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15 **DISTRICT COURT**  
16 **CLARK COUNTY, NEVADA**

17 STATE OF NEVADA,  
18 Plaintiff,

19 vs.

20 TIKTOK, INC.; BYTEDANCE INC.;  
21 BYTEDANCE LTD., TIKTOK, LTD.;  
TIKTOK LLC,  
22 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 TikTok Inc.;  
3 TikTok LLC; TikTok, Ltd.; ByteDance Inc.; and ByteDance Ltd. (collectively, “Defendants”)  
4 and their social media platform<sup>1</sup>, TikTok, and alleges, upon information and belief, as follows:

## 5 INTRODUCTION

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

12 2. Defendants operate one of the world’s largest social media platforms, the wildly  
13 popular TikTok. The *Wall Street Journal* reported that “TikTok’s command of the U.S. digital-  
14 ad market more than doubled in 2022, . . . thanks to its nearly 100 million U.S. monthly active  
15 users, the virality of the platform and its hold over Gen Z, millennials and influencers.”<sup>2</sup> Ad  
16 revenues from TikTok grew to an estimated 2% of all digital-ad spending in the United States in  
17 2022, and its market share is expected to grow by 25%—thus to 2.5% of all digital-ad spending—  
18 in 2023.<sup>3</sup>

19 3. However, this revenue is only available as long as there is an audience on TikTok  
20 to view those highly-targeted advertisements. Thus, Defendants are incentivized to keep as many  
21 of their users on TikTok for as long as possible. But Defendants have crossed a line from simply  
22 enticing their audience to taking steps to keep that audience *addicted* to TikTok. Highly-skilled

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

26 <sup>2</sup> Patience Haggin, *Google and Meta’s Advertising Dominance Fades as TikTok, Streamers*  
*Emerge*, Wall St. J. (Jan. 4, 2023), [https://www.wsj.com/articles/google-and-metas-advertising-](https://www.wsj.com/articles/google-and-metas-advertising-dominance-fades-as-tiktok-netflix-emerge-11672711107)  
27 [dominance-fades-as-tiktok-netflix-emerge-11672711107](https://www.wsj.com/articles/google-and-metas-advertising-dominance-fades-as-tiktok-netflix-emerge-11672711107) (last visited Jan. 27, 2024).

28 <sup>3</sup> *Id.*

1 and highly-paid employees have invested years of research and analysis into designing and  
2 deploying features on TikTok that make it impossible not just to quit using the app, but simply  
3 to put our phones down to attend to the most basic functions of our daily lives. It demands our  
4 attention first thing in the morning and last thing at night, at the dinner table, while we are  
5 walking down the street, even when we are driving.

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

12 5. And, much like an illegal drug, TikTok has been designed to be an addiction  
13 machine, targeting people under the age of 18 (“Young Users”) and more insidiously children  
14 under the age of 13 (“Youngest Users”) who, as Defendants well know, have developmentally  
15 limited capacity for self-control. Children are the most vulnerable to these intentionally addictive  
16 design elements. As one specialist in social media addiction notes, “[a]dolescence is second only  
17 to infancy when it comes to growth. Therefore, the impact of social media on a developing teen’s  
18 mind and body can be huge.”<sup>5</sup> Social media platforms like TikTok, with design elements that  
19 intentionally keep children engaged for as long as possible—to the exclusion of all other  
20 activities—harm their users emotionally, developmentally, and physically. They lead to a  
21 condition known as “problematic internet use,”<sup>6</sup> which is associated with a range of harms,  
22  
23

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  
visited Jan. 27, 2024).

26 <sup>5</sup> <https://www.newportacademy.com/resources/mental-health/teens-social-media-addiction/>  
(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’ attempts  
4 to resist social media is an unfair fight: “You have some of the best designers and product  
5 developers in the world who have designed these products to make sure people are maximizing  
6 the amount of time they spend on these platforms. And if we tell a child, use the force of your  
7 willpower to control how much time you’re spending, you’re pitting a child against the world’s  
8 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 Defendants profit from each  
13 additional second a user spends on their platform.

14 8. Defendants have designed TikTok to exploit that dynamic by embedding within  
15 the 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 TikTok addictive to all users, and to Young Users  
18 in particular (“Design Elements”). These Design Elements—Low-Friction Variable Rewards;  
19 Social Manipulation; Ephemeral Content; Push Notifications; Harmful Filters; and Ineffective  
20 and Misleading Parental Controls and Wellbeing Initiatives (each defined below)—each serve  
21 as an obstacle to Young User’s free decision-making.

22 9. TikTok’s design and platform features have fueled the explosive increase in the  
23 amount of time that Young Users spend on the platform. [REDACTED]  
24 [REDACTED]—and as anyone who has recently spent time with adolescents can attest—Defendants  
25 have successfully induced Young Users to spend vast amounts of time on TikTok. Indeed, for

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

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

4 10. All the while, Defendants understand that Young Users’ time spent on their social  
5 media platform is not the product of free choice. [REDACTED]  
6 [REDACTED]—and as a growing chorus of independent researchers have confirmed—Young  
7 Users feel addicted to TikTok. They widely report difficulty controlling their time spent on the  
8 application (also referred to as “app”). And they frequently express that they would prefer to  
9 spend meaningfully less time on TikTok but feel powerless to do so. Still, Defendants have not  
10 introduced any product changes to meaningfully reduce their platform’s addictiveness.

