 numerous Washington consumers and other consumers.

8 1161. Meta’s deceptive acts or practices are likely to continue without relief from this
9 Court.

10 1162. Based on the above deceptive acts or practices, the State of Washington is entitled
11 to relief under the Washington Consumer Protection Act including injunctive relief and restitution
12 pursuant to Wash. Rev. Code. § 19.86.080, civil penalties pursuant to Wash. Rev. Code.
13 § 19.86.140 for each and every violation of Wash. Rev. Code. § 19.86.020, and reimbursement of
14 the costs of this action, including reasonable attorneys’ fees, pursuant to Wash. Rev. Code.
15 § 19.86.080.

16
17 **COUNT LIII: UNFAIR ACTS OR PRACTICES BY META IN VIOLATION OF THE**
18 **WASHINGTON CONSUMER PROTECTION ACT, WASH. REV. CODE § 19.86.020**

19 1163. Washington realleges and incorporates herein by reference each of the allegations
20 contained in the preceding paragraph 1 through 850 as though fully alleged in this cause of action.

21 1164. Meta engaged in unfair acts or practices affecting Washington consumers,
22 including young users, parents of young users, and Meta advertisers, and in violation of Wash.
23 Rev. Code. § 19.86.020 by (a) encouraging or facilitating young users’ and children’s compulsive
24 and unhealthy use of and addiction to Meta’s Social Media Platforms; (b) downplaying,
25 minimizing, denying, or otherwise ignoring instances of harm suffered by young users and
26 children on Meta’s Social Media Platforms; (c) downplaying, minimizing, denying, or otherwise
27 ignoring the association between harms and the use of Meta’s Social Media Platforms by young
28 users and children; (d) targeting its Social Media Platforms to young users and children while

1 designing its Social Media Platforms to include features psychologically and physically harmful
2 to young users and children—including Meta-designed and -deployed features known to promote
3 compulsive, prolonged, and unhealthy use; (e) adopting design choices that have the capacity to
4 harm young users, including infinite scroll, ephemeral content features, autoplay, and disruptive
5 alerts; (f) designing, developing, and/or deploying disruptive audiovisual and vibration
6 notifications and alerts and ephemeral features to induce young users and children to spend more
7 time using the Social Media Platforms; and (g) algorithmically exploiting “variable reinforcement
8 schedules,” inducing young users and children to over-engage with Meta’s products.

9 1165. Meta’s conduct as described herein occurred in trade or commerce within the
10 meaning of the Washington Consumer Protection Act, Wash. Rev. Code. § 19.86.010(2), directly
11 or indirectly affecting the people of the State of Washington.

12 1166. Meta’s unfair acts or practices affected the public interest in that they impacted
13 numerous Washington consumers and other consumers.

14 1167. Meta’s unfair acts or practices are likely to continue without relief from this Court.

15 1168. Based on the above unfair acts or practices, the State of Washington is entitled to
16 relief under the Washington Consumer Protection Act including injunctive relief and restitution
17 pursuant to Wash. Rev. Code. § 19.86.080, civil penalties pursuant to Wash. Rev. Code. §
18 19.86.140 for each and every violation of Wash. Rev. Code. § 19.86.020, and reimbursement of
19 the costs of this action, including reasonable attorneys’ fees, pursuant to Wash. Rev. Code. §
20 19.86.080.

21
22 **COUNT LIV: DECEPTIVE ACTS OR PRACTICES BY META IN VIOLATION OF**
23 **WISCONSIN’S DECEPTIVE TRADE PRACTICES ACT, WIS. STAT. § 100.18(1)**

24 1169. Wisconsin realleges and incorporates herein by reference each of the allegations
25 contained in the preceding paragraphs 1 through 850 as though fully alleged in this cause of
26 action.

27 1170. In numerous instances, with the intent to sell, distribute, or increase the
28 consumption of its products and/or services, Meta directly or indirectly made, published, or

1 placed before the public, representations that were untrue, deceptive, or misleading, including but
2 not limited to the following representations by Meta:

- 3 a. that Meta’s Social Media Platforms are not psychologically or physically harmful for
4 young users and are not designed to induce young users’ compulsive and extended
5 use, when they are in fact so designed;
- 6 b. that Meta’s Social Media Platforms are less addictive and/or less likely to result in
7 psychological and physical harm for young users than its Social Media Platforms are
8 in reality;
- 9 c. representing, through the publication of CSER reports, and through other
10 communications, that the incidence or prevalence of negative or harmful user
11 experiences on Meta’s Social Media Platforms was lower than it actually was;
- 12 d. that Meta prioritized young users’ health and safety over maximizing profits, when in
13 fact Meta subordinated young user health and safety to its goal of maximizing profits
14 by prolonging young users’ time spent on its Social Media Platforms;
- 15 e. that under-13 users are effectively excluded by Meta from using Instagram and/or
16 Facebook when in fact Meta was aware that its policies and practices were insufficient
17 to exclude all under-13 users from the Platforms; and
- 18 f. that Meta’s collection of user data was not for the purpose of causing those users to
19 become addicted to the Social Media Platforms, when in reality that was one of the
20 purposes for which Meta collected user data.

