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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

STATE OF NEVADA,  
  
Plaintiff,  
  
vs.  
  
META PLATFORMS, INC. f/k/a  
FACEBOOK, INC.; INSTAGRAM, LLC,  
  
Defendants.

Case No.:  
Dept. No.:  
  
**COMPLAINT AND DEMAND FOR JURY  
TRIAL**  
  
**Exempt from Arbitration:**  
Business Court Matter  
Declaratory Relief Sought  
Amount In Controversy Greater than \$50,000  
  
**Business Court Requested:**  
EDCR 1.61 – Enhanced Case Management

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1 Plaintiff, the State of Nevada, by and through Aaron D. Ford, Attorney General, and the  
2 undersigned attorneys (the “State”) brings this Complaint against Defendants Meta Platforms,  
3 Inc. f/k/a Facebook, Inc. (“Meta”) and its social media platform Instagram,<sup>1</sup> owned and operated  
4 by Instagram, LLC (“Instagram”) (collectively, Meta and Instagram are referred to herein as  
5 “Defendants”), and alleges, upon information and belief, as follows:

## 6 INTRODUCTION

7 1. The State of Nevada, by and through Aaron D. Ford, Attorney General for the  
8 State of Nevada, and Ernest Figueroa, Consumer Advocate, files this Complaint on behalf of  
9 the State to eliminate the hazard to public health and safety caused by Defendants’ social media  
10 platform Instagram, and to recover civil penalties and other relief arising out of Defendants’  
11 false, deceptive, and unfair marketing and other unlawful conduct arising from the design and  
12 implementation of Instagram.

13 2. Meta (formerly Facebook, Inc.) is the parent company of some of the world’s  
14 largest social media platforms, including the wildly popular platform Instagram. Worldwide,  
15 users number 2.4 billion, meaning that approximately one quarter of the world’s population  
16 utilizes this platform every month.<sup>2</sup> Because of its scale, Instagram is also wildly remunerative,  
17 with Defendants generating billions of dollars in revenue from facilitating targeted advertising.

18 3. However, this revenue is only available as long as there is an audience on  
19 Instagram to view those highly-targeted advertisements. Thus, Meta is incentivized to keep as  
20 many of its users on the platform for as long as possible. But Meta has crossed a line from  
21 simply enticing its audience to taking steps to keep its audience *addicted* to the platform.  
22 Highly-skilled and highly-paid employees have invested years of research and analysis into  
23 designing and deploying features on Instagram that make it impossible not just to quit using the  
24

25 <sup>1</sup> In general, the term “social media platform” refers to a website and/or app (often operating in  
26 conjunction, under the same name) that allows people to create, share, and exchange content  
27 (such as posts of text, photos, videos, etc.) with other users of the platform. Examples of popular  
28 social media platforms include Facebook, Instagram, Messenger, Snapchat, and TikTok.

<sup>2</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
(last visited Jan. 27, 2024).

1 app, but simply to put our phones down to attend to the most basic functions of our daily lives.  
2 It demands our attention first thing in the morning and last thing at night, at the dinner table,  
3 while we're walking down the street, even when we are driving.

4 4. This addiction to social media—and its consequences—is increasingly being  
5 called out by stakeholders and advocates. One of the most succinct critiques can be found in the  
6 documentary film, *The Social Dilemma*, which addresses our addiction to posts, likes, pokes,  
7 chats, and all of the other prompts that Big Tech<sup>3</sup> has deployed to keep us addicted to their apps.  
8 As an interviewee in the film notes: “*There are only two industries that call their customers*  
9 *‘users’: illegal drugs and software.*”<sup>4</sup>

10 5. And, much like an illegal drug, Instagram has been designed to be an addiction  
11 machine, targeting people under the age of 18 (“Young Users”) and more insidiously children  
12 under the age of 13 (“Youngest Users”) who, as Meta well knows, have developmentally limited  
13 capacity for self-control. Children are the most vulnerable to these intentionally addictive  
14 design elements. As one specialist in social media addiction notes, “[a]dolescence is second  
15 only to infancy when it comes to growth. Therefore, the impact of social media on a developing  
16 teen’s mind and body can be huge.”<sup>5</sup> Social media platforms like Instagram, with design  
17 elements that intentionally keep children engaged for as long as possible—to the exclusion of  
18 all other activities—harm their users emotionally, developmentally, and physically. They lead  
19 to a condition known as “problematic internet use,”<sup>6</sup> which is associated with a range of harms,  
20

---

21 <sup>3</sup> “Big Tech” is a term commonly used to describe the largest global technology corporations—  
22 most typically, this group includes Meta, Alphabet (Google), Amazon, Apple, and Microsoft.  
23 However, more broadly, the term refers to the amalgam of large technology companies that  
24 create and maintain technologies and platforms that are intertwined with our daily lives.

24 <sup>4</sup> *The Social Dilemma*. Directed by Jeff Orlowski-Yang; Produced by Exposure Labs, Argent  
25 Pictures, The Space Program; 2020. *Netflix*, <https://www.netflix.com/watch/81254224> (last  
26 visited Jan. 27, 2024).

26 <sup>5</sup> <https://www.newportacademy.com/resources/mental-health/teens-social-media-addiction/>  
27 (last visited Jan. 27, 2024).

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

1 including but not limited to exposure to predators and online bullies, age-inappropriate content,  
2 damage to children’s self-esteem, and increased risk of eating disorders and even suicide.

3 6. As the U.S. Surgeon General recently explained, children’s and parents’  
4 attempts to resist social media is an unfair fight: “You have some of the best designers and  
5 product developers in the world who have designed these products to make sure people are  
6 maximizing the amount of time they spend on these platforms. And if we tell a child, use the  
7 force of your willpower to control how much time you’re spending, you’re pitting a child  
8 against the world’s greatest product designers.”<sup>7</sup>

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

14 8. Meta has designed Instagram to exploit that dynamic by embedding within the  
15 platform an array of design features that maximize youth engagement, peppering them with  
16 reminders to “log on” and making it psychologically difficult to “log off.” Specifically,  
17 Defendants rely on design elements to make Instagram addictive to all users, and to Young  
18 Users in particular (“Design Elements”). These Design Elements—Low-Friction Variable  
19 Rewards; Social Manipulation; Ephemeral Content; Push Notifications; and Harmful Filters  
20 (each defined below)—each serve as an obstacle to Young User’s free decision-making.

21 9. Instagram’s design and platform features have fueled the explosive increase in  
22 the amount of time that Young Users spend on these platforms. As [REDACTED]  
23 [REDACTED]—and as anyone who has recently spent time with adolescents can attest—Meta has  
24 successfully induced Young Users to spend vast amounts of time on its social media platforms.

25 \_\_\_\_\_  
26 <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0145981> (last visited Jan. 27,  
2024).

27 <sup>7</sup> Allison Gordon & Pamela Brown, *Surgeon General says 13 is ‘too early’ to join social media*,  
28 CNN (Jan. 29, 2023), <https://www.cnn.com/2023/01/29/health/surgeon-general-social-media/index.html> (last visited Jan. 27, 2024).

1 Indeed, for many Young Users, social media platforms are viewed as an indispensable part of  
2 their identity, a forum to share a carefully cultivated personality “highlight reel,” and a place  
3 where they must constantly be “present”—whether they want to be or not.

4 10. All the while, Meta understands that Young Users’ time spent on its social media  
5 platforms is not the product of free choice. As [REDACTED]  
6 [REDACTED]—Young Users feel  
7 addicted to these platforms. They widely report difficulty controlling their time spent on the  
8 applications (also referred to as “app” or “apps”). And they frequently express that they would  
9 prefer to spend meaningfully less time on social media platforms but feel powerless to do so.  
10 Still, Meta has not introduced any product changes to meaningfully reduce its platforms’  
11 addictiveness.

12 11. The widespread compulsive use that Meta induced—and allowed to continue  
13 unabated—has come at a massive societal cost. In effect, Meta is conducting a potentially  
14 society-altering experiment on a generation of Young Users’ developing brains.<sup>8</sup> While this  
15 experiment’s full impact may not be realized for decades, the early returns are alarming.

16 12. Researchers warn that compulsive use of social media platforms impose a wide  
17 range of harms, including increased levels of depression, anxiety, and attention deficit  
18 disorders; altered psychological and neurological development; and reduced sleep, to name a  
19 few. And that is to say nothing of the immense opportunity cost imposed when youth spend  
20 critical years glued to social media platforms, not engaged in the varied and profound  
21 experiences associated with growing up in the physical world.

22  
23  
24 <sup>8</sup> At least one recent study involving children’s use of Facebook, Instagram, and Snapchat  
25 “suggests that social media behaviors in early adolescence may be associated with changes in  
26 adolescents’ neural development, specifically neural sensitivity to potential social feedback.”  
27 Maria T. Maza, Kara A. Fox, Seh-Joo Kwon, et al., Association of Habitual Checking Behaviors  
28 on Social Media With Longitudinal Functional Brain Development, *JAMA Pediatr.* (Jan. 3,  
2023), <https://jamanetwork.com/journals/jamapediatrics/article-abstract/2799812> (last visited  
Jan. 27, 2024). These changes in adolescents’ neural development may permanently alter their  
brains with unknown long-term impacts. *Id.*

1           13.     In short, Meta’s business strategy that purposefully addicts Young Users to its  
2 social media platforms has caused widespread and significant injury to Nevadans, and young  
3 Nevadans in particular.

4           14.     Meta also deceived and continues to deceive Nevada consumers—and, critically,  
5 parents—on a large scale. Here, Meta misled consumers, parents, and guardians by concealing  
6 the various and significant risks social media platforms present to its users, particularly Young  
7 Users. Meta further made multiple, affirmative misrepresentations and engaged in material  
8 omissions regarding the safety of its platforms, to the detriment of Nevadans.

9           15.     First, Meta has long known that Instagram was harmful for users, and especially  
10 ruinous for young women. But Meta did not share that materially important information with  
11 consumers using their products. Instead, Meta’s

[REDACTED]

16           16.     In one particularly distressing episode, Zuckerberg  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

20 [REDACTED] harmful effects of this platform feature.

21           17.     Second, Meta publicizes its “Community Standards Enforcement Reports,” or  
22 CSER, to create the façade that its social media platforms are a safe platform where harmful  
23 content was rarely encountered. Specifically, these reports touted the low “prevalence” of  
24 Community Standards violations, which the Company used as evidence that its platforms are  
25 safe. But that is a false narrative that misleads consumers about the true extent of harmful  
26 experiences on Instagram.

27           18.     To illustrate, in the third quarter 2021 Community Standards Enforcement  
28 Report, Meta showcased the low “prevalence” of violating content, estimating for example that

1 “between 0.05% to 0.06% of views were of content that violated our standards against bullying  
2 & harassment [on Instagram].” That creates the impression that bullying and harassing content  
3 is extremely rare on Instagram—5 or 6 in 10,000 pieces of content.

4 [REDACTED] In reality, [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 20. While reasonable consumers could not have understood the difference between  
19 Meta’s reported “prevalence” metrics and the actual incidence of harm on Instagram, Meta’s  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED] continues to issue misleading reports  
23 to this day.

24 21. The State obtained testimony from the [REDACTED]  
25 [REDACTED]  
26 [REDACTED]

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] minimized or downplayed the harms users were experiencing on Meta's  
5 platforms, he testified:

6 [REDACTED]  
7 [REDACTED]  
8 22. Third, Meta misled the public through false, affirmative statements about its  
9 commitment to well-being related products and features. As one example, it long touted its  
10 [REDACTED]  
11 [REDACTED] as a demonstration of Meta's commitment to well-being. But when Meta learned that its  
12 [REDACTED]  
13 preferring to mislead its users (and parents) than suffer a public-relations hit for rolling back or  
14 fixing a purported "wellness" feature.

15 23. Fourth, Meta made material misrepresentations to develop trust among  
16 consumers, parents, and guardians that its social media platforms are a safe place for Young  
17 Users. In various public channels, Meta deceptively represented (1) that it does not prioritize  
18 increasing users' time on its platforms; (2) that it protects Young Users from harmful or  
19 inappropriate content on its platforms; (3) that it does not place a monetary value on Young  
20 Users' use of Meta platforms; (4) that it has not changed its internal data and research access  
21 policies in response to The Wall Street Journal's 2021 coverage of its internal research findings;  
22 and (5) that its platforms are not addictive.

23 24. In sum, through its acts, omissions, and statements, Meta carefully created the  
24 impression that its social media platforms were and *are still* a safe platform where users were  
25 unlikely to experience significant harm and where users' mental health was an important  
26 Company priority. That representation was material, false, and misleading.

27 \_\_\_\_\_  
28 <sup>9</sup> [REDACTED]



1 to the Instagram product specifically, Plaintiff realleges them in full against Instagram LLC as  
2 well.

3 31. All of the allegations described in this Complaint were part of, and in furtherance  
4 of, the unlawful conduct alleged herein, and were authorized, ordered and/or done by  
5 Defendants’ officers, agents, employees, or other representatives while actively engaged in the  
6 management of Defendants’ affairs within the course and scope of their duties and employment,  
7 and/or with Defendants’ actual, apparent and/or ostensible authority.

### 8 JURISDICTION AND VENUE

9 32. Subject matter jurisdiction for this case is conferred upon this Court pursuant to,  
10 inter alia, Article 6, Section 6 of the Nevada Constitution.

11 33. This Court has personal jurisdiction over Defendants because Defendants do  
12 business in Nevada and/or have the requisite minimum contacts with Nevada necessary to  
13 constitutionally permit the Court to exercise jurisdiction with such jurisdiction also within the  
14 contemplation of the Nevada “long arm” statute, NRS § 14.065. More specifically, and set forth  
15 in greater detail, *infra*, Meta enriches itself by selling advertisements targeted to Nevada.  
16 According to Meta’s public advertising library, Meta regularly sells advertisements specific to  
17 Nevada, and it allows businesses to target specific cities in Nevada.<sup>10</sup> All manner of Nevada  
18 entities advertise on Instagram to reach a Nevada audience and expand their business in Nevada.

19 34. The instant Complaint does not confer diversity jurisdiction upon the federal  
20 courts pursuant to 28 USC § 1332, as the State is not a citizen of any state and this action is not  
21 subject to the jurisdiction of the Class Action Fairness Act of 2005.<sup>11</sup> Likewise, federal question  
22 subject matter jurisdiction pursuant to 28 USC § 1331 is not invoked by the Complaint, as it  
23 sets forth herein exclusively viable state law claims against Defendants. Nowhere herein does  
24 Plaintiff plead, expressly or implicitly, any cause of action or request any remedy that arises

25 <sup>10</sup> <https://www.facebook.com/business/help/1501907550136620> (last visited Jan. 27, 2024).

26 <sup>11</sup> *See, e.g., Postal Tel Cable Co. v. Alabama*, 155 U.S. 482, 487, 15 S.Ct. 192, 194, 39 L.Ed.  
27 231 (1894) (“A State is not a citizen. And, under the Judiciary Acts of the United States, it is  
28 well settled that a suit between a State and a citizen or a corporation of another State is not  
between citizens of different States....”).

1 under federal law. The issues presented in the allegations of this Complaint do not implicate  
2 any substantial federal issues and do not turn on the necessary interpretation of federal law. No  
3 federal issue is important to the federal system as a whole under the criteria set by the Supreme  
4 Court in *Gunn v. Minton*, 568 U.S. 251 (2013) (e.g., federal tax collection seizures, federal  
5 government bonds). Specifically, the causes of action asserted, and the remedies sought herein,  
6 are founded upon the positive statutory, common, and decisional laws of Nevada. Further, the  
7 assertion of federal jurisdiction over the claims made herein would improperly disturb the  
8 congressionally approved balance of federal and state responsibilities. Accordingly, any  
9 exercise of federal jurisdiction is without basis in law or fact.