11 11. The widespread compulsive use that Defendants induced—and allowed to  
12 continue unabated—has come at a massive societal cost. In effect, Defendants are conducting a  
13 potentially society-altering experiment on a generation of Young Users’ developing brains.<sup>8</sup>  
14 While this experiment’s full impact may not be realized for decades, the early returns are  
15 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 disorders;  
18 altered psychological and neurological development; and reduced sleep, to name a few. And that  
19 is to say nothing of the immense opportunity cost imposed when youth spend critical years glued  
20 to social media platforms, not engaged in the varied and profound experiences associated with  
21 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 See Maria T. Maza, Kara A. Fox, Seh-Joo Kwon, et al., *Association of Habitual Checking  
28 Behaviors 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, Defendants’ business strategy that purposefully addicts Young Users to  
2 their social media platform has caused widespread and significant injury to Nevadans, and young  
3 Nevadans in particular.

4           14.     Defendants also deceived and continue to deceive Nevada consumers—and,  
5 critically, parents—on a large scale. Here, Defendants misled consumers, parents, and guardians  
6 by concealing the various and significant risks TikTok presents to their users, particularly Young  
7 Users. Defendants further made multiple, affirmative misrepresentations and engaged in material  
8 omissions regarding the safety of their platform, to the detriment of Nevadans.

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

13           16.     Based on this misconduct, and as more fully described below, Nevada brings this  
14 action pursuant to the Nevada Deceptive Trade Practices Act, N.R.S. §§ 598.0903 through  
15 598.0999 (“NDTPA”), and further brings claims of negligence, products liability, and unjust  
16 enrichment.

17           17.     The State brings this action exclusively under the laws of the State of Nevada. No  
18 federal claims are being asserted, and to the extent that any claim or factual assertion set forth  
19 herein may be construed to have stated any claim for relief arising under federal law, such claim  
20 is expressly and undeniably disavowed and disclaimed by the State. The Attorney General is  
21 authorized to bring an action—independently in the name of the State as well as in a *parens*  
22 *patriae* capacity on behalf of the persons residing in Nevada—to remedy violations of Nevada  
23 law.

24           18.     Nor does the State bring this action on behalf of a class or any group of persons  
25 that can be construed as a class. The claims asserted herein are brought solely by the State and  
26 are wholly independent of any claims that individual Nevadans may have against Defendants.

**PARTIES**

1  
2 19. The State of Nevada is a body politic created by the Constitution and laws of the  
3 State; as such, it is not a citizen of any state. This action is brought by the State in its sovereign  
4 capacity in order to protect the interests of the State of Nevada and its residents as *parens patriae*,  
5 by and through Aaron D. Ford, the Attorney General of the State of Nevada. Attorney General  
6 Ford is acting pursuant to his authority under, *inter alia*, NRS 228.310, 338.380, 228.390, and  
7 598.0963(3).

8 20. Defendant TikTok Inc. (“TikTok”) operates the social media platform known as  
9 “TikTok.” TikTok was incorporated in California on April 30, 2015, with its principal place of  
10 business in Culver City, California.

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

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

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

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

22 25. The TikTok Defendants have actively formulated, participated in, approved,  
23 directed, or otherwise controlled the acts or practices referenced throughout this Complaint. Each  
24 of the TikTok Defendants jointly advertised, marketed, developed, and distributed the TikTok  
25 platform to consumers throughout the United States since at least 2017. TikTok Defendants  
26 jointly control, distribute, and market TikTok. The five entities are integrated, and their  
27 boundaries are porous. Documents, employees and information are shared across all five.  
28



1 federal issue is important to the federal system as a whole under the criteria set by the Supreme  
2 Court in *Gunn v. Minton*, 568 U.S. 251 (2013) (*e.g.*, federal tax collection seizures, federal  
3 government bonds). Specifically, the causes of action asserted, and the remedies sought herein,  
4 are founded upon the positive statutory, common, and decisional laws of Nevada. Further, the  
5 assertion of federal jurisdiction over the claims made herein would improperly disturb the  
6 congressionally approved balance of federal and state responsibilities. Accordingly, any exercise  
7 of federal jurisdiction is without basis in law or fact.

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

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

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

## 22 FACTS

### 23 I. TIKTOK, GENERALLY.

#### 24 A. TikTok’s Platform and Features

25 33. TikTok is a social media platform that centers on short videos created and  
26 uploaded by users and often set to music. Among other features, TikTok allows users to post or  
27 watch videos, create or watch live-streamed content, follow a video’s creator, publicly “Like”  
28

1 videos, comment on videos, add videos to their favorites, share videos with others, and search  
2 for videos.

3 34. TikTok allows users to create short videos, which often feature music in the  
4 background and can be sped up, slowed down, or edited with a filter. They can also add their  
5 own sound on top of the background music. To create a music video with the app, users can  
6 choose background music from a wide variety of genres, edit with a filter, and record a 15-second  
7 video with speed adjustments before uploading it to share with other TikTok users.

8 35. The principal interface of the app is the “For You” feed, which is an endless list  
9 of videos that are recommended to users based on their activity on the app.



Fig. 1

19  
20 36. Content on the “For You” feed is generated by TikTok’s algorithm depending on  
21 the content a user liked, interacted with, or searched. TikTok also allows users to navigate to a  
22 particular creator’s page and see their content.

23 **B. Company History: From Douyin to TikTok**

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

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

6 39. In August 2018, ByteDance Inc. changed the Musical.ly app’s branding to  
7 TikTok.<sup>10</sup> And Musical.ly Inc. changed its corporate name to TikTok, Inc. in May 2019.