21 1171. Each deceptive act or practice alleged herein, constitutes a separate violation of the
22 Wisconsin Deceptive Trade Practices Act. By engaging in the acts and practices alleged herein,
23 Meta engaged in deceptive acts or practices declared unlawful under Wis. Stat. § 100.18(1).

24
25 **PRAYER FOR RELIEF**

- 26 A. On the Filing States’ joint COPPA claim, pursuant to 15 U.S.C. § 6504(a)(1) and as
27 authorized by the Court’s own equitable powers, the Filing States request that the Court:
28

- 1 1. Enter a permanent injunction to stop ongoing violations and prevent future
- 2 violations of the COPPA Rule by Meta;
- 3 2. Make such other orders as may be necessary to enforce Meta’s compliance with
- 4 the COPPA Rule;
- 5 3. Award the Filing States damages, restitution, and other compensation;⁴³ and
- 6 4. Award other and additional relief the Court may determine to be just and proper.

7 B. On the Filing States’ individual claims set forth in paragraphs 860 through 1171, each
8 State respectfully requests that the Court:

- 9 1. For Arizona:
 - 10 a. Pursuant to Ariz. Rev. Stat. § 44-1528(A)(1), issue a permanent injunction
 - 11 in accordance with Ariz. R. Civ. P. 65(d)(1), enjoining and restraining (a)
 - 12 Meta, (b) its officers, agents, servants, employees, attorneys, and (c) all
 - 13 persons in active concert or participation with anyone described in part (a)
 - 14 or (b) of this paragraph, directly or indirectly, from engaging in deceptive,
 - 15 misleading, or unfair acts or practices, or concealments, suppressions, or
 - 16 omissions, that violate the Arizona Consumer Fraud Act, Ariz. Rev. Stat.
 - 17 § 44-1522(A), including specific injunctive relief barring Meta from
 - 18 engaging in the unlawful acts and practices set forth above;
 - 19 b. Pursuant to Ariz. Rev. Stat. § 44-1528(A)(2), order Meta to restore to all
 - 20 persons in interest any monies or property, real or personal, which may
 - 21 have been acquired by any means or any practice in this article declared to
 - 22 be unlawful;
 - 23 c. Pursuant to Ariz. Rev. Stat. § 44-1528(A)(3), order Meta to disgorge all
 - 24 profits, gains, gross receipts, or other benefits obtained as a result of its
 - 25 unlawful acts alleged herein;
 - 26
 - 27

28

⁴³ Maine does not join in the request for monetary relief on the Filing States’ joint COPPA claim.

- 1 d. Pursuant to Ariz. Rev. Stat. § 44-1531, order Meta to pay to the State of
- 2 Arizona a civil penalty of up to \$10,000 for each willful violation by each
- 3 Defendant of Ariz. Rev. Stat. § 44-1522;
- 4 e. Pursuant to Ariz. Rev. Stat. § 44-1534, order Meta to reimburse the State of
- 5 Arizona for its costs and attorneys' fees incurred in the investigation and
- 6 prosecution of Meta's activities alleged in this Complaint;
- 7 f. Pursuant to Ariz. Rev. Stat. § 44-1201, require Meta to pay pre-judgment
- 8 and post-judgment interest to the State of Arizona and all consumers;
- 9 g. Award the State such further relief the Court deems just and proper under
- 10 the circumstances.

11 2. For California:

- 12 a. With respect to the state law claims set forth by California, pursuant to
- 13 California Business and Professions Code sections 17203 and 17535, order
- 14 that Meta, its successors, agents, representatives, employees, and all
- 15 persons who act in concert with them be permanently enjoined from
- 16 committing any acts which violate California Business and Professions
- 17 Code sections 17200 and 17500, including, but not limited to, the acts and
- 18 practices alleged in this Complaint; pursuant to California Business and
- 19 Professions Code section 17536, award the People of the State of
- 20 California civil penalties of \$2,500 for each violation of California
- 21 Business and Professions Code section 17500, as proved at trial; pursuant
- 22 to California Business and Professions Code section 17206, award the
- 23 People of the State of California civil penalties of \$2,500 for each violation
- 24 of California Business and Professions Code section 17200, as proved at
- 25 trial (which are cumulative to the penalties awarded pursuant to section
- 26 17536); pursuant to California Business and Professions Code section
- 27 17206.1, award the People of the State of California additional civil
- 28 penalties of \$2,500 for each violation of California Business and

1 Professions Code section 17200 against one or more disabled persons, as
2 proved at trial; make such orders or judgments, pursuant to California
3 Business and Professions Code sections 17203 and 17535, as may be
4 necessary to prevent the use or employment by Meta of any act or practice
5 that violates California Business and Professions Code sections 17200 or
6 17500, or as may be necessary to restore to any person in interest any
7 money or property which Meta may have acquired either directly or
8 indirectly from such persons by means of any practice that violates
9 California Business and Professions Code sections 17200 or 17500; and
10 award the People of the State of California all other relief to which they are
11 legally entitled under California law.