10 35. In this Complaint, to the extent Plaintiff cites federal statutes and regulations.  
11 Plaintiff does so to state the duty owed under Nevada law, not to allege an independent federal  
12 cause of action and not to allege any substantial federal question under *Gunn v. Minton*. “A  
13 claim for negligence in Nevada requires that the plaintiff satisfy four elements: (1) an existing  
14 duty of care, (2) breach, (3) legal causation, and (4) damages.” *Turner v. Mandalay Sports*  
15 *Entertainment, LLC*, 124 Nev. 213, 180 P.3d 1172 (2008). The element of duty is to be  
16 determined as a matter of law based on foreseeability of the injury. *Estate of Smith ex rel. Smith*  
17 *v. Mahoney’s Silver Nugget, Inc.*, 127 Nev. 855, 265 P.3d 688, 689 (2011).

18 36. To be clear, to the extent Plaintiff cites federal statutes and federal regulations,  
19 it is for the sole purpose of stating the duty owed under Nevada law to the residents of Nevada.  
20 Thus, any attempted removal of this complaint based on a federal cause of action or substantial  
21 federal question is without merit.

22 37. Venue is proper in this Court pursuant to NRS § 598.0989(3) because  
23 Defendants’ conduct alleged herein took place in Clark County, Nevada.

## 24 FACTS

### 25 I. INSTAGRAM, GENERALLY.

26 38. Instagram is a photo-, video-, and text-sharing social networking service. Users  
27 engage with it either via its website or its free-standing app, which users download to their  
28 smartphone or other mobile device. Instagram allows users to post content that can be edited

1 (including with filters for visual posts like photo and video) and organized  
2 by hashtags and geographical tagging. Users can browse other users' posts by tag or location,  
3 view trending content, like posts, and follow other users to add their content to a personal feed.



Fig. 1<sup>12</sup>

18 39. As noted above, Instagram attracts billions of monthly active users worldwide,  
19 and roughly 160 million users in the United States.<sup>13</sup> In 2021, 57% of surveyed American  
20  
21  
22  
23  
24

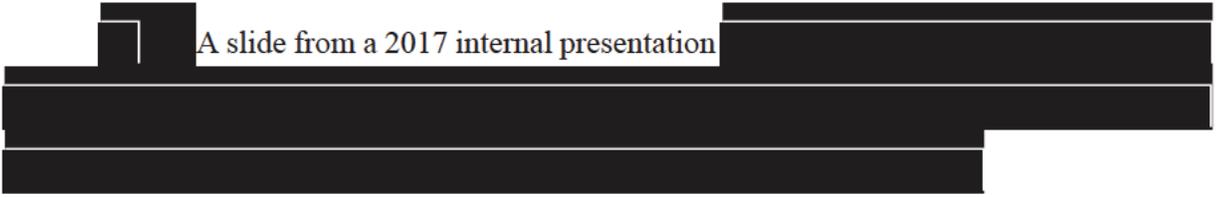
25 <sup>12</sup> Jon Fingas, *Instagram is making its TikTok-like 'Reels' easier to find*, Engadget (June 24,  
26 2020), <https://www.engadget.com/instagram-reels-expansion-000141339.html> (last visited  
27 Jan. 27, 2024).

28 <sup>13</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
(last visited Jan. 27, 2024).

1 children ages 12–17 said they used Instagram every week,<sup>14</sup> while 62% of teens ages 13-17  
2 reported using Instagram, with 10% of teens reporting almost constant use.<sup>15</sup>

3 40. Instagram is a critical social media platform for young people. It has been  
4 described by the Wall Street Journal as “the online equivalent of the high-school cafeteria: a  
5 place for teens to post their best photos, find friends, size each other up, brag and bully.”<sup>16</sup>

6 A slide from a 2017 internal presentation



14 <https://www.statista.com/statistics/578364/countries-with-most-instagram-users/> (last visited Jan. 27, 2024).

15 Salvador Rodriguez, *TikTok usage surpassed Instagram this year among kids aged 12 to 17, Forrester survey says*, CNBC (Nov. 18, 2021, 5:51 PM EST), <https://www.cnbc.com/2021/11/18/tiktok-usage-topped-instagram-in-2021-among-kids-12-to-17-forrester-.html#:~:text=This%20year%2C%2063%25%20of%20Americans,survey%20the%20research%20firm%20conducted> (last visited Jan. 27, 2024)

16 <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> (last visited Jan. 27, 2024).

1           **A.     Meta Offers Its Platforms in Exchange for Consumers’ Valuable**  
2           **Consideration that Enables Meta to Sell Advertising.**

3           42.     Like all social media platforms, Instagram does not charge money from its users  
4 for access. Instead, it monitors its users and surreptitiously collects data related to their online  
5 lives—including the way in which they use the product, the posts with which they interact, the  
6 friends they have, the places they go, the advertisements they view, and even what users do on  
7 other sites or apps. Defendants are consistently the target of regulatory actions, lawsuits, and  
8 news reports related to the vast troves of personal data they acquire on individuals, which they  
9 use (and misuse) to create detailed, individual profiles that in turn are employed to serve users  
10 targeted advertising.

11          43.     As Zuckerberg has explained, “based on what pages people like, what they click  
12 on, and other signals, we create categories...and then charge advertisers to show ads to that  
13 category. Although advertising to specific groups existed well before the internet, online  
14 advertising allows much more precise targeting and therefore more-relevant ads.”<sup>17</sup>

15          44.     The practical effect of this arrangement—free access to the Instagram platform  
16 in exchange for personal data—is best expressed in the documentary *The Social Dilemma*,  
17 which quotes Google’s former design ethicist, Tristan Harris: “*if you’re not paying for the*  
18 *product, then you are the product.*”<sup>18</sup>

19          45.     Because Meta views its users as its product, and because it can best monetize  
20 and collect information about its users while they are on its various platforms (including  
21 Instagram), Meta is incentivized to keep its users on the platforms as long as possible, and as  
22 often as possible. Via his current project, The Center for Humane Technology, Tristan Harris  
23 further explains this concept:

24 \_\_\_\_\_  
25 <sup>17</sup> Understanding Facebook’s Business Model, Mark Zuckerberg, January 24, 2019,  
26 <https://about.fb.com/news/2019/01/understanding-facebooks-business-model/> (last visited Jan.  
27 27, 2024).

28 <sup>18</sup> Abigail McCormick, *Review: The Social Dilemma* (Aug. 8, 2021), <https://sauconpanther.org/2535/arts-and-entertainment/if-youre-not-paying-for-the-product-then-you-are-the-product/> (last visited Jan. 27, 2024).

1 Our attention is a limited resource. There are only so many waking hours in the  
2 day, and therefore only so many things we can focus on. When we pay attention  
to one thing, we're not paying attention to something else.

3 This fact of life has been deeply complicated by technology. With more  
4 information and more choices at our fingertips than ever before, there are  
unprecedented demands on our attention.

5 This feeling of constant distraction is fueled by tech companies that rely on  
6 capturing your attention to make money, normally by selling it to advertisers.

7 ...

8 Each app is caught in a race for your attention, competing not just against other  
9 apps, but also against your friends, your family, your hobbies, and even your  
sleep.

10 ...

11 *[S]ocial media companies don't sell software, they sell influence. They collect*  
12 *in-depth data about how to influence your decisions, then sell that influence to*  
13 *the highest bidder. The more time they can get you to spend scrolling and*  
14 *clicking, the more data they can collect and the more ads they can sell.*<sup>19</sup>

15 46. Defendants acknowledge this fact in their most recent Form 10-K, warning that  
16 decreased use of the Facebook platform—resulting in fewer opportunities to profile users and  
17 serve targeted advertising—is fatal to its business model: “The size of our user base and our  
18 users’ level of engagement across our products are critical to our success. Our financial  
19 performance has been and will continue to be significantly determined by our success in adding,  
20 retaining, and engaging active users of our products that deliver ad impressions, particularly  
21 for...Instagram”<sup>20</sup> Further, Defendants acknowledge that “advertising revenue can also be  
22 adversely affected by,” *inter alia*, “decreases in user engagement, including time spent on our  
23 products” and “our inability to continue to increase user access to and engagement with our  
24 products.”<sup>21</sup>

24 <sup>19</sup> Center for Humane Technology, *The Attention Economy – Why do tech companies fight for*  
25 *our attention?* (Aug. 17, 2021), <https://www.humanetech.com/youth/the-attention-economy>  
(last visited Jan. 27, 2024).

26 <sup>20</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
27 (last visited Jan. 27, 2024).

28 <sup>21</sup> *Id.*

1           47. Competition for users’ attention is fierce, and social media platforms—like  
2 Defendants’—are purposely designed to addict their users. Defendants have both in-house and  
3 external research initiatives designed to document and improve engagement reporting and have  
4 projects that use neuromarketing and virtual reality techniques to measure effectiveness.<sup>22</sup> The  
5 mobilization of all these resources indicates that Instagram platforms is built not for user  
6 experience, but for maximization of profit.

7           48. And this maximization of profit is achieved through addiction. As set forth  
8 below, Defendants employ sophisticated principles first identified by psychologists and other  
9 academics, which they manifest through intentional design elements that exploit those  
10 psychological principles.

11           49. These design elements are not subjective—instead they are part and parcel of  
12 Instagram’s code. They operate consistently, and universally, across the platform, for all users,  
13 including the vulnerable children who Defendants know—to a certainty—are using Instagram.

14           50. Worse still, Defendants’ [REDACTED]  
15 [REDACTED]  
16 [REDACTED] and continues to add features to keep children hooked.

17           **B. Account Creation for Instagram.**

18           51. To fully access Instagram, consumers must create an account. As part of the  
19 account-creation process, consumers enter into a contract with Meta. By entering into these  
20 contracts, users agree to comply with Instagram’s Terms of Use.<sup>23</sup>

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

24 <sup>22</sup> See, e.g., Meta Careers, *Shape the Future of Marketing with the Marketing Science Team*,  
25 Meta (Sept. 19, 2018), [https://www.metacareers.com/life/come-build-with-the-facebook-  
26 marketing-science-team/](https://www.metacareers.com/life/come-build-with-the-facebook-marketing-science-team/) (last visited Jan. 27, 2024); *How Virtual Reality Facilitates Social  
27 Connection*, Meta, [https://www.facebook.com/business/news/insights/how-virtual-reality-  
28 facilitates-social-connection](https://www.facebook.com/business/news/insights/how-virtual-reality-facilitates-social-connection) (last visited Jan. 27, 2024).

<sup>23</sup> Facebook Terms of Service, <https://www.facebook.com/legal/terms> (last visited Jan. 27,  
2024).

1           53.     In exchange for the right to use Instagram, consumers agree to a host of terms  
2 that power Meta’s advertising business. For example, this is confirmed by Instagram’s Terms  
3 of Use:

4           We agree to provide you with the Instagram Service. . . . Instead of paying to  
5 use Instagram, by using the Service covered by these Terms, you acknowledge  
6 that we can show you ads that businesses and organizations pay us to promote  
7 on and off the Meta Company Products. We use your personal data, such as  
8 information about your activity and interests, to show you ads that are more  
9 relevant to you.<sup>24</sup>

10           54.     Consumers also pay for Instagram by agreeing to give Meta access to vast reams  
11 of data arising out of their platform use. Under Instagram’s Terms, consumers “must agree to  
12 [Meta’s] Privacy Policy to use Instagram.” And pursuant to that Policy, each consumer must  
13 agree that Meta may collect a host of data, ranging from information about the consumer’s  
14 activity on Instagram (such as the content they like and accounts they follow); the messages the  
15 consumer sends and receives; the content the consumer provides through Instagram’s camera  
16 feature and the consumer’s camera roll; the ways the consumer interacts with ads, the time the  
17 user spends interacting with various pieces of content; the hardware and software the consumer  
18 is using, the GPS, Bluetooth signals, nearby Wi-Fi access points, beacons and cell towers; and  
19 many other categories of data.

20           55.     Meta also represents itself as a common enterprise. Meta’s financial disclosures  
21 describe Instagram, Facebook, Messenger, and WhatsApp, as Meta’s “‘family’ of products,”  
22 and report revenue and expenses for the entire “family” together.<sup>25</sup> Instagram’s Terms of Use  
23 agreement currently identifies “The Instagram Service” as “one of the Meta Products, provided  
24 to you by Meta Platforms, Inc.”<sup>26</sup> Meta’s supplemental terms for its “Meta Platforms  
25 Technologies Products” is similarly styled as an agreement between Meta Platforms, Inc. and

25 \_\_\_\_\_  
<sup>24</sup> *Id.*

26 <sup>25</sup> Meta Platforms, Inc. Form 10-Q, 1, 4, 33, (Q2 2023), <https://archive.ph/MSvSt> (last visited  
27 Jan. 27, 2024).

28 <sup>26</sup> <https://help.instagram.com/581066165581870> (last visited Jan. 27, 2024).

1 the user.<sup>27</sup> Meta Platforms Technologies Products are defined to include its VR-related  
2 products, such as its Meta Quest and Oculus virtual reality headsets, and Meta Horizon Worlds,  
3 its virtual reality social media platform.<sup>28</sup> Meta Platforms also reports its revenue from its VR  
4 business segment in its financial disclosures.<sup>29</sup>

5 56. Consumers' payment in the form of time, attention, and data enables Meta to sell  
6 highly targeted, data-informed advertising opportunities, which is the foundation of Meta's  
7 business.

8  
9 **C. Meta Prioritizes Acquiring Young Users and Maximizing Their Time Spent  
on its Platforms.**

10 57. In Meta's business model, not all consumers are created equal. Young Users are  
11 Meta's prized demographic.

12 58. Accordingly, Meta has pursued increasing Young Users' time spent on its  
13 platforms as one of the Company's most important goals.

14 59. For instance, as of November [REDACTED]  
15 [REDACTED]  
16 [REDACTED]<sup>30</sup>

17 60. This strategy was [REDACTED]  
18 [REDACTED]<sup>31</sup>

19 61. As Meta knows, Instagram is [REDACTED]  
20 [REDACTED] Indeed, following the success of Facebook, Meta  
21 expanded considerably through a series of acquisitions. On April 9, 2012, Meta purchased

22 <sup>27</sup> Supplemental Meta Platforms Technologies Terms of Service, <https://www.meta.com/legal/supplemental-terms-of-service> (last visited Jan. 27, 2024).

23 <sup>28</sup> Meta Platforms Technologies Products Definition, <https://www.meta.com/legal/meta-platforms-technologies-products> (last visited Jan. 27, 2024).

24 <sup>29</sup> Meta Platforms, Inc. Form 10-Q, 31, (Q1 2023), <https://archive.ph/T6xDK> (last visited Jan. 27, 2024).

25 <sup>30</sup> [REDACTED]

26 <sup>31</sup> [REDACTED]

1 Instagram, in part because it believed that Instagram was a potential competitor and a threat to  
2 Meta's market share.<sup>32</sup> More importantly, Instagram was most popular among [REDACTED]

3 [REDACTED]  
4 [REDACTED]<sup>33</sup>

5 62. Meta's internal studies show [REDACTED]

6 [REDACTED] As Meta's internal research shows,  
7 [REDACTED]  
8 [REDACTED]

9 63. Even more fundamentally, Meta pursues Young Users because Meta's  
10 advertising customers value that audience. Among other reasons, Meta's advertising partners  
11 want to reach Young Users because they: (1) are more likely to be influenced by advertisements,  
12 (2) may become lifelong customers, and (3) set trends that the rest of society emulates.