8 **C. The Intertwined Nature of the TikTok Defendants**

9 40. The TikTok Defendants, although legally distinct on paper, are all intimately  
10 involved in controlling TikTok. The roles are often blurred between the TikTok Defendants.  
11 Defendant TikTok Inc. represents that there is no organizational chart because employees do not  
12 have formal titles.

13 41. For example, Defendants ByteDance Ltd. and TikTok Ltd. are intimately  
14 involved in making many of the decisions for TikTok, even though TikTok is unavailable in  
15 China. On information and belief, at least some of TikTok’s “safety features” must be approved  
16 by ByteDance Ltd. and TikTok Ltd.

17 42. Each Defendant’s boundaries are porous, and employees at all companies  
18 collaborate with each other. [REDACTED]

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]k.

22 43. According to researchers who prepared a report for an Australian Senate  
23 Committee, ByteDance Ltd. insiders have told tech outlets that “TikTok is not developed enough  
24  
25

26 \_\_\_\_\_  
27 <sup>10</sup> Paresh Dave, *China’s ByteDance Scrubs Musical.ly Brand in Favor of TikTok*, Reuters (Aug.  
28 2, 2018), <https://www.reuters.com/article/us-ByteDance-musically/chinas-ByteDance-scrubs-musical-ly-brand-in-favor-of-tiktok-idUSKBN1KN0BW/> (last visited Jan. 27, 2024).

1 to be a self-contained business unit”<sup>11</sup> “Therefore,” the report continues, “TikTok draws on  
2 personnel, experience, and methods of ByteDance’s Douyin app, software, and commercial  
3 model to achieve ‘technology accumulation and business breakthroughs.’”<sup>12</sup>

4 44. The report also concluded that ByteDance Ltd. management consider the TikTok  
5 Defendants interchangeable.<sup>13</sup> Prominent leaders of TikTok state on their LinkedIn profiles that  
6 they are employed by “ByteDance/TikTok.”<sup>14</sup>

7 45. TikTok Inc. CEO Shou Chew, who also is compensated by ByteDance Ltd.,  
8 admitted to Congress on March 23, 2023 that employees of ByteDance Ltd. are involved in  
9 creating TikTok and that he personally uses the Lark platform to communicate “with employees  
10 at ByteDance [Ltd.]”<sup>15</sup> Chew also reports to the chief executive officer of ByteDance Ltd.<sup>16</sup>

11 46. The above-mentioned report also shows particular examples of the TikTok  
12 Defendants’ practice of cross-hiring. For example, in November 2022, TikTok Inc. posted a job  
13 for a “data scientist” based in Shanghai. ByteDance Ltd. posted an advertisement with the same  
14 description as well the next week. The hiring team for the ByteDance Ltd. post was from  
15 “TikTok.”<sup>17</sup>

16  
17  
18 <sup>11</sup> Rachel Lee, et al., *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, 42  
(March 14, 2023), <https://t.co/ROPtMMud89> (last visited Jan. 27, 2024).

19 <sup>12</sup> *Id.*

20 <sup>13</sup> *Id.*

21 <sup>14</sup> *Id.*

22 <sup>15</sup> <https://www.techpolicy.press/transcript-tiktok-ceo-testifies-to-congress/> (**Rep. Lizzie  
23 Fletcher (D-TX):** So Lark is available to third parties outside of the ByteDance system as well,  
24 like Slack? Yes. And do you personally ever use Lark to communicate with ByteDance? **Shou  
25 Chew:** With employees at ByteDance? Yes, I do.); *see also id.* (**Rep. Richard Hudson (R-NC):**  
26 Do you receive personal employment, salary, compensation, or benefits from ByteDance? **Shou  
27 Chew:** Yes, I do.) (last visited Jan. 27, 2024).

28 <sup>16</sup> *See id.* (**Rep. Lizzie Fletcher (D-TX):** And who does [the account profile on Defendants’  
internal messaging system] identify as your manager? **Shou Chew:** I report to the CEO of  
ByteDance.)

<sup>17</sup> Rachel Lee, et al., *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, 42  
(March 14, 2023), <https://t.co/ROPtMMud89> (last visited Jan. 27, 2024); *数据科学家-国际短  
视频-上海*, ByteDance via LinkedIn, <https://bit.ly/40t63zF> (last visited Jan. 27, 2024); *Data  
Scientist/数据科学家*, TikTok via LinkedIn, <https://bit.ly/3n4bRkL> (last visited Jan. 27, 2024).

1           **D. Defendants Offer TikTok in Exchange for Consumers’ Valuable**  
2           **Consideration That Enables Defendants to Sell Advertising.**

3           47. Like all social media platforms, TikTok does not charge money from its users for  
4 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.

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

12           49. Because Defendants view TikTok users as their product, and because Defendants  
13 can best monetize and collect information about those users while they are on TikTok,  
14 Defendants are incentivized to keep users on the platform as long as possible, and as often as  
15 possible. Via his current project, The Center for Humane Technology, Tristan Harris further  
16 explains this concept:

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

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

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

25           ...

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

          ...

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

4            50. Competition for users' attention is fierce, and social media platforms—like  
5 TikTok—are purposely designed to addict their users. Fundamentally, the TikTok platform is  
6 built not for user experience, but for maximization of profit.

7            51. And this maximization of profit is achieved through addiction. As set forth below,  
8 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           52. These design elements are not subjective—instead they are part and parcel of  
12 TikTok'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 TikTok.