12 3. For Colorado:

- 13 a. An order and judgment declaring Meta's conduct to be in violation of the
14 Colorado Consumer Protection Act, Colo. Rev. Stat. §§ 6-1-105(1)(e), (g),
15 (u), and (rrr).
- 16 b. An order and judgment to enjoin and prevent the use and employment of
17 the deceptive trade practices described in this Complaint and which are
18 necessary to completely compensate the State of Colorado, its institutions,
19 and any person injured by means of any such practice. Such relief shall
20 include a judgment in an amount to be determined at trial for restitution,
21 disgorgement, or other equitable relief, including injunctive relief, pursuant
22 to Colo. Rev. Stat. § 6-1-110(1).
- 23 c. An order permanently enjoining Meta and anyone in active concert or
24 participation with Meta with notice of such injunctive orders, from
25 engaging in any deceptive trade practices as defined in and proscribed by
26 the Colorado Consumer Protection Act and as set forth in this Complaint,
27 pursuant to Colo. Rev. Stat. § 6-1-110(1).
28

- 1 d. An order requiring Meta to forfeit and pay civil penalties pursuant to Colo.
2 Rev. Stat. § 6-1-112(1)(a).
- 3 e. An order requiring Meta to pay the costs and expenses of this action
4 incurred by the Attorney General, including, but not limited to, expert costs
5 and attorneys' fees, pursuant to Colo. Rev. Stat. § 6-1-113(4).
- 6 f. Any such further orders as the Court may deem just and proper to
7 effectuate the purposes of the Colorado Consumer Protection Act.

8 4. For Connecticut:

- 9 a. With respect to the state law claims set forth by the State of Connecticut,
10 pursuant to the Connecticut Unfair Trade Practices Act (CUTPA),
11 Connecticut General Statutes (Conn. Gen. Stat.) § 42-110b *et seq.*, award
12 the State of Connecticut: (1) civil penalties for each willful violation of
13 CUTPA committed by Meta up to \$5,000 per violation pursuant to Conn.
14 Gen. Stat. § 42-110o; (2) damages and restitution for Connecticut
15 consumers, pursuant to Conn. Gen. Stat. § 42-110m; (3) disgorgement,
16 pursuant to Conn. Gen. Stat. § 42-110m; (4) injunctive and other equitable
17 relief, pursuant to Conn. Gen. Stat. § 42-110m; (5) costs and attorney's
18 fees, pursuant to Conn. Gen. Stat. § 42-110m; and (6) other remedies as the
19 Court may deem appropriate under the facts and circumstances of the case.

20 5. For Delaware:

- 21 a. With respect to the Delaware CFA claim set forth by the State of Delaware
22 in Count X pursuant to 6 Del. Code Ann. §§2522, 2523 and 2526, a
23 permanent injunction enjoining Meta from violating the Delaware CFA,
24 award to the state civil penalties of up to \$10,000 per violation for each
25 willful violation of § 2513 of the Delaware CFA, the exact number of
26 violations to be proven at trial; award all sums necessary to restore to any
27 consumers the money or property acquired from them by Meta in
28 connection with violations of § 2513 of the Delaware CFA; award to the

1 State its costs as well as attorneys’ fees, and all other remedies and relief
2 available at law and equity that this Court deems fit.

3 b. With respect to the Delaware DTPA claim set forth by the State of
4 Delaware in Count XI pursuant to 6 Del. Code Ann. §§ 2532 and 2533 and
5 award to the state a permanent injunction enjoining Meta from violating the
6 Delaware DTPA, civil penalties of up to \$10,000 per violation for each
7 willful violation of § 2532 of the Delaware DTPA, the exact number of
8 violations to be proven at trial; award all sums necessary to restore to any
9 consumers the money or property acquired from them by Meta in
10 connection with violations of § 2532 of the Delaware DTPA; award to the
11 State its costs as well as attorneys’ fees, and all other remedies and relief
12 available at law and equity that this Court deems fit.

13 6. For Georgia:

- 14 a. Declaring that Meta has violated the FBPA by engaging in the unlawful
15 acts and practices alleged herein;
- 16 b. Permanently enjoining Meta from engaging in the unfair and/or deceptive
17 acts and practices alleged herein;
- 18 c. Permanently enjoining Meta from violating the FBPA;
- 19 d. Ordering that Meta pay restitution to any person or persons adversely
20 affected by Meta’s actions in violation of the FBPA;
- 21 e. Assessing a civil penalty against Meta in the amount of \$5,000.00 per
22 violation of the FBPA;
- 23 f. Assessing attorneys’ fees and costs against Meta; and
- 24 g. Granting such other and further relief as the Court deems just and
25 appropriate.