13 64. Advertisers pay Meta a premium to serve advertisements to Young Users. And  
14 many advertisers are willing to pay Meta for the opportunity to reach Young Users in specific  
15 geographic markets, such as those in Nevada.

16 65. Meta is motivated to increase Young Users' time spent on its platforms not only  
17 because it is a meaningful stream of advertising business, but also, because the data that Meta  
18 collects from that use is itself highly valuable to the Company.

19 66. Meta has worked to maximize Young Users' [REDACTED]  
20 [REDACTED]

21 [REDACTED]. Meta does this both because Young Users are a prized demographic, and because loss  
22 of Young Users on its platform threatens Meta's bottom line. As noted in the company's most  
23 recent Form 10-K filing:

24  
25 \_\_\_\_\_  
26 <sup>32</sup> House Judiciary Committee documents (Mark Zuckerberg emails to David Ebersman  
February 28, 2012 and to unknown recipient April 9, 2012, 2012).

27 <sup>33</sup> [REDACTED].

28 <sup>34</sup> [REDACTED]

1 We believe that some users, particularly younger users, are aware of and  
2 actively engaging with other products and services similar to, or as a substitute  
3 for, our products and services, and we believe that some users have reduced  
4 their use of and engagement with our products and services in favor of these  
5 other products and services. In the event that users increasingly engage with  
6 other products and services, we may experience a decline in use and  
7 engagement in key user demographics or more broadly, in which case our  
8 business would likely be harmed.<sup>35</sup>

6 67. In short, Meta has many strong short-term and long-term financial incentives to  
7 increase the time that Young Users spend on its platforms, including Instagram. And as  
8 described in further detail below, Meta has chased that goal with incredible success, capturing  
9 a mind-boggling amount of time and attention from a generation of Young Users.

10 68. This approach has been profitable. Meta reported earning \$116.6 billion in  
11 revenue in 2022, with \$23.2 billion in net income, making Meta one of the largest companies  
12 in the United States by revenue and income.

13 69. A significant portion of these earnings come from the Young Users on Meta's  
14 platforms. A recent study estimated the revenue derived from Young Users across the world's  
15 largest social media platforms, including Facebook, and concluded that there were roughly  
16 16,700,000 U.S.-based Young Users (ages 0-17 years) on the platform as of 2022.<sup>36</sup> Almost \$5  
17 billion in Instagram's ad revenue came from that cohort in the same year.<sup>37</sup> Upon information  
18 and belief, a portion of these income-generating Young Users reside in Nevada.

19 70. And because of his ownership stake in Meta, Zuckerberg is one of the wealthiest  
20 people in the world. In addition to financial success, Zuckerberg's role as Meta's CEO and  
21 Founder has made him a public figure able to exert significant influence not only over the  
22 Company, but also over society at large. In a private email exchange with [REDACTED]

23 <sup>35</sup> <https://www.sec.gov/Archives/edgar/data/1326801/000132680122000018/fb-20211231.htm>  
24 (last visited Jan. 27, 2024).

25 <sup>36</sup> Raffoul A, Ward ZJ, Santoso M, Kavanaugh JR, Austin S Bryn (2023) *Social media platforms*  
26 *generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue*  
*model*. PLoS ONE 18(12): e0295337, <https://doi.org/10.1371/journal.pone.0295337> (last  
27 visited Jan. 27, 2024); *id.* at Table 1.

28 <sup>37</sup> *Id.* at Fig. 1.

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**D. Social Media Use—and Ensuing Exposure to Harms—is Especially Prevalent Among Young Users of Color.**

71. Research shows that a higher percentage of children of color in America use social media platforms—including Facebook—than their white counterparts.

72. A recent study by Pew, entitled *Teens, Social Media and Technology 2023*, reveals that Black and Hispanic teenagers between ages 13 and 17 spend more time on social media platforms than their white counterparts.<sup>39</sup>

73. According to that study, 55% of Hispanic teenagers and 54% of Black teenagers report generally being online “almost constantly,” compared with 38% of their white teenage counterparts.

74. That study indicated that while only 3% of white children between the ages of 13 and 17 report being “almost constantly” on Instagram, the number increases to 15% for Black children and 16% for Hispanic children between the ages of 13 and 17.

75. Another study similarly found that Black and Hispanic children, ages 8 to 12, also use social media platforms more than their white counterparts.<sup>40</sup>

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<sup>38</sup> [Redacted]

<sup>39</sup> Pew Research Center, *Teens, Social Media and Technology 2023* (Dec. 11, 2023), <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/> (last visited Jan. 27, 2024).

<sup>40</sup> Rideout, V., Peebles, A., Mann, S., & Robb, M. B. (2022), *The Common Sense Census: Media Use by Tweens and Teens, 2021*, [https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web\\_0.pdf](https://www.common sense media.org/sites/default/files/research/report/8-18-census-integrated-report-final-web_0.pdf) (last visited Jan. 27, 2024).

1            76. Researchers have found that due to lower income levels, Black and Hispanic  
2 teenagers are less likely to have broadband access or computers at home, causing  
3 disproportionate reliance on smartphones and corresponding use of social media platforms.

4            77. Thus, while 95% of children between the ages of 13 and 17 have access to a  
5 smartphone at home, having access to a home computer remains less common for those in  
6 lower-income households.

7            78. Experts believe that internet usage among teenagers may be displacing other  
8 activities, including sports participation, in-person socializing, and reading, among other things.

9            79. With respect to reading, the 2023 *Scholastic Kids & Family Reading Report*  
10 found that the average amount of reading across all racial groups is in decline and continues to  
11 trend downward as children transition to their teenage years.<sup>41</sup>

12            80. The *Scholastic* study found that while 46% of kids between the ages of 6 and 8  
13 report reading for pleasure, only 18% of children between the ages of 12 and 17 report the same.

14            81. These statistics raise the concern that the disparities in internet and social media  
15 platforms use may, in turn, intensify overall declines and existing differences in reading across  
16 racial groups.

17            82. But more broadly, [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

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26  
27 <sup>41</sup> Scholastic, *Kids & Family Reading Report*<sup>TM</sup>, <https://www.scholastic.com/content/corp-home/kids-and-family-reading-report/reading-lives.html> (last visited Jan. 27, 2024).  
28

1 [REDACTED] Meta has never shared this materially significant information with  
2 the public or with consumers of its products.

3 83. As of the 2020 Census, Nevada’s Black community constitutes roughly 12.1%  
4 of the State’s population, and the Hispanic community constitutes 28.7% of the State’s  
5 population.<sup>43</sup>

6 **E. Meta Directs Its Business Towards Nevada.**

7 84. Notably, Meta allows advertisers to target Young Users based on their age and  
8 location,<sup>44</sup> and Instagram is massively popular among Young Users in Nevada.

9 85. According to Meta’s internal metrics, [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 86. Between [REDACTED]  
13 [REDACTED]  
14 [REDACTED]<sup>48</sup>

15 87. Meta is able to achieve this level of engagement in Nevada at least in part  
16 because it consciously directed its business into Nevada in several ways. As part of that effort,  
17 Meta took—and continues to take—steps to enhance its brand in Nevada.

18 88. For example, [REDACTED]  
19 [REDACTED]

20  
21 <sup>42</sup> [REDACTED]

22 <sup>43</sup> <https://www.census.gov/library/stories/state-by-state/nevada-population-change-between-census-decade.html> (last visited Jan. 27, 2024).

23 <sup>44</sup> [REDACTED]

24 [REDACTED]

25 <sup>46</sup> *Id.*

26 <sup>47</sup> [REDACTED]

27 <sup>48</sup> *Id.*

28 <sup>49</sup> [REDACTED]

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[REDACTED]

89. Perhaps most strikingly, Meta's internal [REDACTED]

[REDACTED]

90. In addition to studying [REDACTED]

[REDACTED]

91. And of course, Meta enriched itself by selling advertisements targeted to Nevada, including advertising campaigns for teen-oriented products and services. According to Meta's public advertising library, Meta regularly sells advertisements specific to Nevada, and it allows businesses to target specific cities in Nevada.<sup>60</sup> All manner of Nevada entities

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> [REDACTED]

[REDACTED]

[REDACTED]

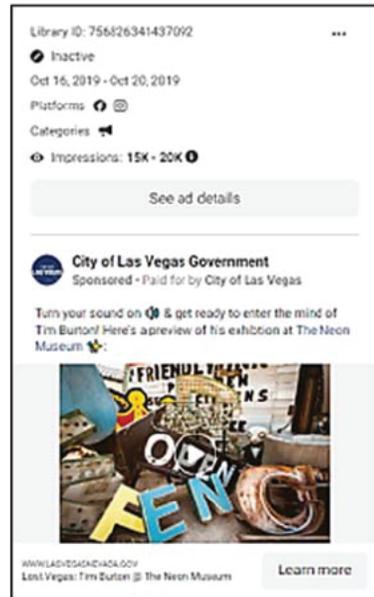
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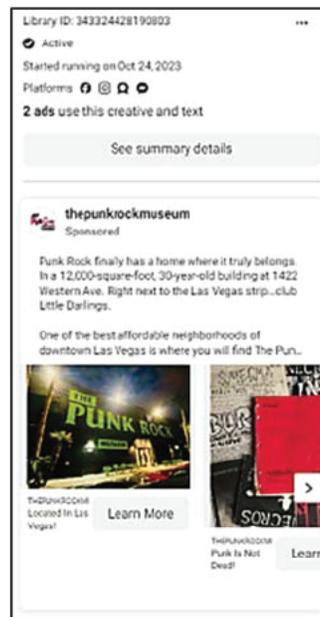
<sup>60</sup> <https://www.facebook.com/business/help/1501907550136620> (last visited Jan. 27, 2024).

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1 advertise on Instagram to reach a Nevada audience and expand their business in Nevada. Some  
2 examples include:<sup>61</sup>



13 The City of Las Vegas Government



26 The Punk Rock Museum

27 <sup>61</sup> Each of the following examples comes from a natural language search of Meta’s “Ad Library”  
28 tool, when enables users to “[s]earch all the ads currently running across Meta technologies.”  
[https://www.facebook.com/ads/library/?active\\_status=all&ad\\_type=political\\_and\\_issue\\_ads&](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&media_type=all)  
[country=US&media\\_type=all](https://www.facebook.com/ads/library/?active_status=all&ad_type=political_and_issue_ads&country=US&media_type=all) (last visited Jan. 27, 2024).

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Library ID: 265024613247369 ...

● Active  
Started running on Dec 18, 2023  
Platforms    

[See ad details](#)

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 **Visit Carson City**  
Sponsored

Carson City, a winter wonderland nestled by the Sierra Nevada mountains. Find many seasonal activities in our newsletter! 🌨️



**NEVER MISS A MOMENT**

VISITCARSONCITY.COM  
Find Your Memory Makers  
Sign up for our Newsletter

[Sign up](#)

### Carson City, NV

Library ID: 344602994936650 ...

● Active  
Started running on Dec 19, 2023  
Platforms  

**2 ads** use this creative and text

[See summary details](#)

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 **Las Vegas Raiders**  
Sponsored

Shop the best selection of Maxx Crosby merchandise at [RaiderImage.com](#).



RAIDERIMAGE.COM  
Maxx Crosby  
Vintage Tee

[Shop Now](#)

RAIDERIMAGE.COM  
Nike Maxx  
Crosby Game...

[Shop](#)

### The Las Vegas Raiders

1           92. In sum, Meta not only makes its social media platforms available in Nevada, it  
2 also—at a minimum—promotes its brand in Nevada, touts its investments in Nevada, ██████████  
3 ██████████, and sells  
4 advertisements to Nevada entities so that they can expand their businesses in Nevada. And by  
5 virtue of Meta’s business model, Meta has entered into (at least) hundreds of thousands of  
6 contracts with consumers in Nevada and sold the opportunity to serve ads specifically to those  
7 Nevada consumers.

8 **II. META UTILIZES MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO HOOK**  
9 **YOUNG USERS AND KEEP THEM ON ITS PLATFORMS IN PERPETUITY.**

10 **A. By Meta’s Design, its Platforms Induce Compulsive Use Among Young**  
11 **Users.**

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

15           94. Meta could have followed a similar course. It might have offered a version of its  
16 platforms that was simply appealing, but not addictive.

17           95. Instead, Meta intentionally designed its platforms to exploit known  
18 vulnerabilities in Young Users’ neurological development, making its platforms profoundly  
19 difficult—and in some cases impossible—for children and teens to resist.

20           96. As Meta’s founding president, Sean Parker, explained in 2018:

21           The thought process that went into building these applications, Facebook being  
22 the first of them ... was all about: ‘How do we consume as much of your time  
23 and conscious attention as possible?’ That means that **we need to sort of give**  
24 **you a little dopamine hit every once in a while**, because someone liked or  
25 commented on a photo or a post or whatever. And that’s going to get you to  
26 contribute more content and that’s going to get you ... more likes and  
27 comments. It’s a social-validation feedback loop ... exactly the kind of thing  
28 that a hacker like myself would come up with, **because you’re exploiting a**  
**vulnerability in human psychology**. The inventors, creators—**me, [Meta**  
**founder] Mark [Zuckerberg], [Instagram founder] Kevin Systrom on**  
**Instagram**, all of these people—**understood this consciously. And we did it**  
**anyway.**<sup>62</sup>

62 Alex Hern, ‘Never get high on your own supply’ – why social media bosses don’t use social  
media, The Guardian (January 23, 2018), <https://www.theguardian.com/media/2018/jan/23/>

1 97. On an ongoing basis, Meta pours massive resources into understanding Young  
2 Users' cognitive vulnerabilities.

3 98. For example, in [REDACTED]  
4 [REDACTED]  
5 [REDACTED] 63

6 99. But that [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED] 65

10 100. On information and belief, [REDACTED]  
11 [REDACTED] study Young Users and  
12 capture more of their time and attention.

13 **B. Meta Studies** [REDACTED]

14 101. A [REDACTED]  
15 [REDACTED]  
16 [REDACTED] 66

17 102. [REDACTED]  
18 [REDACTED]  
19 [REDACTED]

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23 [never-get-high-on-your-own-supply-why-social-media-bosses-dont-use-social-media](#) (last  
visited Jan. 27, 2024). Emphasis in this Complaint is added unless otherwise noted.

24 63 [REDACTED]

25 64 *Id.*

26 65 *Id.*

27 66 [REDACTED]

28 67 *Id.* (pg. 1)

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[REDACTED]

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103. The first section of the [REDACTED]

<sup>69</sup>

104. As part of the [REDACTED]

<sup>70</sup>

105. The [REDACTED]

<sup>71</sup>

106. The next [REDACTED]

<sup>72</sup>

107. Offering [REDACTED]

<sup>73</sup>

108. The next [REDACTED]

<sup>74</sup>

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<sup>68</sup> *Id.* (pg. 6)  
<sup>69</sup> *Id.* (pg. 7)  
<sup>70</sup> *Id.* (pgs. 10-11)  
<sup>71</sup> *Id.* (pg. 12)  
<sup>72</sup> *Id.* (pgs. 13-14)  
<sup>73</sup> *Id.* (pg. 22)  
<sup>74</sup> *Id.* (pg. 23)

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109. And the following

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110. Suggesting another

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111. Building

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112. In several places, the

For example, the

But that was

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<sup>75</sup> *Id.* (pg. 24)

<sup>76</sup> *Id.* (pg. 47)

<sup>77</sup> *Id.* (pg. 54)

<sup>78</sup> *Id.* (pg. 48)

<sup>79</sup> *Id.* (pg. 13)

1 [REDACTED]  
2 [REDACTED]

3 [REDACTED]  
4 [REDACTED]  
5 115. In the end, the [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED] >>83

10 116. The [REDACTED]  
11 [REDACTED]  
12 [REDACTED] 84

13 117. In response to the [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 118. On information and belief, the [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 \_\_\_\_\_  
23 <sup>80</sup> *Id.* (pg. 24)

24 <sup>81</sup> *Id.* (pg. 27)

25 <sup>82</sup> *Id.* (pgs. 56-57)

26 <sup>83</sup> *Id.* (pg. 58)

27 <sup>84</sup> [REDACTED]

28 <sup>85</sup> [REDACTED]

<sup>86</sup> [REDACTED]

1           **C. Meta Implements Specific Design Elements Into Instagram to Induce**  
2           **Compulsive Use.**

3           119. Leveraging its [REDACTED]

4 Young Users’ diminished capacity for self-control through an array of platform features,  
5 including the challenged Design Elements.