14           **E. Account Creation for TikTok.**

15           53. To fully access TikTok, consumers must create an account. As part of the  
16 account-creation process, consumers enter into a contract with Defendants. By entering into  
17 these contracts, users agree to be bound by, respectively, TikTok's Terms of Service<sup>20</sup> and its  
18 Privacy Policy.<sup>21</sup>

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

27           <sup>20</sup> <https://www.tiktok.com/legal/page/us/terms-of-service/en> (last visited Jan. 27, 2024).

28           <sup>21</sup> <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last visited Jan. 27, 2024).

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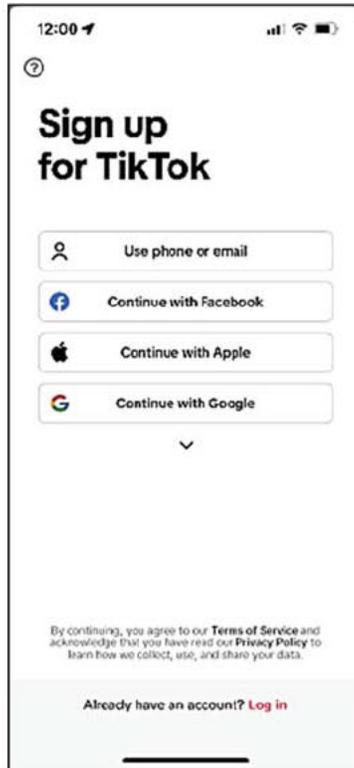


Fig. 2

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

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

[W]e use your information to improve, support and administer the Platform, to allow you to use its functionalities, and to fulfill and enforce our Terms of Service. We may also use your information to, among other things, show you suggestions, promote the Platform, and customize your ad experience.... We may link your contact or account information with your activity on and off our Platform across all your devices, using your email or other log-in or device information. We may use this information to display advertisements on our Platform tailored to your interests, preferences, and characteristics.<sup>22</sup>

<sup>22</sup> <https://www.tiktok.com/legal/page/us/privacy-policy/en> (last visited Jan. 27, 2024).

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

9           57. Users’ payment in the form of time, attention, and data enables Defendants to sell  
10 highly targeted, data-informed advertising opportunities, which is the foundation of Defendants’  
11 business.

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

14           58. [REDACTED]  
15 [REDACTED] In Defendants’ business model, not all consumers  
16 are created equal. Young Users are Defendants’ prized demographic.

17           59. In 2016, Alex Zhu explained why. At the time, he was founder and co-chief  
18 executive officer of TikTok’s precursor, Musical.ly. Subsequently, he became chief executive  
19 officer of TikTok Inc. Now, he is a ByteDance Ltd. executive.<sup>24</sup>

20           60. In an interview, Zhu claimed that “[t]eenagers in the U.S. are a golden  
21 audience . . . . If you look at China, the teenage culture doesn’t exist — the teens are super busy  
22 in school studying for tests, so they don’t have the time and luxury to play social media apps.”<sup>25</sup>

23 [REDACTED]

24 <sup>24</sup> Alex Zhu, LinkedIn, <https://www.linkedin.com/in/keepsilence/> (last visited Jan. 27, 2024).

25 <sup>25</sup> Paul Mozur, *Chinese Tech Firms Forced to Choose Market: Home or Everywhere Else*, N.Y.  
26 Times (Aug. 9, 2016), <https://nyti.ms/40qYZDM> (last visited Jan. 27, 2024).

1 He further explained that “[i]t’s better to have young people as an early adopter, especially the  
2 teenagers in the U.S. Why? They got a lot of time[.]”<sup>26</sup>

3 61. [REDACTED]

4 [REDACTED] 27

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 Fig. 3<sup>28</sup>

15 [REDACTED]

16 62. [REDACTED]

17 [REDACTED]

18 [REDACTED] 29

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

23

24

25 <sup>26</sup> Landon Talarico, *Musical.ly’s Alex Zhu on Igniting Viral Growth and Building a User Community* (2016), YouTube (May 23, 2021), <https://bit.ly/3ENN76v> (last visited Jan. 27, 2024).

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

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

28 <sup>29</sup> [REDACTED]

1           64.     However, this is not Defendants’ uniform strategy across the globe. In most—or  
2 perhaps all—other countries, Defendants *prohibit* Young Users from using TikTok.<sup>30</sup>

3           65.     Defendants pursues Young Users because Defendants’ advertising customers  
4 value that audience. Among other reasons, Defendants’ advertising partners want to reach Young  
5 Users because they: (1) are more likely to be influenced by advertisements, (2) may become  
6 lifelong customers, and (3) set trends that the rest of society emulates.

7           66.     Advertisers pay Defendants a premium to serve advertisements to Young Users.  
8 And many advertisers are willing to pay Defendants for the opportunity to reach Young Users  
9 in specific geographic markets, such as those in Nevada.

10          67.     Defendants are motivated to increase Young Users’ time spent on their platform  
11 not only because it is a meaningful stream of advertising business, but also, because the data that  
12 Defendants collects from that use is itself highly valuable to the Company.

13          68.     In short, Defendants has many strong short-term and long-term financial  
14 incentives to increase the time that Young Users spend on TikTok. And as described in further  
15 detail below, Defendants have chased that goal with incredible success, capturing a mind-  
16 boggling amount of time and attention from a generation of Young Users.