26 7. For Hawai‘i:

- 27 a. Declaring that Meta has violated HIUDAP by engaging in the unlawful
28 acts and practices alleged herein;

- 1 b. Permanently enjoining Meta from engaging in any acts that violate
- 2 HIUDAP, including, but not limited to, the unfair or deceptive acts or
- 3 practices alleged herein;
- 4 c. Assessing civil penalties against Meta in the amount not exceeding
- 5 \$10,000.00 for each and every violation of HIUDAP pursuant to HRS §
- 6 480-3.1;
- 7 d. Awarding the State’s reasonable attorneys’ fees and costs pursuant to HRS
- 8 § 480-14 (c) for violations of HIUDAP;
- 9 e. Pre- and post-judgment interest; and
- 10 f. Awarding such other relief as this Court deems just and equitable.

11 8. For Illinois:

- 12 a. Find that Meta violated Section 2 of the Consumer Fraud Act, 815 ILCS
- 13 505/2, by engaging in unlawful acts and practices including, but not limited
- 14 to, the unlawful acts and practices alleged herein;
- 15 b. Enter a permanent injunction pursuant to 815 ILCS 505/7 to prevent future
- 16 violations of the Consumer Fraud Act;
- 17 c. Order Meta to pay penalties up to \$50,000 per unfair or deceptive act or
- 18 practice and an additional amount of \$50,000 for each act or practice found
- 19 to have been committed with the intent to defraud, as provided in Section 7
- 20 of the Consumer Fraud Act, 815 ILCS 505/7;
- 21 d. Order Meta to pay monetary relief, including restitution to Illinois
- 22 consumers, and disgorgement of revenues pursuant to 815 ILCS 505/7;
- 23 e. Order Meta to pay all costs of the State of Illinois in bringing this action
- 24 pursuant to 815 ILCS 505/10;
- 25 f. Award any other and additional relief as the Court may determine to be just
- 26 and proper.

27 9. For Indiana:

28

- 1 a. Pursuant to Ind. Code § 24-5-0.5-4(c)(1), permanently enjoin Meta from
- 2 engaging in acts or omissions alleged in this Complaint that violate the
- 3 Indiana Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1 *et seq.*;
- 4 b. Pursuant to Ind. Code § 24-5-0.5-4(c)(2), order Meta to pay restitution to
- 5 aggrieved Indiana consumers;
- 6 c. Pursuant to Ind. Code § 24-5-0.5-4(c)(4), order Meta to pay costs,
- 7 awarding the Office of the Attorney General its reasonable expenses
- 8 incurred in the investigation and prosecution of this action;
- 9 d. Pursuant to Ind. Code § 24-5-0.5-4(g), order Meta to pay civil penalties for
- 10 Meta's knowing violations of Ind. Code § 24-5-0.5-3(a) and Ind. Code §§
- 11 24-5-0.5-3(b)(1) and (2), payable to the State of Indiana, in the amount of
- 12 five thousand dollars (\$5,000.00) per violation;
- 13 e. Pursuant to Ind. Code § 24-5-0.5-8, order Meta to pay civil penalties for
- 14 Meta's incurable deceptive acts, payable to the State of Indiana, in the
- 15 amount of five hundred dollars (\$500.00) per violation; and
- 16 f. Pursuant to Ind. Code § 24-5-0.5-4(c), all other just and proper relief,
- 17 including but not limited to equitable relief such as disgorgement of
- 18 revenues from any ill-gotten gains.

19 10. For Kansas:

- 20 a. Permanently enjoin Meta, pursuant to K.S.A. 50-632 from engaging in any
- 21 acts that violate the KCPA, including, but not limited to, the deceptive and
- 22 unconscionable acts or practices alleged herein;
- 23 b. Order Meta to pay civil penalties in the amount of \$10,000.00, pursuant to
- 24 K.S.A. 50-636(a), for each violation of the KCPA;
- 25 c. Order Meta to pay all expenses and investigation fees, pursuant to K.S.A.
- 26 50-632(a)(4); and
- 27 d. Such other relief as the Court deems just and equitable.

28 11. For Kentucky:

- 1 a. Disgorgement and restitution pursuant to Ky. Rev. Stat. § 15.020, Ky. Rev.
2 Stat. § 367.110 through Ky. Rev. Stat. § 367.990, and common law;
- 3 b. Injunctive and other equitable relief pursuant to Ky. Rev. Stat. § 15.020,
4 Ky. Rev. Stat. § 367.190, and common law;
- 5 c. Civil penalties pursuant to Ky. Rev. Stat. § 367.990(2);
- 6 d. Costs and attorneys' fees pursuant to Ky. Rev. Stat. § 367.110 through Ky.
7 Rev. Stat. § 367.990, Ky. Rev. Stat. § 48.005(4), and common law; and
- 8 e. Other remedies as the Court may deem appropriate under the facts and
9 circumstances of the case.