6           120. Collectively, these features created and exploited obstacles to Young Users’ free  
7 decision-making, causing them to spend more time on Instagram than they otherwise would.

8           121. Several categories of engagement-optimizing design features are especially  
9 pernicious: Low-Friction Variable Rewards; Social Manipulation; Ephemeral Content; Push  
10 Notifications; and Harmful Filters. The State discusses each, in turn.

11                           **1. Low-Friction Variable Rewards: Endless Scroll, Autoplay, and**  
12                           **Reels**

13           122. The “Low-Friction Variable Reward” design element (also called the “Hook  
14 Model”<sup>87</sup>) is a powerful cognitive manipulation principle, first identified by the psychologist  
15 B.F. Skinner in the early 20<sup>th</sup> Century.<sup>88</sup> It is premised on the observation that when test  
16 subjects—both humans and other animals—are rewarded unpredictably for a given action, they  
17 will engage in the action for a longer period of time than if the reward is predictable.<sup>89</sup> In his  
18 testing, Skinner observed that lab mice responded voraciously to random rewards. The mice  
19 would press a lever and sometimes they would get a small treat, other times a large treat, and  
20

21 <sup>87</sup> Bart Krawczyk, *What is the hook model? How to build habit-forming products*, Log Rocket  
22 Frontend Analytics (Dec. 2, 2022), <https://blog.logrocket.com/product-management/what-is-the-hook-model-how-to-build-habit-forming-products/> (last visited Jan. 27, 2024).

23 <sup>88</sup> B. F. Skinner, *Two Types of Conditioned Reflex: A Reply to Konorski and Miller*, 16 J. Gen.  
24 Psychology, 272-279 (1937), <https://doi.org/10.1080/00221309.1937.9917951> (last visited Jan.  
25 27, 2024).

26 <sup>89</sup> Laura MacPherson, *A Deep Dive into Variable Designs and How to Use Them*, DesignLi  
27 (Nov. 8, 2018), <https://designli.co/blog/a-deep-dive-on-variable-rewards-and-how-to-use-them/> (last visited Jan. 27, 2024); Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol.  
28 Today (Jan. 4, 2019), <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens> (last visited Jan. 27, 2024).

1 other times nothing at all. Unlike the mice that received the same treat every time, the mice that  
2 received variable rewards seemed to press the lever compulsively.

3 123. At a chemical level, this is because the brain generates more dopamine in  
4 response to an uncertain reward than in response to an expected and reliable one.<sup>90</sup> The  
5 tendency of variable rewards to drive compulsive behavior is sometimes referred to as the  
6 “Vegas Effect,” and is the primary mechanism at work in slot machines, keeping players sitting  
7 in front of machines for hours on end (machines that, due to their limited mental development,  
8 Young Users and Youngest Users are of course forbidden from using or interacting with).<sup>91</sup>

9 124. Defendants are aware not only of the value of variable rewards for driving users’  
10 online time and maximizing profits, but also the risks associated with these types of rewards.

11 For example, [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED] (emphasis added).



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22 Fig. 3

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24 <sup>90</sup> Anna Hartford & Dan J. Stein, *Attentional Harms and Digital Inequalities*, 9 JMIR Mental  
25 Health 2, 3 (Feb. 11, 2022), <https://pubmed.ncbi.nlm.nih.gov/35147504/> (last visited Jan. 27,  
26 2024) (“At the level of our neural reward system, an uncertain reward generates a more  
significant dopamine response than those generated by a reliable reward.”).

27 <sup>91</sup> Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol. Today (Jan. 4, 2019),  
28 [https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-  
screens](https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens) (last visited Jan. 27, 2024).

i. Endless Scroll

125. One example of variable rewards design feature is the infinite or endless scroll mechanism with variable content that is deployed across social media platforms. When a platform uses endless scroll, a user is continuously fed more pieces of content, with no endpoint, as they scroll down a feed or page. When platforms load content into streams viewed by endless scroll, a user can never predict what will come next or how interesting it will be. The user is rewarded at unpredictable intervals and levels with pieces of content they find funny, entertaining, or otherwise interesting.<sup>92</sup>

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

127. Instagram employs the endless scroll, supplying minor users with unpredictable variable rewards by strategically and intermittently surfacing content that the respective platforms predict users will want to see. But Defendants are not just making a “lucky” guess about the type of content that children- and others- would wish to engage. Rather their predictions are incredibly precise and “effective” as they are made because Instagram siphons private and personal user data to create individualized user “profiles”—including of children who uses the apps.

128. A blog post by Adam Mosseri, head of Instagram, explains, “[W]e make a set of predictions. These are educated guesses at how likely you are to interact with a post in different ways . . . [t]he more likely you are to take an action, and the more heavily we weigh that action, the higher up you’ll see the post.”<sup>93</sup>

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<sup>92</sup> GCFGlobal.org, *Digital Media Literacy: Why We Can’t Stop Scrolling*, <https://edu.gcfglobal.org/en/digital-media-literacy/why-we-cant-stop-scrolling/1/> (last visited Jan. 27, 2024).

<sup>93</sup> <https://about.instagram.com/blog/announcements/instagram-ranking-explained> (last visited Jan. 27, 2024).

ii. Autoplay

129. Another form of navigation manipulation called “Autoplay,” is similar to endless scrolling, and is especially prevalent on social media platforms, like Instagram, that provide video content for users. Simply put, once one video is over, another one begins without any further prompting from the user.

130. Meta deploys the autoplay feature to keep Young Users on Instagram. Much like endless scroll, Stories surface automatically and continuously playing video content in their Feed and elsewhere and encouraging Young Users to remain on the platform *ad infinitum*.

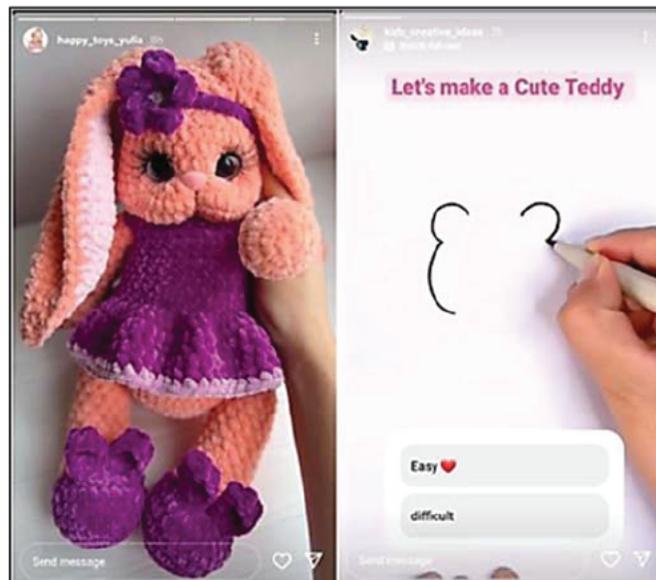


Fig. 4 - When an Instagram user views stories of an account they follow, once the timer bar at the top of the screen becomes opaque, they are automatically presented with either the next story posted by that account, or another account's story reel.

131. AutoPlay takes away a user's sense of control, increasing the chances of binge-watch or going down a “rabbit hole.” Moreover, because there is no longer any user choice in the interaction (Instagram chooses what videos will be played next), there is an increased risk of children being exposed to inappropriate, harmful content.

132. Meta understands that these are powerful tools. Tellingly, when [REDACTED]

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[REDACTED]

[REDACTED] 94

iii. Reels

133. Meta’s popular Reels product has these same characteristics. An internal [REDACTED]

[REDACTED]

[REDACTED] 95

134. Videos on Reels automatically and perpetually play as the user swipes the screen up to the next video. The short-form nature of Reels (between 15 to 90 seconds, as of April 2023) makes it difficult for Young Users to close the app or clock how many videos they have watched or how long they have spent. Other aspects of Reels—including the placement of the like, comment, save, and share buttons on top of the video—reduce or prevent interruption and keep the user constantly viewing the video.

135. Meta’s development of these engagement features on its platforms disregarded its own internal research about how design choices cause compulsive use. In June [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] 96

136. Internally, Meta employees recognized that Reels’ design was harmful to Young Users. As one employee observed in [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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94 [REDACTED]

95 [REDACTED] (pg. 29)

96 [REDACTED] (pg. 35)

97 [REDACTED]



1 one's confidence. Especially knowing that you're not the only one who's able to see it."<sup>101</sup> Not  
2 only are children spotting and seeing posts, but now they are obsessing over the popularity of  
3 their posts and those of others. These factors all converge to create a feedback loop: because  
4 children crave this social reinforcement, they seek it out, but ultimately children are unequipped  
5 with the tools to protect themselves against the allure of "rewards" that these manipulative  
6 social media designs purportedly promise.

7 i. Quantified Popularity of a Minor's Account or Content

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

13 141. These tallies act as quantified proof of popularity and exploit children's natural  
14 tendency to pursue social relevance. [REDACTED]

15 [REDACTED] If children's posts get Likes, they feel validated, but the fewer  
16 Likes they get, the worse they feel.

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

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25 <sup>101</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec.  
26 17, 2021), <https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good> (last visited Jan. 27, 2024).

27 <sup>102</sup> [REDACTED]  
28 [REDACTED]

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143. Meta knows that

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103 [REDACTED]  
104 [REDACTED] (pg. 8)  
105 [REDACTED]  
106 [REDACTED] (pg. 12)  
107 [REDACTED]  
108 [REDACTED]  
109 [REDACTED]  
110 [REDACTED] (pg. 6)  
111 *Id.*

1 [REDACTED]  
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14 150. [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED] 118  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 112 [REDACTED] (pg. 13)  
23 113 *Id.*  
24 114 [REDACTED]  
25 115 [REDACTED]  
26 116 [REDACTED]  
27 117 [REDACTED], (pg. 4)  
28 118 [REDACTED] (pg. 2)

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[REDACTED]

119 [REDACTED] (pg. 13)  
120 *Id.*  
121 *Id.*; see also [REDACTED] (pg. 4)  
122 [REDACTED] (pg. 10)  
123 [REDACTED] (pgs. 37-38)  
124 [REDACTED] (pg. 4)  
125 [REDACTED] (pg. 5)  
126 <https://techcrunch.com/2016/03/15/filteredgram/> (last visited Jan. 27, 2024).  
127 [REDACTED] (pg. 2) ([REDACTED])  
[REDACTED]

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[REDACTED]

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<sup>148</sup> <https://about.instagram.com/blog/announcements/giving-people-more-control> (last visited Jan. 27, 2024).

<sup>149</sup> [REDACTED]

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### 3. Ephemeral Content

171. As research shows and Meta knows, Young Users are developmentally wired such that the fear of missing out (“FOMO”) is a “repeatedly identified driver of smartphone and social media use[.]”<sup>156</sup> Meta induces constant engagement by making certain content ephemeral. This dovetails with a psychological concept identified by B.F. Skinner as “avoidance,” meaning that an individual performs a behavior to avoid a negative outcome.<sup>157</sup>

172. Instagram utilizes avoidance as a design element by creating ephemeral posts, called “Stories,” which disappear 24 hours after being originally posted. Another example is “Live,” which gives users the ability to livestream videos to followers or the public.<sup>158</sup> When an account “goes Live,” the Instagram Platform sends out a notification that reads, “[@user] started a live video. Watch it before it ends!”<sup>159</sup>

173. An [REDACTED]

[REDACTED]

<sup>156</sup> Laura Marciano, Anne-Linda Camerini, Rosalba Morese, *The Developing Brain in the Digital Era: A Scoping Review of Structural and Functional Correlates of Screen Time in Adolescence*, *Front. Psychol.*, Vol. 12 (Aug. 27, 2021) <https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full> (last visited Jan. 27, 2024).

<sup>157</sup> *GameQuitters, Are Video Games Designed to Be Addictive?*, <https://gamequitters.com/are-video-games-addictive/> (last visited Jan. 27, 2024).

<sup>158</sup> <https://www.facebook.com/formedia/tools/facebook-live> (last visited Jan. 27, 2024).

<sup>159</sup> <https://www.planoly.com/blog/instagram-live-guide> (last visited Jan. 27, 2024).

<sup>160</sup> [REDACTED]

1 174. Because of the impermanence of Stories and Live, users are incentivized to  
2 check their Instagram feeds more often, and for longer periods, so as not to miss out on any  
3 posts that may soon vanish. A recent analysis correlated use of Stories with addiction:

4 [U]ser engagement with Instagram Stories has a significant positive impact on  
5 psychological dependency, denoted by cognitive preoccupation and compulsive  
6 use of Instagram Stories. The literature has shown that a high level of  
7 engagement plays a predictive role in addictive use of Internet activities, and  
8 the findings of this study indicate that users who are highly engaged with  
9 Instagram Stories tend to become dependent on it. As users obtain a variety of  
10 gratifications from using Instagram Stories, they are likely to become more  
11 reliant on it, potentially leading to excessive use. ...[Further] it is clear that  
12 negative feelings exert an even stronger influence than pleasant feelings on the  
13 development of psychological dependency in the current context. On the one  
14 hand, the positive feelings that users experience from using Instagram Stories  
15 may reinforce their addictive patterns of its usage. On the other hand, because  
16 users may also experience negative emotions as a result of engaging in social  
17 interactions and self- and identity-related activities using Instagram Stories  
18 (e.g., unsuccessful self-promotion, missed opportunities, social comparison),  
19 they may become more dependent on the platform to help regulate and alter  
20 such mood states with the hope of bringing their affect back to optimal levels.  
21 However, this is alarming, as recent studies conducted by Facebook show that  
22 frequent use of Instagram could lead to detrimental effects on young users'  
23 mental health.<sup>161</sup>

175. Unlike content delivery systems that permit a user to view existing posts on a  
16 schedule convenient for the user, ephemeral content is only available on a temporary basis—  
17 incentivizing users to engage with the ephemeral content immediately.

18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 177. Meta could make Live and Stories available for viewing days or weeks after they  
24 are created, allowing Young Users to take meaningful breaks from its platforms (for instance,

25 <sup>161</sup> Jia-Dai (Evelyn) Lu, Jhih-Syuan (Elaine) Lin, *Exploring uses and gratifications and*  
26 *psychological outcomes of engagement with Instagram Stories*, *Computers in Human Behavior*  
27 *Reports*, Vol. 6 (May 2022), 100198, <https://www.sciencedirect.com/science/article/pii/S245195882200032X> (last visited Jan. 27, 2024) (internal citations omitted).

28 <sup>162</sup> [REDACTED]

1 during the school week or while on vacation) without missing content. Instead, Meta deploys  
2 ephemeral content features because it knows Young Users' fear of missing out on content will  
3 keep them glued to its platforms.