17          69.     This approach has been profitable. TikTok generated an estimated \$9.4 billion  
18 revenue in 2022.<sup>31</sup>

19          70.     A significant portion of these earnings come from the Young Users on  
20 Defendants’ platform. A recent study estimated the revenue derived from Young Users across  
21 the world’s largest social media platforms, including TikTok, and concluded that there were  
22 roughly 19 million U.S.-based Young Users (ages 0-17 years) on the platform as of 2022.<sup>32</sup> Over  
23

24 <sup>30</sup> N.Y. Times Events, *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube  
(Nov. 30, 2022), <https://youtu.be/EE5Pcz99JFI?t=327> (last visited Jan. 27, 2024).

25 <sup>31</sup> <https://www.businessofapps.com/data/tik-tok-statistics/> (last visited Jan. 27, 2024).

26 <sup>32</sup> Raffoul A, Ward ZJ, Santoso M, Kavanaugh JR, Austin S Bryn (2023) *Social media platforms  
27 generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue  
28 model*. PLoS ONE 18(12): e0295337, <https://doi.org/10.1371/journal.pone.0295337> (last visited  
Jan. 27, 2024); *id.* at Table 1.

1 \$2 billion in TikTok’s ad revenue came from that cohort in the same year,<sup>33</sup> which the researchers  
2 believe accounted for over 35% of overall advertising revenue in 2022.<sup>34</sup> Upon information and  
3 belief, a portion of these income-generating Young Users reside in Nevada.

4  
5 **G. Social Media Use—and Ensuing Exposure to Harms—is Especially  
6 Prevalent Among Young Users of Color.**

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

9 72. A recent study by Pew, entitled *Teens, Social Media and Technology 2023*,  
10 reveals that Black and Hispanic teenagers between ages 13 and 17 spend more time on social  
11 media platforms than their white counterparts.<sup>35</sup>

12 73. According to that study, “Hispanic teens stand out in TikTok...use,” as 32% of  
13 Hispanic teenagers—and 20% of Black teenagers—report generally being on the platform  
14 “almost constantly,” compared with 10% of their white teenage counterparts.

15 74. Another study similarly found that Black and Hispanic children, ages 8 to 12, also  
16 use social media platforms more than their white counterparts.<sup>36</sup>

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

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

23 <sup>33</sup> *Id.* at Fig. 1.

24 <sup>34</sup> *Id.* at Fig. 2.

25 <sup>35</sup> Pew Research Center, *Teens, Social Media and Technology 2023* (Dec. 11, 2023),  
26 <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>  
(last visited Jan. 27, 2024).

27 <sup>36</sup> Rideout, V., et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021* (2022),  
28 [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 77. Experts believe that internet usage among teenagers may be displacing other  
2 activities, including sports participation, in-person socializing, and reading, among other things.

3 78. With respect to reading, the 2023 *Scholastic Kids & Family Reading Report*  
4 found that the average amount of reading across all racial groups is in decline and continues to  
5 trend downward as children transition to their teenage years.<sup>37</sup>

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

8 80. These statistics raise the concern that the disparities in internet and social media  
9 platforms use may, in turn, intensify overall declines and existing differences in reading across  
10 racial groups.

11 81. As of the 2020 Census, Nevada's Black community constitutes roughly 12.1% of  
12 the State's population, and the Hispanic community constitutes 28.7% of the State's  
13 population.<sup>38</sup>

14 **H. Defendants Direct Their Business Towards Nevada.**

15 82. Defendants transact business in every city and state in the United States. [REDACTED]  
16 [REDACTED]

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25 <sup>37</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).

26 <sup>38</sup> <https://www.census.gov/library/stories/state-by-state/nevada-population-change-between-census-decade.html> (last visited Jan. 27, 2024).

27 <sup>39</sup> [REDACTED]  
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Fig. 4<sup>40</sup>

83. Notably, Defendants allows advertisers to target Young Users based on their age and location,<sup>41</sup> and TikTok is popular among Young Users in Nevada.

84. There is no shortage of reporting on teens’ use of TikTok in Nevada, albeit for a host of troubling reasons. For example, two teenagers filmed themselves fatally striking a bicyclist with a stolen car, and then posted the video on TikTok.<sup>42</sup> Authorities believe the motive was to participate in a TikTok “challenge” (discussed below).<sup>43</sup> A far less depressing example of teen use of TikTok involves a 16-year-old calling for a student strike in solidarity with their teachers, who were at the time considering a strike of their own.<sup>44</sup>

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<sup>40</sup> *Id.*

<sup>41</sup> See, e.g., <https://ads.tiktok.com/help/article/ad-targeting?lang=en> (last visited Jan. 27, 2024).

<sup>42</sup> <https://www.ktnv.com/news/man-up-plead-out-family-of-andreas-probst-calls-on-teens-to-plead-guilty> (last visited Jan. 27, 2024).

<sup>43</sup> *Id.*

<sup>44</sup> <https://www.teenvogue.com/story/viral-tik-tok-student-strike-nevada-teen-gillian-sullivan> (last visited Jan. 27, 2024).

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1           85.     And of course, Defendants enrich themselves by selling advertisements targeted  
2 to Nevada. As noted above, Defendants facilitate the targeting of advertisements specific to  
3 Nevada, and even allows businesses to target specific cities in Nevada. And Defendants engage  
4 in significant outdoor advertising in Nevada, promoting TikTok to Nevada residents. *E.g.*,



Fig. 5 – TikTok billboard on Old Hwy. 395, in Washoe Valley



Fig. 6 – Billboard in Las Vegas

1           86. In sum, Defendants not only make TikTok available in Nevada, they also—at a  
2 minimum—promote their brand in Nevada, [REDACTED]  
3 [REDACTED] and sell advertisements to Nevada entities so that they  
4 can expand their businesses in Nevada. And by virtue of Defendants’ business model,  
5 Defendants have entered into (at least) hundreds of thousands of contracts with consumers in  
6 Nevada and sold the opportunity to serve ads specifically to those Nevada consumers.