10 12. For Louisiana:

- 11 a. An order declaring Meta's conduct to be in violation of LA. REV. STAT.
12 ANN. § 51:1405;
- 13 b. Issuing a permanent injunction prohibiting Meta from engaging in future
14 unfair and deceptive trade practices pursuant to LA. REV. STAT. ANN.
15 § 51:1407;
- 16 c. Ordering Meta to pay civil penalties for each and every violation of the
17 Louisiana Consumer Protection Law pursuant to LA. REV. STAT. ANN.
18 § 51:1407;
- 19 d. Ordering Meta to pay all costs and reasonable attorneys' fees for the
20 prosecution and investigation of this action; and
- 21 e. Ordering any other additional relief as the Court may deem just and proper.

22 13. For Maine:

- 23 a. An order pursuant to ME. REV. STAT. ANN. tit. 5, § 209 to permanently
24 enjoin and restrain the use of the unfair or deceptive methods, acts, or
25 practices which are unlawful under ME. REV. STAT. ANN. tit. 5, § 207 as
26 described in this Complaint;

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- b. An order pursuant to ME. REV. STAT. ANN. tit. 5, § 209 requiring Meta to forfeit and pay civil penalties for each intentional violation of the Maine Unfair Trade Practices Act;
- c. An order requiring Meta to pay the costs and expenses of this action incurred by the Attorney General, including, but not limited to, expert costs and attorneys’ fees, pursuant to ME. REV. STAT. ANN. tit. 5, § 209 and ME. REV. STAT. ANN. tit. 14, § 1522(1)(A); and
- d. Any such further orders as the Court may deem just and proper to effectuate the purposes of the Maine Unfair Trade Practices Act.

14. For Michigan:

- a. The Attorney General for the State of Michigan seeks a permanent injunction against Meta restraining future violations of the MCPA and other law; a civil fine of \$25,000 per violation; a declaratory judgment that the conduct comprising MCPA violations described above are unlawful; restitution and monetary damages of not less than \$250.00 per consumer damaged by the MCPA violations described above; costs and reasonable attorneys’ fees; and any other relief this Court considers just and proper.

15. For Minnesota:

- a. With respect to the state law claims set forth by the State of Minnesota, award judgment against Meta, jointly and severally, as follows:
 - i. Declaring that Meta’s actions and omissions, as described in this Complaint, constitute multiple, separate violations of Minnesota Statutes section 325D.44, subdivision 1;
 - ii. Permanently enjoining Meta and its employees, officers, directors, agents, successors, assignees, affiliates, merged or acquired predecessors, parents or controlling entities, subsidiaries, and all other persons acting in concert or participation with them from

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engaging in conduct in violation of Minnesota Statutes section 325D.44, subdivision 1;

- iii. Awarding judgment against Meta for restitution, disgorgement, and/or damages for Minnesota consumers under Minnesota Statutes section 8.31, the *parens patriae* doctrine, the general equitable powers of this Court, and any other authority;
- iv. Awarding judgment against Meta for civil penalties pursuant to Minnesota Statutes section 8.31, subdivision 3, for each separate violation of Minnesota Statutes section 325D.44, subdivision 1;
- v. Awarding the State of Minnesota its costs, including litigation costs, costs of investigation, and attorneys' fees, as authorized by Minnesota Statutes section 8.31, subdivision 3a; and
- vi. Granting such further relief as provided by law or equity or as the Court deems appropriate and just.

16. For Missouri:

- a. An order declaring Meta's conduct to be in violation of the Missouri Merchandising Practices Act (MMPA), Mo. Rev. Stat. §407.020;
- b. An order permanently enjoining Meta and anyone in active concert or participation with Meta with notice of such injunctive orders, from engaging in any unlawful practices as defined in and proscribed by the MMPA and as set forth in this Complaint, pursuant to Mo. Rev. Stat. §407.100.1;
- c. An order to prevent the employment and recurrence of the unlawful acts and practices described in this Complaint, including disgorgement, or other equitable relief, including injunctive relief, pursuant to Mo. Rev. Stat. §407.100.3;
- d. An order an order of restitution, payable to the State of Missouri, as may be necessary to restore to any person who has suffered any ascertainable loss

- 1 as a result of Meta’s unlawful practices, pursuant to Mo. Rev. Stat.
- 2 §407.100.4;
- 3 e. An order requiring Meta to pay an amount equal to ten percent of any
- 4 restitution awarded, pursuant to Mo. Rev. Stat. §407.140.3;
- 5 f. An order requiring Meta to pay civil penalties pursuant to Mo. Rev. Stat.
- 6 §407.100.6;
- 7 g. An order requiring Meta to pay the Attorney General’s costs and fees of
- 8 investigating and prosecuting this action, including, but not limited to,
- 9 expert costs and attorneys’ fees, pursuant to Mo. Rev. Stat. §407.130; and
- 10 h. Any such further orders as the Court may deem just and proper to
- 11 effectuate the purposes of the MMPA.