4 178. For instance, [REDACTED]

6 [REDACTED]  
7 179. That [REDACTED]

9 [REDACTED]  
10 180. Even though it knew [REDACTED]

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 **4. Push Notifications: Audio, Visual, and Haptic Alerts**

17 181. Meta causes Young Users to increase their time spent on its platforms by  
18 inundating them with notifications when they are off Instagram, in an effort to entice them to  
19 stop whatever else they are doing and return to engaging with social media. By default,  
20 Instagram peppers users (including Young Users) with frequent alerts or notifications intended  
21 to cause users to open the application.

22 182. For example, because Instagram is Meta's application most commonly accessed  
23 by young users through smartphones in the United States, Meta relies heavily on alerts in efforts

24  
25 [REDACTED] (pg. 3)

26 <sup>164</sup> *Id.* (pg. 25)

27 <sup>165</sup> [REDACTED]

28 <sup>166</sup> *Id.*

1 to monopolize young users’ attention on that platform. These include haptic alerts, banner  
2 notifications, sound notifications, badge notifications (persistently displayed red indication of  
3 the number of events that have not yet been viewed by the user), and e-mail notifications.<sup>167</sup>

4 183. These alerts are disruptive for all users but are especially harmful for minor  
5 children, who are particularly vulnerable to distraction and psychological manipulation.

6 [REDACTED] independent academics have observed that  
7 these notifications impact the brain in similar ways as narcotic stimulants:

8 Although not as intense as [sic] hit of cocaine, positive social stimuli will  
9 similarly result in a release of dopamine, reinforcing whatever behavior  
10 preceded it . . . Every notification, whether it’s a text message, a “like” on  
Instagram, or a Facebook notification, has the potential to be a positive social  
stimulus and dopamine influx.<sup>168</sup>

11 184. Preying on that vulnerability, by default Meta notifies Young Users when  
12 another user follows them, likes their content, comments on their content, “tags” them, mentions  
13 them, sends them a message, or “goes live” (if the young person follows the user).

14 185. As Meta [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED] In [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 <sup>167</sup> <https://www.facebook.com/help/530847210446227> (last visited Jan. 27, 2024).

25 <sup>168</sup> <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/> (last visited  
26 Jan. 27, 2024).

27 <sup>169</sup> [REDACTED]  
28 [REDACTED]

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[REDACTED]

**5. Harmful Filters**

188. On September 30, 2021 while testifying before Congress, Meta executive Antigone Davis denied that Meta contains features that promote eating disorders, stating: “[w]e do not direct people towards content that promotes eating disorders. That actually violates our policies, and we remove that content when we become aware of it. We actually use AI to find content like that and remove it.”

189. She also testified that for teen girls struggling with “loneliness, anxiety, sadness, and eating disorders,” they “were more likely to say that Instagram was affirmatively helping them, not making it worse,” and that Instagram “work[s] with experts to help inform our product and policies” around eating disorders. Meta publishes this same statement in a section devoted to “[e]ating disorders” and “negative body image” in its “parent and guardian’s guide to Instagram,” which it makes available on its website.

[REDACTED]

In contrast [REDACTED]

[REDACTED]

[REDACTED]

172 [REDACTED]

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[REDACTED]

<sup>175</sup> *Id.* (pg. 20)  
<sup>176</sup> *Id.*  
<sup>177</sup> [REDACTED]

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[REDACTED] (emphasis added)

<sup>184</sup> *Id.* (emphasis added)

<sup>185</sup> [REDACTED]

[REDACTED]

[REDACTED] (pg. 7)

<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

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[REDACTED]

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<sup>189</sup> *Id.* (pgs. 1-2)

<sup>190</sup> [REDACTED]

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[REDACTED]

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<sup>196</sup> <https://www.linkedin.com/in/margaretstewart> (last visited Jan. 27, 2024).

<sup>197</sup> [REDACTED]

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220.

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

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

25 [REDACTED]  
26 201 [REDACTED]  
27 [REDACTED]

<sup>203</sup> How To Add Filter In Whatsapp Video Call? Add Beauty Filter, <https://gadgetrekt.com/add-filter-whatsapp-video-call/> (last visited Jan. 27, 2024).

1 222. Notably, these Design Elements—Low-Friction Variable Rewards; Social  
2 Manipulation; Ephemeral Content; Push Notifications; and Harmful Filters—are not tethered  
3 to any specific third-party content. Indeed, the substance of any content incorporated into or  
4 used by the Design Elements is immaterial. Instead, the Design Elements themselves create the  
5 risk and harm of addiction, which is separate and apart from other harms caused by the platform.

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

9 **III. Meta Knows That [REDACTED] AMONG**  
10 **YOUNG USERS.**

11 224. Because of Meta’s design choices, its platforms—including Instagram—have  
12 already hooked a generation of Young Users.

13 225. Meta [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 226. For example, [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]<sup>205</sup>

23 \_\_\_\_\_  
24 <sup>204</sup> Under Nevada law, “‘knowingly’ means that the defendant is aware that the facts exist that  
25 constitute the act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App.  
26 LEXIS 4, \*2. Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that  
27 the defendant intend to deceive with the act or omission, or even know of the prohibition against  
28 the act or omission, but simply that the defendant is aware that the facts exist that constitute the  
act or omission.” *Id.* at \*8 (alteration original).

<sup>205</sup> [REDACTED]

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<sup>207</sup> *Id.*

<sup>208</sup> *Id.* (pg. 15)

<sup>209</sup> *Id.*

<sup>210</sup> *Id.* (pg. 29)

<sup>211</sup> [REDACTED]

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<sup>213</sup> *Id.*

<sup>214</sup> *Id.*

<sup>215</sup> *Id.*

<sup>216</sup> [REDACTED]

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[REDACTED]

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> *Id.*

<sup>220</sup> [REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]



1 time to social media, rather than partaking in other developmentally important, in-person life  
2 experiences.

3 250. The United States Surgeon General’s May 2023 Advisory, titled “Social Media  
4 and Youth Mental Health” (the “Advisory”), describes some of the harms caused by  
5 Defendants.<sup>228</sup> As the Advisory explains, “[a] Surgeon General’s advisory is a public statement  
6 that calls the American people’s attention to an urgent public health issue . . . . Advisories are  
7 reserved for significant public health challenges that require the nation’s immediate awareness  
8 and action.”<sup>229</sup> According to the Surgeon General, Young Users’ social media use is one such  
9 significant public health challenge.

10 251. As the Advisory explains, “[e]xcessive and problematic social media use, such  
11 as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and  
12 feelings of exclusion among adolescents.”<sup>230</sup>

13 252. The Advisory also identifies “changes in brain structure,” “altered neurological  
14 development,” “depressive symptoms, suicidal thoughts, and behaviors,” “attention  
15 deficit/hyperactivity disorder (ADHD,)” and “depression, anxiety and neuroticism,” as  
16 additional harms to Young Users associated with compulsive social media use.<sup>231</sup>

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]

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23 <sup>228</sup> U.S. Dep’t of Health & Hum. Servs., *Social Media and Youth Mental Health: The U.S.*  
24 *Surgeon General’s Advisory 4* (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> (last visited Jan. 27, 2024).

25 <sup>229</sup> *Id.*

26 <sup>230</sup> *Id.*

27 <sup>231</sup> To be clear, this Complaint is focused on harms arising out of compulsive or “problematic”  
28 platform use, not harms caused by exposure to any individual, specific pieces or categories of  
content on Defendants’ platforms.

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[REDACTED]

255. By serving content to young users according to variable reward schedules (discussed *supra*), Meta manipulates dopamine releases in its young users, inducing them to engage repeatedly with its platforms—much like a gambler at a slot machine.

[REDACTED]

258.

[REDACTED]

232 [REDACTED]  
233 [REDACTED]

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4 259. In 2020, a longitudinal study investigated whether “Facebook Addiction  
5 Disorder” predicted suicide-related outcomes and found that children and adolescents addicted  
6 to Facebook are more likely to engage in self-injurious behavior, such as cutting and suicide.<sup>237</sup>  
7 Other studies examining the link between these increases found that adolescents who spent more  
8 time on screen activities were significantly more likely to have high depressive symptoms or  
9 have at least one suicide-related outcome, and that the highest levels of depressive symptoms  
10 were reported by adolescents with high social media use and fewer in-person social  
11 interactions.<sup>238</sup>

12 260. Fueled by social media addiction, youth suicide rates are up an alarming 57%.<sup>239</sup>  
13 In the decade leading up to 2020, there was a 40% increase in high school students reporting  
14

15  
16 <sup>235</sup> *Id.*

17 <sup>236</sup> *Id.* (pg. 22)

18 <sup>237</sup> See, e.g., Julia Brailovskaia et al., *Positive mental health mediates the relationship between*  
19 *Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00)  
20 *Cyberpsychology, Behavior, and Social Networking* (2020), <https://doi.org/10.1089/cyber.2019.0563> (last visited Jan. 27, 2024); Jean M. Twenge, et al., *Increases in Depressive*  
21 *Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010*  
*and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017),  
<https://doi.org/10.1177/2167702617723376> (last visited Jan. 27, 2024).

22 <sup>238</sup> Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and*  
23 *Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen*  
24 *Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376> (last  
25 visited Jan. 27, 2024); see also Anthony Robinson et al, *Social comparisons, social media*  
*addiction, and social interaction: An examination of specific social media behaviors related to*  
*major depressive disorder in a millennial population*, *Journal of Applied Biobehavioral*  
*Research* (Jan. 8, 2019), <https://doi.org/10.1111/jabr.12158> (last visited Jan. 27, 2024).

26 <sup>239</sup> *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t of  
27 Health & Hum. Servs. (Dec. 7, 2021), [https://www.hhs.gov/sites/default/files/surgeon-general-](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf)  
28 [youth-mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf) (last visited Jan. 27, 2024).

1 persistent sadness and hopelessness,<sup>240</sup> and a 36% increase in those who attempted to take their  
2 own lives. In 2019, one in five high school girls had made a suicide plan.<sup>241</sup> By 2018, suicide  
3 was the second leading cause of death for youth ages 10–24.<sup>242</sup>

4 261. Because of this shortage of psychiatrists and the extent of the youth mental health  
5 crisis fueled by social media addiction, the number of teens and adolescents waiting in  
6 emergency rooms for mental health treatment for suicide nationwide tripled from 2019 to  
7 2021.<sup>243</sup>

## 8 2. Harm to Body Image

9 259. Design features that maximize time spent on social media can also lead to  
10 heightened exposure to negative body image–related content, which increases children’s  
11 susceptibility to poor body image and, consequently, disordered eating. A study of data from  
12 7th and 8th graders published in 2019 in the *International Journal of Eating Disorders*  
13 “suggest[ed] that [social media], particularly platforms with a strong focus on image posting  
14 and viewing, is associated with elevated [disordered eating] cognitions and behaviors in young  
15 adolescents.”<sup>244</sup> In another study, researchers found a positive correlation between higher  
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21 <sup>240</sup> *Id.*

22 <sup>241</sup> *Id.*

23 <sup>242</sup> *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental*  
24 *Health*, Am. Acad. Pediatrics (Oct. 19, 2021), <https://www.aap.org/en/advocacy/child-and-adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-in-child-and-adolescent-mental-health/> (last visited Jan. 27, 2024).

25 <sup>243</sup> Stephen Stock, et al., *Children languish in emergency rooms awaiting mental health care*,  
26 CBS News (Feb. 27, 2023, 8:02 am), <https://www.cbsnews.com/news/emergency-rooms-children-mental-health/> (last visited Jan. 27, 2024).

27 <sup>244</sup> Simon M. Wilksch, et al., *The Relationship Between Social Media Use and Disordered*  
28 *Eating in Young Adolescents*, 53 *Int. J. Eat. Disord.* 96, 104 (2020).

1 Instagram use and orthorexia nervosa diagnoses.<sup>245</sup> Personal stories from sufferers of  
2 disordered eating have highlighted the link to social media.<sup>246</sup>

3 260. Time spent on social media can harm children’s body image and increase their  
4 susceptibility to disordered eating in multiple ways. First, visual social media platforms trigger  
5 social comparison as children compare their appearance to others, including influencers. For  
6 example, an exploratory study performed internally at Meta concluded that 66% of teen girls  
7 on Instagram experienced negative social comparison, and 52% of those who experienced  
8 negative social comparison attributed this experience to viewing images on the platform that  
9 were related to beauty.<sup>247</sup> None of these findings was shared with the public.

10 261. The documents Frances Haugen shared with the *Wall Street Journal* in 2021  
11 revealed that Facebook has been aware at least since 2019 that “[w]e make body image issues  
12 worse for one in three teen girls.”<sup>248</sup> Haugen has explained how this becomes a vicious  
13 feedback cycle for children: they feel bad about themselves so they go to social media for  
14 distraction in order to self-soothe, only to end up seeing the type of posts that led to their anxiety  
15 in the first place.<sup>249</sup> Negative self-comparison on social media is experienced by cisgender girls

17  
18 <sup>245</sup> Pixie G. Turner & Carmen E. Lefevre, *Instagram Use Is Linked to Increased Symptoms of Orthorexia Nervosa*, 22 *Eating Weight Disorders* 277, 281 (2017).

19 <sup>246</sup> See, e.g., Jennifer Neda John, *Instagram Triggered My Eating Disorder*, Slate (Oct. 14, 2021),  
20 <https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger.html> (last visited Jan. 27, 2024); Clea Skopeliti, *‘I Felt My Body Wasn’t Good Enough’: Teenage Troubles with Instagram*, The Guardian (Sept. 18, 2021),  
21 <https://www.theguardian.com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram> (last visited Jan. 27, 2024).

22 <sup>247</sup> *Spence v. Meta Platforms*, N.D. Cal. Case No. 3:22-cv-03294 at 9 (June 6, 2022) (citing Facebook Papers: “Teen Girls Body Image and Social Comparison on Instagram – An Exploratory Study in the US” (March. 2020), at p. 8).

23 <sup>248</sup> Georgia Wells, et al., *Facebook Knows Instagram Is Toxic for Teen Girls, Company Documents Show*, W.S.J. (Sept. 14, 2021), <https://www.wsj.com/articles/facebook-knows-instagram-is-toxic-for-teen-girls-company-documents-show-11631620739> (last visited Jan. 27, 2024)

24 <sup>249</sup> Allison Slater Tate, *Facebook Whistleblower Frances Haugen Says Parents Make 1 Big Mistake with Social Media*, TODAY (Feb. 7, 2022, 7:06 PM EST),

1 and boys; specifically, boys feel pressure to lose weight and build muscle as a result of the  
2 muscular men they see on Instagram, TikTok, and YouTube. Eliot, a 17-year-old, told the *New*  
3 *York Times*, “Girls discuss those pressures more, but it’s completely the same for boys.”<sup>250</sup>

4 262. Second, platforms use algorithms to deliver content related to topics or themes  
5 that the platform believes will maximize a user’s time spent on the platform. These  
6 recommendation systems create “bubbles” or “rabbit holes” of content around a specific theme  
7 and also expose users to increasingly extreme content on a given topic.<sup>251</sup> This has proven true  
8 for negative body image and pro-eating disorder content.<sup>252</sup> Indeed, research shows that social  
9 media platforms’ content selection algorithms have pushed disordered eating and harmful diet  
10 techniques to teenage girls.<sup>253</sup> Girls who express an interest in dieting or dissatisfaction with  
11 their looks are bombarded with content targeted to these insecurities and often pushed to more  
12 extreme content such as pro-anorexia posts and videos. And because platforms know teenage  
13 girls disproportionately engage with this type of content,<sup>254</sup> even minor users who do not express  
14 interest in these topics are often delivered this content.

15 \_\_\_\_\_  
16 <https://www.today.com/parents/teens/facebook-whistleblower-frances-haugen-rcna15256> (last  
17 visited Jan. 27, 2024).