7 **II. DEFENDANTS UTILIZE MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO**  
8 **HOOK YOUNG USERS AND KEEP THEM ON TIKTOK IN PERPETUITY.**

9 **A. By Defendants’ Design, TikTok Induces Compulsive Use Among Young**  
10 **Users.**

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

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

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

19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
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25 [REDACTED]  
26 [REDACTED]

27 <sup>45</sup> [REDACTED]

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[REDACTED]

95.

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

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

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

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

46 [REDACTED]

1                   **1.     Low-Friction Variable Rewards**

2                   99.     The “Low-Friction Variable Reward” design element (also called the “Hook  
3 Model”<sup>50</sup>) is a powerful cognitive manipulation principle, first identified by the psychologist  
4 B.F. Skinner in the early 20<sup>th</sup> Century.<sup>51</sup> It is premised on the observation that when test  
5 subjects—both humans and other animals—are rewarded unpredictably for a given action, they  
6 will engage in the action for a longer period of time than if the reward is predictable.<sup>52</sup> In his  
7 testing, Skinner observed that lab mice responded voraciously to random rewards. The mice  
8 would press a lever and sometimes they’d get a small treat, other times a large treat, and other  
9 times nothing at all. Unlike the mice that received the same treat every time, the mice that  
10 received variable rewards seemed to press the lever compulsively.

11                  100.    At a chemical level, this is because the brain generates more dopamine in  
12 response to an uncertain reward than in response to an expected and reliable one.<sup>53</sup> The tendency  
13 of variable rewards to drive compulsive behavior is sometimes referred to as the “Vegas Effect,”  
14 and is the primary mechanism at work in slot machines, keeping players sitting in front of  
15 machines for hours on end (machines that, due to their limited mental development, Young Users  
16 and Youngest Users are of course forbidden from using or interacting with).<sup>54</sup>

17  
18 <sup>50</sup> Bart Krawczyk, *What is the hook model? How to build habit-forming products*, Log Rocket  
19 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).

20 <sup>51</sup> B. F. Skinner, *Two Types of Conditioned Reflex: A Reply to Konorski and Miller*, 16 J. Gen.  
21 Psychology, 272-279 (1937), <https://doi.org/10.1080/00221309.1937.9917951> (last visited Jan.  
22 27, 2024).

23 <sup>52</sup> Laura MacPherson, *A Deep Dive into Variable Designs and How to Use Them*, DesignLi (Nov.  
24 8, 2018), <https://designli.co/blog/a-deep-dive-on-variable-rewards-and-how-to-use-them/> (last  
25 visited Jan. 27, 2024); Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol. Today (Jan.  
26 4, 2019), <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens>  
27 (last visited Jan. 27, 2024).

28 <sup>53</sup> Anna Hartford & Dan J. Stein, *Attentional Harms and Digital Inequalities*, 9 JMIR Mental  
Health 2, 3 (Feb. 11, 2022), <https://pubmed.ncbi.nlm.nih.gov/35147504/> (“At the level of our  
neural reward system, an uncertain reward generates a more significant dopamine response than  
those generated by a reliable reward.”) (last visited Jan. 27, 2024).

<sup>54</sup> Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol. Today (Jan. 4, 2019),  
<https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens>  
(last visited Jan. 27, 2024).

1 i. Endless Scroll

2 101. One example of variable rewards design feature is the infinite or endless scroll  
3 mechanism with variable content that is deployed across social media platforms. When a  
4 platform uses endless scroll, a user is continuously fed more pieces of content, with no endpoint,  
5 as they scroll down a feed or page. When platforms load content into streams viewed by endless  
6 scroll, a user can never predict what will come next or how interesting it will be. The user is  
7 rewarded at unpredictable intervals and levels with pieces of content they find funny,  
8 entertaining, or otherwise interesting.<sup>55</sup>

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

12 103. TikTok employs the endless scroll, supplying Young Users with unpredictable  
13 variable rewards by strategically and intermittently surfacing content that Defendants predict  
14 users will want to see. But Defendants are not just making a “lucky” guess about the type of  
15 content that children- and others- would wish to engage. Rather these predictions are incredibly  
16 precise and “effective” as they are made because TikTok siphons private and personal user data  
17 to create individualized user profiles—including of children who uses the apps.

18 104. In 2021, the New York Times obtained a copy of an internal TikTok document  
19 titled “TikTok Algo 101,” which purported to explain how the social media platform’s  
20 algorithms work.<sup>56</sup> Per the Times article, “The document explains frankly that in the pursuit of  
21 the company’s ‘ultimate goal’ of adding daily active users, it has chosen to optimize for two  
22 closely related metrics in the stream of videos it serves: ‘retention’ — that is, whether a user  
23

24  
25 <sup>55</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  
26 Jan. 27, 2024).

27 <sup>56</sup> Ben Smith, *How TikTok Reads Your Mind*, New York Times (Dec. 5, 2021),  
<https://www.nytimes.com/2021/12/05/business/media/tiktok-algorithm.html> (last visited Jan.  
28 27, 2024).