12 17. For Nebraska:

- 13 a. Permanently enjoining Meta, its agents, employees, and all other persons
- 14 and entities, corporate or otherwise, in active concert or participation with
- 15 any of them, pursuant to Neb. Rev. Stat. §§ 59-1608 and 87-303.05, from
- 16 engaging in conduct described in the Complaint to be in violation of the
- 17 Consumer Protection Act and Uniform Deceptive Trade Practices Act;
- 18 b. Permanently enjoining Meta, its agents, employees, and all other persons
- 19 and entities, corporate or otherwise, in active concert or participation with
- 20 any of them, pursuant to Neb. Rev. Stat. §§ 59-1608 and 87-303.05, from
- 21 violating the Consumer Protection Act, Uniform Deceptive Trade Practices
- 22 Act, and any amendments thereto;
- 23 c. Ordering Meta to pay restitution, pursuant to Neb. Rev. Stat. §§ 59-1608(2)
- 24 and 87-303.05(1), to any person or persons adversely affected by Meta’s
- 25 acts or practices in violation of the Nebraska Consumer Protection Act and
- 26 Nebraska Uniform Deceptive Trade Practices Act;
- 27 d. Ordering Meta to pay the State a civil penalty in the amount of two
- 28 thousand (\$2,000.00) dollars per violation, pursuant Neb. Rev. Stat. §§ 59-

1 1614 and 87-303.11, for each and every violation of the Consumer
2 Protection Act and Uniform Deceptive Trade Practices Act;

3 e. Ordering Meta to pay the State's costs and attorneys' fees in this matter,
4 pursuant to Neb. Rev. Stat. §§ 59-1608 and 87-303(b); and

5 f. Granting such further relief as the Court may deem just and appropriate.

6 18. For New Jersey:

7 a. With respect to the state law claims set forth by New Jersey, pursuant to
8 the Consumer Fraud Act (CFA), N.J. STAT. ANN. §§ 56:8-1 to 227, award
9 New Jersey: (1) the maximum statutory civil penalties for each violation of
10 CFA committed by Meta of \$10,000 for the first violation and \$20,000 for
11 each second and subsequent violation, pursuant to N.J. STAT. ANN. §§
12 56:8-13 and 14; (2) damages and restitution for New Jersey consumers
13 under N.J. STAT. ANN. § 56:8-8; (3) injunctive and other equitable relief,
14 pursuant to N.J. STAT. ANN. § 56:8-8; (4) treble damages under N.J. STAT.
15 ANN. § 56:8-19; (5) costs and attorneys' fees pursuant to N.J. STAT. ANN. §
16 56:8-11; and (6) any other remedies as the Court may deem appropriate
17 under the facts and circumstances of the case.

18 19. For New York:

19 a. Permanently enjoining Meta from violating the laws of the State of New
20 York, including New York Executive Law § 63(12) and New York General
21 Business Law §§ 349 and 350;

22 b. Directing Meta to make full restitution to consumers and pay damages
23 caused, directly or indirectly, by the fraudulent, deceptive, and illegal acts
24 complained of herein plus applicable pre-judgment interest;

25 c. Directing Meta to pay a civil penalty of \$5,000 for each violation of New
26 York General Business Law Article 22-A, pursuant to New York General
27 Business Law § 350-d;
28

- 1 d. Directing such other equitable relief as may be necessary to redress Meta’s
- 2 violations of New York law;
- 3 e. Directing Meta to produce an accounting of profits and to disgorge all
- 4 profits resulting from the fraudulent and illegal practices alleged herein;
- 5 f. Awarding the Attorney General of the State of New York its costs; and
- 6 g. Granting such other and further relief as the Court deems just and proper.

7 20. For North Carolina:

- 8 a. Permanently enjoin Meta from engaging in the unfair or deceptive acts and
- 9 practices described herein and from engaging in any other acts and
- 10 practices with the same purpose or effect, pursuant to N.C.G.S. § 75-14;
- 11 b. Enter any other permanent relief necessary to remedy the effects of Meta’s
- 12 unfair or deceptive conduct, pursuant to N.C.G.S. § 75-14;
- 13 c. Award the State of North Carolina the disgorgement of profits from Meta’s
- 14 unfair or deceptive acts and practices;
- 15 d. Award the State of North Carolina civil penalties, pursuant to N.C.G.S.
- 16 § 75-15.2;
- 17 e. Award the State of North Carolina its costs, including a reasonable
- 18 attorney’s fee, incurred by the investigation and litigation of this matter,
- 19 pursuant to N.C.G.S. § 75-16.1;
- 20 f. Award the State of North Carolina any and all other legal and equitable
- 21 relief as the Court may determine to be just and proper.