18 <sup>250</sup> Alex Hawgood, *What Is ‘Bigorexia’?*, N.Y. Times (Mar. 5, 2022, updated May 17, 2022),  
19 <https://www.nytimes.com/2022/03/05/style/teen-bodybuilding-bigorexia-tiktok.html> (last  
20 visited Jan. 27, 2024).

21 <sup>251</sup> Fairplay, *Designing for Disorder: Instagram’s Pro-eating Disorder Bubble* at 1 (Apr. 2022),  
22 [https://fairplayforkids.org/wp-content/uploads/2022/04/designing\\_for\\_disorder.pdf](https://fairplayforkids.org/wp-content/uploads/2022/04/designing_for_disorder.pdf) (last  
23 visited Jan. 27, 2024); *Inside TikTok’s Algorithm: A WSJ Video Investigation*, W.S.J. (July 21,  
24 2021), <https://www.wsj.com/articles/tiktok-algorithm-video-investigation-11626877477> (last  
25 visited Jan. 27, 2024).

26 <sup>252</sup> Fairplay, *Designing for Disorder: Instagram’s Pro-eating Disorder Bubble* at 6-7 (Apr.  
27 2022), [https://fairplayforkids.org/wp-content/uploads/2022/04/designing\\_for\\_disorder.pdf](https://fairplayforkids.org/wp-content/uploads/2022/04/designing_for_disorder.pdf)  
28 (last visited Jan. 27, 2024).

<sup>253</sup> See generally *id.*; Jim Waterson & Alex Hern, *Instagram ‘Pushes Weight-Loss Messages to Teenagers’*, *The Guardian* (Jul 19, 2021, 7:01 AM), <https://www.theguardian.com/society/2021/jul/20/instagram-pushes-weight-loss-messages-to-teenagers> (last visited Jan. 27, 2024).

<sup>254</sup> See Fabrizio Bert et al., *Risks and Threats of Social Media Websites: Twitter and the Proana Movement*, 19 *Cyberpsychology, Behav. Soc. Networking* (Apr. 2016), <https://pubmed.ncbi.nlm.nih.gov/26991868/> (last visited Jan. 27, 2024).



1 involving cognitive findings associated with problematic internet use in both adults and  
2 adolescents found “firm evidence that PIU . . . is associated with cognitive impairments in motor  
3 inhibitory control, working memory, Stroop attentional inhibition and decision-making.”<sup>259</sup>  
4 Another study of over 11,000 European adolescents found that among teens exhibiting  
5 problematic internet use, 33.5% reported moderate to severe depression; 22.2% reported self-  
6 injurious behaviors such as cutting; and 42.3% reported suicidal ideation.<sup>260</sup> The incidence of  
7 attempted suicide was also ten times higher for teens exhibiting problematic internet use than  
8 their peers who exhibited healthy internet use.<sup>261</sup>

9 **4. Harm to Physical Health**

10 **Meta**

11 [REDACTED]  
12 [REDACTED]  
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14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

18 268. Maximizing children’s time spent online at the expense of sleep or movement  
19 also harms children’s physical health.

20 <sup>259</sup> Konstantinos Ioannidis, et al., *Cognitive Deficits in Problematic Internet Use: Meta-Analysis*  
21 *of 40 Studies*, 215 *British Journal of Psychiatry* 639, 645 (2019), <https://pubmed.ncbi.nlm.nih.gov/30784392/> (last visited Jan. 27, 2024).

22 <sup>260</sup> Michael Kaess, et al., *Pathological Internet use among European adolescents:*  
23 *psychopathology and self-destructive behaviours*, 23 *Eur. Child & Adolescent Psychiatry* 1093,  
24 1096 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4229646/> (last visited Jan. 27,  
2024).

25 <sup>261</sup> *Id.*

26 <sup>262</sup> [REDACTED]  
27 [REDACTED]

28 <sup>264</sup> *Id.* (pg. 7)

1           269. When children are driven to spend more time online, they sleep less—because it  
2 is impossible to be online and sleep at the same time, because stimulation before bedtime  
3 disrupts sleep patterns, and because many of the design features discussed in this Action make  
4 users feel pressured to be connected constantly, and that feeling doesn’t always go away at  
5 nighttime. Indeed, research shows that children who exhibit problematic internet use often  
6 suffer from sleep problems.<sup>265</sup>

7           270. One-third of teens say that at least once per night, they wake up and check their  
8 phones for something other than the time, such as to check their notifications or social media.<sup>266</sup>

9           271. Some teens set alarms in the middle of the night to remind them to check their  
10 notifications or complete video game tasks that are only available for a limited time.<sup>267</sup>

11           272. In addition, screen time before bed is known to inhibit academic performance in  
12 children.<sup>268</sup>

13           273. Teenagers who use social media for more than five hours per day are about 70%  
14 more likely to stay up late on school nights.<sup>269</sup>

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19 <sup>265</sup> Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with*  
20 *Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020),  
<https://doi.org/10.1186/s12888-020-02640-x> (last visited Jan. 27, 2024).

21 <sup>266</sup> Common Sense, *Screens and Sleep: The New Normal: Parents, Teens, Screens, and Sleep*  
22 *in the United States* at 7 (2019), [https://www.commonsensemedia.org/sites/default/files/](https://www.commonsensemedia.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf)  
23 [research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf](https://www.commonsensemedia.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf)  
(last visited Jan. 27, 2024).

24 <sup>267</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults*  
*Are Missing)*, MIT Press, at 31 (2022).

25 <sup>268</sup> Chloe Wilkinson, et al., *Screen Time: The Effects on Children’s Emotional, Social, and*  
26 *Cognitive Development* at 6 (2021), <https://informedfutures.org/screen-time/> (last visited Jan.  
27 27, 2024).

28 <sup>269</sup> *Heavy Social Media Use Linked to Poor Sleep*, BBC News (Oct. 23, 2019),  
<https://www.bbc.com/news/health-50140111> (last visited Jan. 27, 2024).

1           274. A lack of sleep among teenagers has been linked to inability to concentrate, poor  
2 grades, drowsy-driving incidents, anxiety, depression, thoughts of suicide, and even suicide  
3 attempts.<sup>270</sup>

4           275. Decades of research have shown that more time online is consistently correlated  
5 with children’s risk of obesity, which in turn increases their risk of serious illnesses like  
6 diabetes, high blood pressure, heart disease, and depression.<sup>271</sup> Spending time online displaces  
7 time when children could be engaging in physical activity.<sup>272</sup> Further, when children spend more  
8 time online, they are exposed to more advertisements for unhealthy products,<sup>273</sup> which are  
9 heavily targeted toward children.<sup>274</sup> In addition, poor sleep quality—which, as discussed  
10 above, is associated with problematic internet use—increases the risk of childhood obesity by  
11 20%.<sup>275</sup> Broadly, the harms of social media use include increased rates of major depressive

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15 <sup>270</sup> *Among teens, sleep deprivation an epidemic*, Stanford News Ctr. (Oct. 8, 2015),  
16 <https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html> (last visited Jan. 27, 2024).

17 <sup>271</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
18 (2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (last visited Jan. 27,  
2024).

19 <sup>272</sup> E de Jong, et al., *Association Between TV Viewing, Computer Use and Overweight, Determinants and Competing Activities of Screen Time in 4- to 13-Year-Old Children*, 37 *Int’l J. Obesity* 47, 52 (2013), <https://pubmed.ncbi.nlm.nih.gov/22158265/> (last visited Jan. 27,  
20 2024).

21 <sup>273</sup> *Id.*

22 <sup>274</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
23 (2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (Last visited Jan. 27,  
2024).

24 <sup>275</sup> Yanhui Wu, et al., *Short Sleep Duration and Obesity Among Children: A Systematic Review and Meta-Analysis of Prospective Studies*, 11 *Obesity Rsch. & Clinical Prac.* 140, 148 (2015),  
25 <https://pubmed.ncbi.nlm.nih.gov/27269366/> (last visited Jan. 27, 2024); Michelle A. Miller et al., *Sleep Duration and Incidence of Obesity in Infants, Children, and Adolescents: A Systematic Review and Meta-Analysis of Prospective Studies*, 41 *Sleep* 1, 15 (2018),  
26 <https://pubmed.ncbi.nlm.nih.gov/29401314/> (last visited Jan. 27, 2024).  
27  
28

1 episodes, anxiety, eating disorders, body image problems, sleep disturbances, suicidal ideation,  
2 and suicide attempts.<sup>276</sup>

### 3 5. Privacy Harms

4 270. Design features that maximize children’s time and activities online also  
5 exacerbate privacy harms. Like all users, children are tracked as they engage in online  
6 activities.<sup>277</sup> Data about what children do online is collected by a vast network that includes  
7 platforms, marketers, and third-party data brokers all over the world that use the information  
8 apps, websites, and other services collect and retain about children to profile them, make  
9 predictions about their choices, and influence their behavior. Children do not developmentally  
10 understand digital privacy. The constant surveillance they are subjected to as a result of these  
11 techniques is manipulative, limits creativity and experimentation, and perpetuates  
12 discrimination, substantially harming children and teens.

13 271. Invasion of privacy has been recognized as a common law tort for over a century.  
14 *See Matera v. Google Inc.*, 15-CV-0402, 2016 WL 5339806, at \*10 (N.D. Cal, Sept. 23, 2016)  
15 (citing Restatement (Second) of Torts §§ 652A-I for the proposition that “the right to privacy  
16 was first accepted by an American court in 1905, and ‘a right to privacy is now recognized in  
17 the great majority of the American jurisdictions that have considered the question”); *see also*,  
18 Restatement (Second) of Torts § 652B and defining an intrusion claim as follows: “One who  
19 intentionally intrudes, physically or otherwise, upon the solicitude or seclusion of another or his  
20 private affairs or concerns, is subject to liability to the other for invasion of his privacy, if the  
21 intrusion would be highly offensive to a reasonable person.”

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23 <sup>276</sup> *See, e.g.*, Jonothan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative*  
24 *Review*, (New York University, unpublished manuscript), [tinyurl.com/](https://tinyurl.com/SocialMediaMentalHealthReview)  
25 [SocialMediaMentalHealthReview](https://tinyurl.com/SocialMediaMentalHealthReview) (last visited Jan. 27, 2024); Jacqueline Nesi et al., *Handbook*  
*of Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

26 <sup>277</sup> *See, e.g.*, Reyes, et al., “*Won’t Somebody Think of the Children?*” *Examining COPPA*  
27 *Compliance at Scale*, 3 Proceedings on Privacy Enhancing Technologies 63, at 77 (2018),  
28 <https://petsymposium.org/2018/files/papers/issue3/popets-2018-0021.pdf> (finding that out of  
5,855 child-directed apps, roughly 57% were collecting personal information in potential  
violation of the Children’s Online Privacy Protection Act) (last visited Jan. 27, 2024).

1           272. As Justice Brandeis explained in his seminal article, *The Right to Privacy*, “[t]he  
2 common law secures to each individual the right of determining, ordinarily, to what extent his  
3 thoughts, sentiments, and emotions shall be communicated to others.” Samuel D. Warren &  
4 Louis Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193, 198 (1890). The Supreme Court  
5 similarly recognized the primacy of privacy rights, explaining that the Constitution operates in  
6 the shadow of a “right to privacy older than the Bill of Rights.” *Griswold v. Connecticut*, 381  
7 U.S. 479, 486 (1965).

8           273. More recently, the Supreme Court explicitly recognized the reasonable  
9 expectation of privacy an individual has in her cell phone, and the Personal Data generated  
10 therefrom, in its opinion in *Carpenter v. United States*, 138 S. Ct. 2206 (2018). There, the Court  
11 held that continued access of an individual’s cell phone location data constituted a search under  
12 the Fourth Amendment because “a cell phone—almost a “feature of human anatomy[.]”—tracks  
13 nearly exactly the movements of its owner . . . A cell phone faithfully follows its owner beyond  
14 public thoroughfares and into private residences, doctor’s offices, political headquarters, and  
15 other potentially revealing locales . . . Accordingly, when the Government tracks the location  
16 of a cell phone it achieves near perfect surveillance, as if it had attached an ankle monitor to the  
17 phone’s user.” *Id.* at 2218 (internal citations omitted).

18           274. And, even more recently, the Northern District of California, in an order denying  
19 a motion to dismiss an intrusion upon seclusion claim for the exfiltration of children’s personal  
20 data in different mobile apps, held that “current privacy expectations are developing, to say the  
21 least, with respect to a key issue raised in these cases – whether the data subject owns and  
22 controls his or her personal information, and whether a commercial entity that secretly harvests  
23 it commits a highly offensive or egregious act.” *McDonald v. Killoo ApS*, 385 F. Supp.3d 1022,  
24 1035 (N.D. Cal. 2019). The *McDonald* court’s reasoning was subsequently adopted in the  
25 District of New Mexico in analogous litigation. *See New Mexico ex rel. Balderas v. Tiny Lab*  
26 *Prods.*, 457 F. Supp. 3d 1103, 1127 (D.N.M. 2020), *on reconsideration*, No. 18-854 MV/JFR,  
27 2021 WL 354003 (D.N.M. Feb. 2, 2021).

1           275. It is precisely because of Instagram’s capacity for “near perfect surveillance”  
2 that courts have consistently held that time-honored legal principles recognizing a right to  
3 privacy in one’s affairs naturally apply to online monitoring. Defendants’ unlawful intrusion  
4 into their minor users’ privacy is made even more egregious and offensive by the fact that the  
5 Defendants are targeting and collecting *children’s* information, without obtaining parental  
6 consent. The conduct described herein violates children’s expectations of privacy, as well as a  
7 parent’s inherent right to protect his or her child and set the parameters of what, when, and how  
8 information pertaining to the child will be obtained. Parents’ interest in the care, custody, and  
9 control of their children is perhaps the oldest of the fundamental liberty interests recognized by  
10 society. The history of Western civilization reflects a strong tradition of parental concern for  
11 the nurture and upbringing of children in light of children’s vulnerable predispositions. Our  
12 society recognizes that parents should maintain control over who interacts with their children  
13 and how, in order to ensure the safe and fair treatment of their children.

14                           **6. Risk to Physical Safety**

15           276. Finally, Defendants’ platform provides fertile ground for child predators. In  
16 November 2019, the National Center on Sexual Exploitation partnered with DC-based,  
17 survivor-led service organization Courtney’s House, Australia’s Collective Shout, and  
18 Canada’s Defend Dignity to launch #WakeUpInstagram, a campaign calling out Instagram for  
19 facilitating child sexual abuse, sex trafficking, and the grooming of young children on its  
20 platform.<sup>278</sup>

21           277. In May 2021, the child protection non-profit Thorn published quantitative  
22 research, based on data collected in 2020.<sup>279</sup> According to this report, Instagram ranked at

23  
24 <sup>278</sup> <https://endsexualexploitation.org/articles/joint-international-campaign-launched-to-wakeupinstagram-to-sexual-exploitation-on-its-platform/> (last visited Jan. 27, 2024).

25 <sup>279</sup> Thorn, *Responding to Online Threats: Minors’ Perspectives on Disclosing, Reporting, and*  
26 *Blocking Findings from 2020 quantitative research among 9–17 year olds*, (May 2021),  
27 [https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats\\_2021-Full-Report.pdf?utm\\_campaign=H2D%20report&utm\\_source=website](https://info.thorn.org/hubfs/Research/Responding%20to%20Online%20Threats_2021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website) (last visited Jan. 27, 2024).