1 comes back — and ‘time spent.’ In sum, “[t]he app wants to keep you there as long as  
2 possible.”<sup>57</sup>

3 105. One technologist quoted in the article went further, stating that the document  
4 confirmed:

5 [T]hat watch time is key. The algorithm tries to get people addicted rather than  
6 giving them what they really want... [I]t’s a crazy idea to let TikTok’s algorithm  
7 steer the life of our kids... Each video a kid watches, TikTok gains a piece of  
8 information on him. In a few hours, the algorithm can detect his musical tastes,  
9 his physical attraction, if he’s depressed, if he might be into drugs, and many  
other sensitive information. There’s a high risk that some of this information  
will be used against him. It could potentially be used to micro-target him or  
make him more addicted to the platform.<sup>58</sup>

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

16 107. Alex Zhu, one of the app’s founders, explains that continuous engagement is  
17 critical: “Even if you have tens of millions of users,” Zhu explained, “you have to keep them  
18 always engaged.”<sup>59</sup>

19 ii. Auto-Play

20 108. Another form of navigation manipulation called “Autoplay,” is similar to  
21 endless scrolling, and is especially prevalent on social media platforms, like TikTok, that provide  
22 video content for users. Simply put, once one video is over, another one begins without any  
23 further prompting from the user. Much like endless scroll, videos surface automatically and  
24

25 <sup>57</sup> *Id.* (emphasis added).

26 <sup>58</sup> *Id.*

27 <sup>59</sup> Biz Carson, *How a failed education startup turned into Musical.ly, the most popular app*  
28 *you’ve probably never heard of*, Bus. Insider (May 28, 2016),  
<https://www.businessinsider.com/what-is-musically-2016-5> (last visited Jan. 27, 2024).

1 continuously play, once they are loaded, thereby encouraging Young Users to remain on the  
2 platform *ad infinitum*.

3 [REDACTED] TikTok deploys the autoplay feature to keep Young Users on the platform.

4 [REDACTED]  
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14 [REDACTED]  
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16 [REDACTED]  
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21 [REDACTED]  
22 [REDACTED]

Fig. 7<sup>64</sup>

24 60 [REDACTED] (-75-76)  
25 61 [REDACTED] (-75)  
26 62 [REDACTED] (-58)  
27 63 [REDACTED] (-76)  
28 64 [REDACTED]

1           113. AutoPlay takes away a user’s sense of control, increasing the chances of binge-  
2 watch or going down a “rabbit hole.” Each time the algorithm loads eight new videos,  
3 Defendants work to ensure the videos are just similar enough—that is, similar enough to keep  
4 the user interested, but diverse enough to keep the videos unpredictable.<sup>65</sup> This method trains its  
5 users to crave the next video.

6           114. [REDACTED]  
7 [REDACTED]  
8 [REDACTED]

9           115. Due to low-friction variable rewards like Endless Scroll and Auto-Play, the “For  
10 You” TikTok feed is profoundly—and intentionally—addicting to Young Users.

11                           **2. Social Manipulation**

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

16           117. Children are particularly vulnerable to social manipulation techniques. Younger  
17 adolescents have specific developmental needs for social connectedness and are particularly  
18 attuned to social validation.<sup>67</sup> This can “lead to greater relinquishing of security in certain arenas  
19 to gain social validation and belonging, for example, disclosing publicly to participate in online  
20 communities and accrue large amounts of likes, comments, and followers.”<sup>68</sup> One pair of  
21 researchers investigating the phenomena write:

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23  
24 <sup>65</sup> [REDACTED]  
[REDACTED]

25 <sup>67</sup> Nicholas D. Santer et al., *Early Adolescents’ Perspectives on Digital Privacy*, Algorithmic  
26 Rights and Protections for Children (2021) at 6, 30.

27 <sup>68</sup> *Id.* at 6 (citing J.C. Yau & S. M. Reich, “It’s Just a Lot of Work”: Adolescents’ Self-  
28 Presentation Norms and Practices on Facebook and Instagram, 29 J. Res. on Adolescence 196,  
196-209 (2019)).

1 [T]o tweens and teens, the kind of “rewards” social media promise are even  
2 more meaningful. Teens are primed to crave and value social validation, which  
3 is part of how they make sense of where they fit into their social worlds. Their  
4 biological sensitivity to social feedback makes them more susceptible to the  
5 pull of social media, which is at the ready with a promise of 24/7 access to likes  
6 and praising comments. Capacities for self-regulation and impulse control are  
7 also a work in progress during the teen years, which adds to the challenge of  
8 pulling away.<sup>69</sup>

9 118. Many social manipulation design features induce anxiety in children that they or  
10 their content may not be as popular as that of their peers. In the words of a Massachusetts high  
11 school student who spoke with Common Sense Media, “[I]f you get a lot of likes, then ‘Yay,’  
12 you look relevant, but then if you don’t get a lot of likes and/or views, it can completely crush  
13 one’s confidence. Especially knowing that you’re not the only one who’s able to see it.”<sup>70</sup> Not  
14 only are children spotting and seeing posts, but now they are obsessing over the popularity of  
15 their posts and those of others. These factors all converge to create a feedback loop: because  
16 children crave this social reinforcement, they seek it out, but ultimately children are unequipped  
17 with the tools to protect themselves against the allure of “rewards” that these manipulative social  
18 media designs purportedly promise.