22 21. For North Dakota:

- 23 a. Find that Meta engaged in acts or practices that violate N.D. Cent. Code
- 24 §51-15-02;
- 25 b. Permanently enjoin Meta from engaging in any acts or practices that
- 26 violate N.D. Cent. Code §51-15-02, including the unlawful acts or
- 27 practices alleged herein, pursuant to N.D. Cent. Code §51-15-07;
- 28

- 1 c. Award for the benefit of the state of North Dakota civil penalties of up to
- 2 \$5,000 for each violation of N.D. Cent. Code §51-15-02, pursuant to N.D.
- 3 Cent. Code §51-15-11;
- 4 d. Award all sums necessary to prevent Meta's use or employment of
- 5 unlawful practices, and restore to persons any money or property that may
- 6 have been acquired by means of a practice violating N.D. Cent. Code § 51-
- 7 15-02, pursuant to N.D. Cent. Code §51-15-07;
- 8 e. Award, to the Attorney General, reasonable attorneys' fees, investigation
- 9 fees, costs, and expenses of the investigation and prosecution of this action,
- 10 pursuant to N.D. Cent. Code §51-15-10; and
- 11 f. Award such other relief as this Court deems just and equitable.

12 22. For Ohio:

- 13 a. Issue a declaratory judgment that each act or practice complained of herein
- 14 violates the CSPA, Ohio Rev. Code §1345.01 *et seq.*, in the manner set
- 15 forth in the Complaint;
- 16 b. Issue a permanent injunction enjoining Meta, its agents, employees,
- 17 successors or assigns, and all persons acting in concert and participation
- 18 with them, directly or indirectly, through any corporate device, partnership,
- 19 or other association, under these or any other names, from engaging in the
- 20 acts and practices of which Ohio complains and from further violating the
- 21 CSPA, Ohio Rev. Code §1345.01 *et seq.*;
- 22 c. Assess, fine and impose upon Meta a civil penalty of up to \$25,000.00 for
- 23 each separate and appropriate violation of the CSPA described herein
- 24 pursuant to Ohio Rev. Code §1345.07(D);
- 25 d. Grant Ohio its costs incurred in bringing this action, including but not
- 26 limited to, the cost of collecting on any judgment awarded;
- 27 e. Order Meta to pay all court costs associated with this matter; and
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1 f. Grant such other relief as the Court deems to be just, equitable, and
2 appropriate.

3 23. For Oregon:

- 4 a. Entering a permanent injunction to prevent Meta from future violations of
5 Oregon’s UTPA, pursuant to O.R.S. § 646.636;
6 b. Awarding civil penalties up to \$25,000 for each willful violation of O.R.S.
7 § 646.607 and O.R.S. § 646.608, pursuant to O.R.S. § 646.642; and
8 c. Awarding reasonable attorneys’ fees and costs of the investigation,
9 preparation, and litigation, pursuant to O.R.S. § 646.632(8) and O.R.C.P.
10 68.

11 24. For Pennsylvania:

- 12 a. Declaring Meta’s conduct as described herein above to be in violation of
13 the UTPCL;
14 b. Permanently enjoining Meta and all other persons acting on its behalf,
15 directly or indirectly, from violating the UTPCL;
16 c. Directing Meta to make full restitution, pursuant to section 201-4.1 of the
17 UTPCL, to all consumers who have suffered losses as a result of the acts
18 and practices alleged in this Complaint and any other acts or practices
19 which violate the UTPCL;
20 d. Directing Meta to pay to the Commonwealth of Pennsylvania civil
21 penalties of One Thousand and 00/100 Dollars (\$1,000.00) for each
22 instance of a past or present violation of the UTPCL;
23 e. Requiring Meta to pay the Commonwealth of Pennsylvania’s investigative
24 and litigation costs in this matter; and
25 f. Granting such other general, equitable and/or further relief as the Court
26 deems just and proper.

27 25. For Rhode Island:
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- a. Enter an order permanently enjoining Meta from engaging in any of the acts or practices described herein and any further violation of the RI DTPA;
- b. Declare the acts or practices described herein to be unlawful under the RI DTPA;
- c. Order Restoration to any person in interest any moneys or property, real or personal, that may have been acquired by means of any act or practice described herein;
- d. Order Meta to pay the State of Rhode Island’s costs and attorneys’ fees;
- e. Order Meta to pay a civil penalty of up to ten thousand dollars (\$10,000.00) per violation of the Deceptive Trade Practices Act as provided by R.I. Gen. Laws § 6-13.1-8; and
- f. Order any other relief that the Court deems appropriate.