1 the top among platforms for various harms caused to minors. Thorn found the following  
2 regarding harm on Instagram:

- 3 • 26% of surveyed minors reported having had a potentially harmful online experience  
4 through Instagram (tied with Snapchat for the highest percentage).
- 5 • Instagram tied with Snapchat again as most popular platforms where the most survey  
6 participants said they have had an online sexual interaction (16% of all  
7 respondents). Sexually explicit interaction could include being asked to send a nude  
8 photo or video, go ‘on cam’ with a sexually explicit stream, being sent a sexually explicit  
9 photo (of themselves or another child), or sexually explicit messages, etc.
- 10 • Of those who use Instagram at least once a day, 22% reported experiencing a sexually  
11 explicit interaction on the platform (second only to Snapchat at 23%).
- 12 • Most disturbing, Thorn notes that among the most used platforms, Instagram (together  
13 with Snapchat) appears to host the highest concentration of sexually explicit interactions  
14 between minors and adults (13% of users).
- 15 • Teenage girls, who are particularly vulnerable to online sexual interactions, have the  
16 majority of these experiences on Instagram (21%) and Snapchat (21%) —mirroring the  
17 experience of minors overall.

18 278. Instagram is uniquely positioned to place children in contact with predators,  
19 without the knowledge of their parents, and to date, they have operated with flagrant disregard  
20 for the safety of their child users.

21 **IV. META ENGAGES IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING**  
22 **MATERIAL FACTS ABOUT INSTAGRAM.**

23 279. Under the NDTPA, a business engages in deceptive conduct when its acts,  
24 statements, or omissions have a capacity or tendency to deceive whether that is intentional or  
25 not.<sup>280</sup>

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28 <sup>280</sup> *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4.

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280. For years, [REDACTED]

**A. Meta Did Not Disclose Its Knowledge That [REDACTED]**

281. Defendants have long known that their platforms are likely harming a significant portion of its user-base.

[REDACTED] For instance, in [REDACTED]

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<sup>281</sup> [REDACTED]

<sup>282</sup> *Id.* (pg. 41)

<sup>283</sup> *Id.* (pg. 46)

<sup>284</sup> *Id.*

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[REDACTED]

<sup>285</sup> *Id.* (pg. 24)

<sup>286</sup> [REDACTED]

[REDACTED]

<sup>288</sup> See, e.g., Julia Brailovskaia et al., *Positive mental health mediates the relationship between Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00) *Cyberpsychology, Behavior, and Social Networking* (2020), <https://doi.org/10.1089/cyber.2019.0563> (last visited Jan. 27, 2024); Jean M. Twenge et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S.*

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*Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2018).

<sup>289</sup> Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376> (last visited Jan. 27, 2024); see also Anthony Robinson, et al., *Social comparisons, social media addiction, and social interaction: An examination of specific social media behaviors related to major depressive disorder in a millennial population*, *Journal of Applied Biobehavioral Research* (Jan. 8, 2019), <https://doi.org/10.1111/jabr.12158> (last visited Jan. 27, 2024).

<sup>290</sup> [REDACTED]

[REDACTED]

<sup>292</sup> [REDACTED]

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24 [REDACTED]  
25 <sup>295</sup> *Id.*  
26 <sup>296</sup> [REDACTED]  
27 <sup>298</sup> [REDACTED]  
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<sup>300</sup> On information and belief, certain subsets of Facebook and Instagram [REDACTED]

[REDACTED]

<sup>301</sup> [REDACTED]

<sup>302</sup> *Id.* (pg. 21)

<sup>303</sup> [REDACTED]

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[REDACTED]

295.

imposed by Instagram and others.

1. Meta's

296. Although Meta understood

to reduce those

harms.

As early as

[REDACTED]

<sup>304</sup> *Id.*  
<sup>305</sup> [REDACTED]  
<sup>306</sup> *Id.*

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[REDACTED]

<sup>307</sup> *Id.*  
<sup>308</sup> *Id.*  
<sup>309</sup> [REDACTED]  
<sup>310</sup> *Id.*  
<sup>311</sup> *Id.*

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<sup>312</sup> [REDACTED]

<sup>313</sup> *Id.*

<sup>314</sup> [REDACTED]

<sup>315</sup> [REDACTED]

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<sup>320</sup> *Id.* (emphasis added)



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26 *Id.*  
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<sup>332</sup> *Id.* (pg. 3)  
<sup>333</sup> *Id.* (pg. 20)  
<sup>334</sup> [REDACTED]  
<sup>335</sup> *Id.*  
<sup>336</sup> *Id.*

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<sup>340</sup> [REDACTED] (pg. 1)  
<sup>341</sup> *Id.* (pgs. 10-11)  
<sup>342</sup> *Id.* (pg. 9)  
<sup>343</sup> *Id.* (pgs. 9-10) (emphasis added)  
<sup>344</sup> *Id.* (pg. 9)  
<sup>345</sup> [REDACTED]

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346 [REDACTED]

347 *Id.*

348 [REDACTED]

349 *Id.*

350 *Id.*

1 362. Upon information and belief, Meta never publicly disclosed [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED] Meta [REDACTED]

5 1. **Meta's Community Standards Enforcement Reports** [REDACTED]  
6 [REDACTED]

7 363. Through public representations, Meta creates the impression that Instagram is a  
8 safe platform on which harmful content is rarely encountered.

9 364. For example, Meta broadcasts that message through its Community Standards  
10 Enforcement Reports (“the Reports”), which the Company publishes quarterly on its online  
11 “Transparency Center” and amplifies through press releases.

12 365. The Reports describe the percentage of content posted on Instagram that Meta  
13 removes for violating Instagram’s community standards. Meta often refers to that percentage as  
14 its “prevalence” metric.

15 366. Through [REDACTED]  
16 [REDACTED]

17 367. The Reports create the impression that because Meta aggressively enforces  
18 platform community standards—thereby reducing the “prevalence” of community-standards-  
19 violating content—Instagram is a safe product that only rarely exposes users (including Young  
20 Users) to harmful content.

21 368. However, this is a false equivalency intended to sow confusion. As Meta well  
22 understands, the prevalence of community-standards-violating content, which is often quite  
23 low, is not the same as the actual prevalence of *harmful content*, which is rampant on Instagram.

24 369. The “community standards,” which are drafted by Meta, address only a narrow  
25 subset of harmful content; indeed, Meta purposely designed those standards narrowly so that  
26 they are rarely violated.

27  
28 <sup>351</sup> [REDACTED]

1 370. This allows Meta to expressly represent that Instagram is safe due to  
2 enforcement of these community standards. But this simply is artful misclassification—  
3 enabling Meta to engage in a conversation that purposely excludes and ignores the larger swath  
4 of harmful content on Instagram.

5 [REDACTED] For example, [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]

12 373. This representation—publicly accessible on Meta’s online Transparency  
13 Center—creates the impression that through the Reports, Meta is disclosing its information  
14 most relevant to the safety of Instagram and the incidence of harmful content on that platform.  
15 In other words, Meta posts these reports to its online Transparency Center so that users, parents,  
16 and guardians who visit that site will wrongly believe that Young Users are unlikely to  
17 experience harm on Instagram.

18 374. Indeed, documents show that Meta intended the Reports to create that exact  
19 (mis)understanding.

20 375. In [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

24 <sup>352</sup> [REDACTED]  
25 <sup>353</sup> <https://transparency.fb.com/data/community-standards-enforcement/> (last visited Jan. 27,  
26 2024).

27 <sup>354</sup> [REDACTED]  
28 [REDACTED] (pg. 12)



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[REDACTED]

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<sup>362</sup> [REDACTED]  
<sup>364</sup> *Id.*  
<sup>365</sup> *Id.*

1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

5 390. Meta employs “sleights of hand” in its enforcement policies, mechanisms,  
6 measurement, and reporting. As a recent Wall Street Journal exposé explains, “Meta had come  
7 to approach governing user behavior as an overwhelmingly automated process,” meaning that  
8 it relied on machine learning to (1) identify and (2) handle objectionable content.<sup>368</sup>

9 391. But this also meant that Meta “shifted resources away from” any human-led  
10 review, a shift which also included paying less attention to user-reported harmful content.<sup>369</sup>  
11 Meta “added steps to the reporting process” in 2019 in an effort “[t]o discourage users from  
12 filing reports.”<sup>370</sup>

13 392. This move to automated review created two critical problems: first, “[t]he  
14 systems didn’t catch anywhere near the majority of banned content—only the majority of what  
15 the company ultimately removed,” and second, “[a]s a data scientist warned Guy Rosen,  
16 Facebook’s head of integrity at the time, **Meta’s classifiers were reliable enough to remove  
17 only a low single-digit percentage of hate speech with any degree of precision.**”<sup>371</sup>

18 393. “There’s a grading-your-own-homework problem,” said Zvika Krieger, a former  
19 director of responsible innovation at Meta who worked with the Well-Being Team. “Meta  
20

21 \_\_\_\_\_  
22 <sup>366</sup> *Id.*

23 <sup>367</sup> *Id.*

24 <sup>368</sup> Jeff Horwitz, *His Job Was to Make Instagram Safe for Teens. His 14-Year-Old Showed Him*  
25 *What the App Was Really Like*, The Wall Street Journal (Nov. 2, 2023),  
<https://www.wsj.com/tech/instagram-facebook-teens-harassment-safety-5d991be1> (last visited  
26 Jan. 27, 2024).

27 <sup>369</sup> *Id.*

28 <sup>370</sup> *Id.*

<sup>371</sup> *Id.* (emphasis added).

1 defines what constitutes harmful content, so it shapes the discussion of how successful it is at  
2 dealing with it.”<sup>372</sup>

3 394. In other words, contrary to the impression the Reports created, Instagram users  
4 in general—and Young Users in particular—regularly encounter content related to self-harm,  
5 bullying, and harassment on Instagram. Through its Reports, Meta affirmatively, drastically,  
6 and materially misrepresents the actual prevalence of such harms.

7  
8 **2. Meta’s** [REDACTED]

9 395. Meta’s leadership team understood the discrepancy between Meta’s public  
10 Reports and Meta’s internal survey results.

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23  
24  
25 <sup>372</sup> *Id.*

26 <sup>373</sup> [REDACTED]

27 <sup>374</sup> *Id.*

28 <sup>375</sup> *Id.*

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[REDACTED]

<sup>376</sup> *Id.*  
<sup>377</sup> *Id.*  
<sup>378</sup> *Id.*  
<sup>379</sup> *Id.*  
<sup>380</sup> *Id.*

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[REDACTED]

409.

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382

**C. Meta Deceived Consumers by [REDACTED]**

410. Meta has affirmatively deceived consumers by promoting and maintaining inaccurate time-tracking tools on Meta platforms.

411. On August 1, 2018, Meta announced “new tools to help people manage their time on Facebook and Instagram.” The announcement touted platform-specific activity dashboards, daily use reminders, and a push notification-limiting tool engineered “based on collaboration and inspiration from leading mental health experts and organizations, academics, [Meta’s] own extensive research and feedback from [Meta’s] community.”<sup>383</sup>

412. In that announcement, Meta acknowledged that it has “a responsibility to help people understand how much time they spend on [Meta] platforms so they can better manage their experience.” Meta stated that it hopes “that these tools give people more control over the

<sup>381</sup> [REDACTED] (pg. 2)

<sup>383</sup> Ameet Ranadive, *New Tools to Manage Your Time on Facebook and Instagram*, Facebook (Aug. 1, 2018), <https://about.fb.com/news/2018/08/manage-your-time/#:~:text=To%20access%20the%20tools%2C%20go.total%20time%20for%20that%20day> (last visited Jan. 27, 2024).

1 time they spend on our platforms and also foster conversations between parents and teens about  
2 the online habits that are right for them.”<sup>384</sup>

3 [REDACTED] Through these public statements and others, Meta led Nevada consumers,  
4 parents, and guardians to believe they could rely on Meta’s so-called [REDACTED]

5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
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<sup>384</sup> *Id.*

27 <sup>385</sup> [REDACTED]

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[REDACTED]

422.

**D. Through Public Misrepresentations, Meta Leads the Public to Trust That**

[REDACTED]

423. The Time Spent episode is not the only time Meta has prioritized winning trust over telling the truth. To the contrary, Meta has repeatedly misrepresented facts about its business to convince consumers, parents, and guardians that Meta can be trusted to keep Young Users safe on Instagram.

**1. To Engender Public Trust, Meta Created the False Impression That It Does Not**

[REDACTED]

To downplay concerns that its platforms are addictive, Meta has repeatedly created the public impression that it

[REDACTED]

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[REDACTED] (pg. 1)  
390 [REDACTED]

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[REDACTED]

432. [REDACTED] Meta

affirmatively misled the public—including Nevada consumers, parents, and guardians—about the Company’s motivations and internal business practices. This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust a platform that works to capture ever-increasing shares of users’ time.

**2. Meta Deceptively Testified That It Age-Gates Content Inappropriate for Young Users.**

433. Meta also cultivated the impression that it protects Young Users from harmful or inappropriate content on Instagram.

391 [REDACTED]

1 434. In the opening remarks to her September 2021 Congressional testimony about  
2 the mental health effects of Meta’s platforms, Antigone Davis—Meta’s Global Head of  
3 Safety—told lawmakers: “We have put in place multiple protections to create safe and age-  
4 appropriate experiences for people between the ages of 13 and 17.”

5 435. During subsequent questioning from senators, Davis explained that “[w]hen it  
6 comes to those between 13 and 17, we consult with experts to ensure that our policies properly  
7 account for their presence, for example, by age-gating content.” Davis added, Meta does not  
8 “allow young people to see certain types of content. And we have age gating around certain  
9 types of content.”<sup>395</sup>

10 436. Davis also specifically testified that Meta does not “direct people towards  
11 content that promotes eating disorders.”<sup>396</sup>

12 437. Through Davis’s testimony, Meta led the public to believe that Meta successfully  
13 age-gates content that is inappropriate or harmful for Young Users.

14 [REDACTED] But [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 441. [REDACTED]  
24 [REDACTED]

25 \_\_\_\_\_  
26 <sup>395</sup> <https://www.rev.com/blog/transcripts/facebook-head-of-safety-testimony-on-mental-health-effects-full-senate-hearing-transcript> (last visited Jan. 27, 2024).

27 <sup>396</sup> *Id.*

28 <sup>397</sup> [REDACTED]

1 [REDACTED] This is a material misrepresentation, as reasonable  
2 consumers, parents, and guardians would be less likely to trust a platform that exposes users to  
3 age-inappropriate or harmful content.

4  
5 **3. Meta Deceptively Testified That It Does Not Place a Monetary Value  
6 on Young Users.**

7 442. In a similar vein, Meta deceptively led the public to believe that it does not place  
8 a monetary value on Young Users' use of Meta platforms. Meta created the impression that it  
9 does not discuss its youngest users in terms of their financial value to the Company.

10 443. For example, during Davis's September 2021 Congressional testimony, Senator  
11 Amy Klobuchar asked Davis for the monetary value that Meta places upon a young user's  
12 lifetime use of Meta products.

13 444. Davis responded, "That's not how we think about building products for young  
14 people . . . It's just not the way we think about it."

15 445. Through Davis's testimony, Meta led the public to believe that it does not place  
16 a monetary value on Young Users' use of Meta's platforms.

17 [REDACTED] But [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]

22 448. [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

25 This is a material misrepresentation, as  
26 reasonable consumers, parents, and guardians would be less likely to trust a platform that

27  
28 <sup>398</sup> [REDACTED]

1 calculates the monetary value that [REDACTED]

2 [REDACTED]

3

4 **4. Meta Created the Misleading Impression That It Was Not**

5 [REDACTED].