26. For South Carolina:

- a. Permanently enjoin Meta, pursuant to section 39-5-50(a) of the South Carolina Code from engaging in any acts that violate SCUTPA, including, but not limited to, the unfair or deceptive acts or practices alleged herein;
- b. Order Meta to restore to all persons and entities all ascertainable losses suffered as a result of Meta’s violations of SCUTPA;
- c. Order Meta to pay civil penalties in the amount of \$5,000.00, pursuant to section 39-5-110(a) of the South Carolina Code, for each and every willful violation of SCUTPA;
- d. Order Meta to pay attorneys’ fees and costs pursuant to section 1-7-85 of the South Carolina Code for violations of SCUTPA;
- e. Pre- and post-judgment interest; and
- f. Such other and further relief as this Court deems just and equitable.

27. For Virginia:

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- a. Pursuant to Virginia Code § 59.1-203, enter a permanent injunction against Meta restraining future VCPA violations;
- b. Pursuant to Virginia Code § 59.1-206(A), award to the Commonwealth of Virginia civil penalties of up to \$2,500.00 per violation for each willful violation of § 59.1-200 of the VCPA, the exact number of violations to be proven at trial;
- c. Pursuant to Virginia Code § 59.1-205, award all sums necessary to restore to any consumers the money or property acquired from them by Meta in connection with violations of § 59.1-200 of the VCPA;
- d. Pursuant to Virginia Code § 59.1-206(D), award to the Commonwealth of Virginia its costs, reasonable expenses incurred in investigating and preparing the case, up to \$1,000.00 per violation of § 59.1-200 of the VCPA, the exact number of violations to be proven at trial, as well as the Commonwealth of Virginia’s attorneys’ fees; and
- e. Award any such other and additional relief as this Court deems just and proper.

28. For Washington:

- a. Adjudge and decree that Meta has engaged in the conduct complained of herein;
- b. Adjudge and decree that the conduct complained of in the Complaint constitutes unfair or deceptive acts or practices in violation of the Washington Consumer Protection Act, Wash. Rev. Code. § 19.86;
- c. Issue a permanent injunction enjoining and restraining Meta and its representatives, successors, assigns, officers, agents, servants, employees, and all other persons acting or claiming to act for, on behalf of, or in active concert or participation with Meta from continuing or engaging in the unlawful conduct complained of herein;

- 1 d. Assess civil penalties, pursuant to Wash. Rev. Code. § 19.86.140, of up to
- 2 \$7,500 per violation against Meta for each and every violation of Wash.
- 3 Rev. Code. § 19.86.020 alleged herein;
- 4 e. Assess an enhanced civil penalty of \$5,000, pursuant to Wash. Rev. Code.
- 5 § 19.86.140, against Meta for each and every violation of Wash. Rev.
- 6 Code. § 19.86.020 alleged herein that target or impact specific individuals,
- 7 groups of individuals, or communities based on demographic
- 8 characteristics, including but not limited to sex and age;
- 9 f. Order Meta to pay restitution and/or other monetary relief;
- 10 g. Disgorge Meta of money, property, or data (including any algorithms
- 11 developed using such data) acquired by Meta as a result of the conduct
- 12 complained of herein;
- 13 h. Award the State of Washington the costs of bringing this action, including
- 14 reasonable attorney’s fees; and
- 15 i. Award any other and additional relief as the Court may determine to be just
- 16 and proper.

17 29. For Wisconsin:

- 18 a. An order and judgment declaring Meta’s conduct to be in violation of the
- 19 Wisconsin Deceptive Trade Practices Act, Wis. Stat. § 100.18(1);
- 20 b. An order and judgment requiring Meta to restore any pecuniary losses
- 21 suffered by any person because of Meta’s acts or practices in violation of
- 22 Wis. Stat. § 100.18(1);
- 23 c. An order and judgment permanently enjoining Meta, its successors,
- 24 assigns, officers, directors, agents, dealers, servants, employees,
- 25 representatives, solicitors, and all persons acting or claiming to be acting
- 26 on its behalf, pursuant to Wis. Stats. §§ 100.18(11)(a) and (d) from making
- 27 further false, deceptive, or misleading representations;
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- d. An order and judgment imposing civil forfeitures against Meta in the amount of not less than \$50 nor more than \$200 for each violation of Wis. Stat. § 100.18(1) pursuant to Wis. Stat. § 100.26(4), consumer protection surcharges pursuant to Wis. Stat. § 100.261, plus all applicable assessments and costs;
- e. An order and judgment awarding the State of Wisconsin the expenses of investigation and prosecution of this action, including attorneys' fees, pursuant to Wis. Stat. § 100.263; and
- f. Any such other and further relief as justice and equity may require.

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Dated: October 24, 2023

Respectfully submitted,

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