6 449. Through Congressional testimony, Meta deceptively led the public to believe

7 that it had not changed its internal data and research access policies in response to The Wall

8 Street Journal’s 2021 coverage of Meta’s internal research findings. Meta wanted to create that

9 impression so consumers, parents, and guardians would believe that the Company had no reason

10 to lock down internal information about Instagram’s mental health impacts.

11 450. During Davis’s September 2021 Congressional testimony, Tennessee Senator

12 Marsha Blackburn asked Davis “how are you restricting access to data internally? Have your

13 policies changed since The Wall Street Journal articles [describing the Meta’s internal well-

14 being research]?”

15 451. Davis succinctly responded, “Senator, not that I am—not that I’m aware of

16 certainly.”

17 452. Through Davis’s testimony, Meta led the public to believe Meta did not change

18 its internal access policies—such as restricting internal access to data and research—following

19 The Wall Street Journal’s coverage of Meta’s internal well-being research.

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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27 <sup>399</sup> [REDACTED]

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[REDACTED]

456.

**5. Meta Created the Impression That Its Platforms Are Not** [REDACTED]

457. Through Congressional testimony, Meta led the public to believe that its platforms are not addictive, despite the Company’s internal research to the contrary.

458. In her September 2021 Congressional testimony, Davis said that Meta does not build its products to be addictive and disputed the addictive nature of Meta’s products.

459. Similarly, in Congressional testimony from December 2021, Adam Mosseri said, “I don’t believe that research suggests that our products are addictive.”

460. Through Davis and Mosseri’s testimony, Meta led the public to believe Meta’s platforms are not addictive.

[REDACTED]

In fact, as described in detail above, [REDACTED]

[REDACTED]

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<sup>400</sup> *Id.*

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[REDACTED]

464.

[REDACTED]

This is a material misrepresentation, as reasonable consumers, parents, and guardians would be less likely to trust an addictive platform.

V. M A [REDACTED]

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

466. Meta routinely obtains actual knowledge that its Youngest Users are on Meta's platforms without parental consent.

467. Meta surreptitiously and unfairly targets very young individuals to become users of its Platforms, including Instagram, making the platforms directed to children.

468. Instead of obtaining verifiable parental consent, Meta [REDACTED]

Meta's

[REDACTED]

<sup>401</sup> [REDACTED] (pg. 35)

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[REDACTED]

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]

7 475. Upon information and belief, Meta has confirmed its knowledge of specific  
8 under age 13 user accounts through its review of data generated by Meta’s age-estimation  
9 algorithms confirming that millions of individual Facebook accounts belong to children under  
10 age 13.

11 476. In sum, Meta [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]

17 477. Children under the age of 13 are particularly vulnerable to the harms caused by  
18 Defendants’ social media platforms, and Meta’s conduct violates longstanding societal norms  
19 meant to protect children, and to preserve parents’ autonomy to ensure the same.

20 **CAUSES OF ACTION**

21 **COUNT I: DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION**  
22 **OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT**  
23 **(N.R.S. §§ 598.0903 THROUGH 598.0999)**

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

26 479. The Attorney General is authorized to bring an action—independently in the  
27 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in

28 407 [REDACTED]”)

1 Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.*, NRS 598.0963  
2 and 598.0999.

3 480. At all times relevant herein, the Defendants violated the Nevada Deceptive Trade  
4 Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing deceptive acts  
5 or practices, in the conduct of commerce, which are violations of the Act.

6 481. The Attorney General is authorized to bring an action in the name of the State to  
7 remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper  
8 in this Court because Defendants are using, have used, and/or are about to use practices that are  
9 unlawful under the Act. NRS § 598.0915(5).

10 482. Defendants willfully committed deceptive trade practices because of false  
11 representations as well as omission of material facts. *See* NRS § 598.0915(5); *see also* §§  
12 598.0915(2) (“[k]nowingly makes a false representation as to the source, sponsorship,  
13 approval or certification of goods or services for sale...”), 598.0915(3) (“[k]nowingly makes  
14 a false representation as to affiliation, connection, association with or certification by another  
15 person”), and 598.0915(15) (“[k]nowingly makes any other false representation in a  
16 transaction”).

17 483. Defendants acted knowingly under Nevada law, which states that under the  
18 NDTPA, “‘knowingly’ means that the defendant is aware that the facts exist that constitute the  
19 act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, \*2.  
20 Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that the defendant  
21 intend to deceive with the act or omission, or even know of the prohibition against the act or  
22 omission, but simply that the defendant is aware that the facts exist that constitute the act or  
23 omission.” *Id.* at \*8 (alteration original).

24 484. As set forth in Sections IV and V, *supra*, Defendants knowingly failed to  
25 disclose the material facts concerning the true nature of the risks of harm posed to Young Users  
26 on Instagram.

1           485. As set forth in Sections IV and V, *supra*, Defendants knowingly misrepresented  
2 to regulators and the public that Instagram was safe for Young Users, and prioritized the  
3 wellbeing of Young Users, when in fact Defendants knew that those representations were false.

4           486. As set forth in Sections IV and V, *supra*, Defendants, at all times relevant to this  
5 Complaint, willfully violated the Deceptive Trade Practices Act by committing deceptive trade  
6 practices by representing that Instagram “ha[s] ... characteristics, ... uses, [or] benefits” that it  
7 does not have. NRS § 598.0915(5).

8           487. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
9 deceptive trade practices by causing confusion or misunderstanding as to the safety and risks  
10 associated with the Instagram social media platform. NRS § 598.0915(2).

11           488. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
12 deceptive trade practices by making “false representation as to [the] affiliation, connection,  
13 association with or certification” of Instagram. NRS § 598.0915(3).

14           489. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
15 deceptive trade practices by representing that Instagram was “of a particular standard, quality  
16 or grade” (to wit, designed to be safe for Young Users), despite knowing that this was not true.  
17 NRS § 598.0915(7).

18           490. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
19 deceptive trade practices by representing that Instagram is safe and not harmful to Young Users’  
20 wellbeing when such representations were untrue, false, and misleading. NRS § 598.0915(15).

21           491. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
22 deceptive trade practices by using exaggeration and/or ambiguity as to material facts and  
23 omitting material facts, which had a tendency to deceive and/or did in fact deceive. NRS §  
24 598.0915(15).

25           492. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
26 deceptive trade practices by failing to disclose a material fact in connection with the sale or  
27 lease of goods or services. Nev. Rev. Stat. Ann. § 598.0923(1)(b).

28

1           493. As set forth in Section V, *supra*, Defendants willfully committed further  
2 deceptive trade practices by violating one or more laws relating to the sale or lease of goods or  
3 services. NRS § 598.0923(1)(c).

4           494. As set forth in Sections IV, *supra*, Defendants willfully committed further  
5 deceptive trade practices by making false assertions of scientific, clinical or quantifiable facts  
6 in its advertisements and public statements which would cause a reasonable person to believe  
7 that such assertions were true. NRS § 598.0925(1)(a).

8           495. Defendants’ deceptive representations, concealments, and omissions were  
9 knowingly made in connection with trade or commerce, were reasonably calculated to deceive  
10 the public and the State, were statements that may deceive or tend to deceive, were willfully  
11 used to deceive the public and the State, and did in fact deceive the public and the State.

12           496. As described more specifically above, Defendants’ representations,  
13 concealments, and omissions constitute a willful course of conduct which continues to this day.  
14 Unless enjoined from doing so, Defendants will continue to violate the Nevada Deceptive Trade  
15 Practices Act.

16           497. But for these representations, concealments, and omissions of material fact,  
17 Nevada’s Young User citizens (and their families) would not have suffered the harms detailed  
18 herein.

19           498. Defendants’ deceptive trade practices are willful and subject to a civil penalty  
20 and equitable relief. NRS § 598.0999.

21           499. Because Defendants’ deceptive trade practices are toward minors, Defendants  
22 are subject to additional civil penalties and equitable relief. NRS § 598.09735.

23           500. Each exposure of a Nevada Young User to Instagram resulting from the  
24 aforementioned conduct of each Defendant constitutes a separate violation of the Nevada  
25 Deceptive Trade Practices Act.

26           501. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law,  
27 including *inter alia* injunctive relief and all recoverable penalties under all sections of the  
28

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1 Deceptive Trade Practices Act including all civil penalties per each violation, attorney fees and  
2 costs, and pre- and post-judgment interest.

3 **COUNT II: UNCONSCIONABLE ACTS OR PRACTICES BY DEFENDANTS IN**  
4 **VIOLATION OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT**  
5 **(N.R.S. §§ 598.0903 THROUGH 598.0999)**

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

8 500. The Attorney General is authorized to bring an action—independently in the  
9 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
10 Nevada—to remedy violations of the Deceptive Trade Practices Act. *See, e.g.*, NRS 598.0963  
11 and 598.0999.

12 501. At all times relevant herein, Defendants violated the Nevada Deceptive Trade  
13 Practices Act, §§ 598.0903 to 598.0999, by repeatedly and willfully committing unconscionable  
14 trade practices, in the conduct of commerce, which are violations of the Act.

15 502. The Attorney General is authorized to bring an action in the name of the State to  
16 remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper  
17 in this Court because Defendants are using, have used, and/or are about to use practices that are  
18 unlawful under the Act. NRS § 598.0915(5).

19 503. As set forth in Sections I-III, *supra*, Defendants willfully committed  
20 unconscionable trade practices in designing and deploying the Design Elements on the  
21 Instagram social media platform. Such conduct violates the NDTPA’s prohibition of knowingly  
22 using “an unconscionable practice in a transaction.” NRS § 598.0923(1)(e).

23 504. Defendants acted knowingly under Nevada law, which states that under the  
24 NDTPA, “‘knowingly’ means that the defendant is aware that the facts exist that constitute the  
25 act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App. LEXIS 4, \*2.  
26 Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that the defendant  
27 intend to deceive with the act or omission, or even know of the prohibition against the act or  
28 omission, but simply that the defendant is aware that the facts exist that constitute the act or  
omission.” *Id.* at \*8 (alteration original).

1           505. The Design Elements identified in Sections I-III, *supra*, are “unconscionable  
2 trade practices” because they (1) “[t]ake[] advantage of the lack of knowledge, ability,  
3 experience or capacity of the consumer to a grossly unfair degree;” and (2) “[r]esult[] in a gross  
4 disparity between the value received and the consideration paid, in a transaction involving  
5 transfer of consideration.” NRS § 598.0923(2)(b)(1)-(2).

6           506. NRS § 598.0923(2)(b)(1): As discussed, *supra*, the Design Elements represent a  
7 vast asymmetry in sophistication and knowledge between Defendants, on the one hand, who  
8 have devoted extensive time, energy, and resources in identifying ways in which Young Users  
9 may be manipulated and exploited into compulsive use of Instagram; and Young Users (and  
10 their caretakers), on the other hand, who do not—and could not be expected to—have the same  
11 fundamental and sophisticated knowledge of behavioral psychology, biology of young people,  
12 and social media platform design principles. This asymmetry in knowledge is compounded by  
13 the fact that Defendants knowingly and intentionally hide, obscure, or minimize critical  
14 information, preventing public access to anything that might be damaging to their reputation  
15 and that would alert the public to the harms identified herein.

16           507. NRS § 598.0923(2)(b)(2): Further, as discussed, *supra*, use of the Instagram  
17 platform is a transaction that involves consideration (exemplified by the fact that Defendants  
18 seek to bind Young Users to, *inter alia*, a contract in the form of Instagram’s Terms of Use).  
19 Due to the harms identified herein that afflict Young Users as a result of using Instagram, and  
20 which are the result of the Design Elements deployed by Instagram for purposes of inducing  
21 compulsive use of the platform, the disparity between the value received and the consideration  
22 paid is so vast as to be unconscionable.

23           508. As described more specifically above, Defendants’ conduct is willful and  
24 continues to this day. Unless enjoined from doing so, Defendants will continue to violate the  
25 Nevada Deceptive Trade Practices Act.

26           509. But for this unconscionable conduct, Nevada’s Young User citizens would not  
27 have suffered the harms detailed herein.  
28



1           518. As a result of Defendants’ conduct, the State is entitled to—and does—seek  
2 damages (including punitive damages) in an amount to be proven at trial.

3                           **COUNT IV: PRODUCT LIABILITY – FAILURE TO WARN**

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

6           519. The Attorney General is authorized to bring an action—independently in the  
7 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
8 Nevada—to remedy violations of Nevada law.

9           520. Defendants created and maintain Instagram, and therefore are manufacturers of  
10 Instagram.

11           521. As set forth in Sections I-V, *supra*, Instagram has a defective warning that  
12 renders it unreasonably dangerous. Any and all representations, misrepresentations, and  
13 omissions made in relation thereto that Defendants made regarding the suitability and safety of  
14 Instagram for Young Users have not been accompanied by suitable and adequate warnings  
15 concerning its safe and proper use.

16           522. As set forth in Sections I-V, *supra*, Defendants had reason to anticipate that a  
17 particular use of Instagram—*i.e.*, its use by Young Users—may be dangerous without such  
18 warnings.

19           523. As set forth in Sections I-V, *supra*, any warning that Defendants made in  
20 connection with Young Users’ use of Instagram was not (1) designed so it can reasonably be  
21 expected to catch the attention of the consumer; (2) be comprehensible and give a fair indication  
22 of the specific risks involved with the product; and (3) be of an intensity justified by the  
23 magnitude of the risk.

24           524. As set forth in Sections I-V, *supra*, the defective warning existed at all times  
25 relevant hereto, including the time the product left the manufacturer (*i.e.*, Defendants).

26           525. As set forth in Sections I-V, *supra*, the defect caused injury to Young Users in  
27 Nevada.

28





1 E. On the Fifth Cause of Action, Judgment in favor of the State and against  
2 Defendants that Defendants' negligence caused damages as alleged herein;

3 F. On the Sixth Cause of Action, Judgment in favor of the State and against  
4 Defendants that Defendants were unjustly enriched as alleged herein;

5 G. That Plaintiff recover all measures of damages allowable under all applicable  
6 State statutes and the common law, but in any event more than \$15,000, that Judgment be  
7 entered against Defendants in favor of Plaintiff, and requiring that Defendant pay punitive  
8 damages;

9 H. That Defendants be ordered to pay civil penalties pursuant to the Deceptive  
10 Trade Practices Act including disgorgement and civil penalties of up to \$15,000 for each  
11 violation of the Deceptive Trade Practices Act, and up to \$25,000 for each violation of the  
12 Deceptive Trade Practices Act directed toward a minor person;

13 I. That Plaintiff be awarded all injunctive, declaratory, and other equitable relief  
14 appropriate and necessary based on the allegations herein;

15 J. That, in accordance with the Nevada Deceptive Trade Practices Act, Defendants,  
16 their affiliates, successors, transferees, assignees, and the officers, directors, partners, agents,  
17 and employees thereof, and all other persons acting or claiming to act on their behalf or in  
18 concert with them, be enjoined and restrained from in any manner continuing, maintaining, or  
19 renewing the conduct, alleged herein in violation of the above stated Nevada laws, or from  
20 entering into any other act, contract, or conspiracy having a similar purpose or effect;

21 K. That Plaintiff recover the costs and expenses of suit, pre- and post-judgment  
22 interest, and reasonable attorneys' fees as provided by law; and

23 L. That the Court order such other and further relief as the Court deems just,  
24 necessary, and appropriate.

25 ///

26  
27 ///

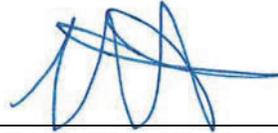
1 **JURY DEMAND**

2 Pursuant to NRCP 38(b), Plaintiff hereby demands a trial by jury on all issues so triable.

3 Dated January 30, 2024

4 Submitted By:

5 

6 

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