19 i. Quantified Popularity of a Young User’s Account or Content

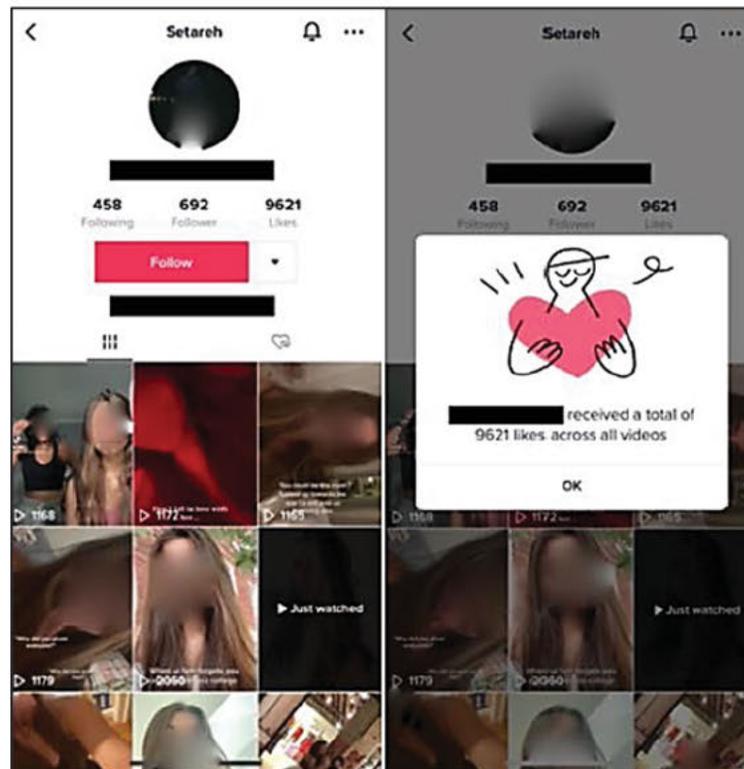
20 219. This design element “gamifies” a user’s popularity by displaying (publicly,  
21 privately, or both) the number of friends or connections a user has, the number of interactions  
22 their content has received, and sometimes also the names or usernames of specific other users  
23 who have interacted with the user or their content. Metrics that may be displayed include views,  
24 likes, dislikes, reactions, and comments received on content.

25 <sup>69</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults  
26 Are Missing)*, MIT Press, at 33 (2022) (citing Lucy Foulkes and Sarah-Jayne Blakemore, *Is  
27 There Heightened Sensitive to Social Reward in Adolescence?*, 40 *Current Opinion  
28 Neurobiology* 81 (2016)).

<sup>70</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17,  
2021), <https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good> (last visited Jan. 27, 2024).

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

4            121.    TikTok displays quantified popularity metrics for each user’s account, as well as  
5 for each video shared on the platform.



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

21            122.    TikTok’s promise of (and pressure to attain) popularity has a profound impact  
22 on Young Users:

1 For young viewers who see social media influencer as a popular career path,  
2 the allure is obvious. Teachers talk about students skipping class to record  
3 dances in the bathroom; Buddhist shrines in Nepal feature “No TikTok”  
4 signs. John Christopher Dombrowski, a Cornell University student whose  
5 TikToks about science facts have earned him 2.8 million followers, told the  
6 Information he’s paid his college tuition with ad-deal money from Adidas and  
7 Lancôme. “Social media is the new American Dream,” he said.<sup>71</sup>

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11 123. “Likes” and “comments” are also features that cause social comparison harms.  
12 TikTok counts and publicly displays the number of likes, comments, and shares that each video  
13 receives.

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

126. For example, “hashtag challenges” are trends on TikTok that encourage users to  
take some action, film it, and post it on TikTok.<sup>73</sup>

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

The 5-year-old boy’s panicked cries echoed down the hallway of the Arroyos’  
three-bedroom clapboard house in Milwaukee. It was February 2021, and he’d been  
playing with his 9-year-old sister, Arriani, before bedtime. Their mother was at a  
Bible study class, and their father was in his basement workshop, out of earshot.  
The boy had watched Arriani climb atop a toy chest, wrap a metal dog leash around  
her neck and hook the buckle to the wardrobe door hinge. Now she was hanging 2  
feet from the ground, kicking and desperately scratching at her neck.

...

<sup>71</sup> Drew Harwell, *How TikTok Ate The Internet*, Washington Post (Oct. 14, 2022),  
<https://www.washingtonpost.com/technology/interactive/2022/tiktok-popularity/> (last visited  
Jan. 27, 2024).

<sup>72</sup> [REDACTED] (–93)

<sup>73</sup> Breanna Miles, *What Is a TikTok Challenge?*, Lifewire (Jan. 30, 2020),  
<https://www.lifewire.com/what-is-a-tiktok-challenge-4782176> (last visited Jan. 27, 2024).

1 The game had a name: the blackout challenge. Kids around the world were choking  
2 themselves with household items until they blacked out, filming the adrenaline rush  
3 they got regaining consciousness and then posting the videos on social media. It's  
4 a modern incarnation of choking dares that have been around for decades, only now  
5 they're being delivered to children by powerful social media algorithms and  
6 reaching those too young to fully grasp the risk.<sup>74</sup>

5 128. Defendants know Young Users seek dangerous challenges on TikTok.

12 [REDACTED]  
13 129. [REDACTED]  
14 [REDACTED]  
15 [REDACTED]

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

18 ii. Coins

19 131. TikTok sells "Coins" to its users which they can in turn send to their favorite  
20 TikTok video-creators—known as gifts.<sup>77</sup>

21 132. However, this creates a bizarre set of relationships among users—including  
22 Young Users—on the platform, in which users who stream content via the Live feature are

23 \_\_\_\_\_  
24 <sup>74</sup> Olivia Carville, *TikTok's Viral Challenges Keep Luring Young Kids to Their Deaths*,  
Bloomberg Businessweek (Nov. 30, 2022), <http://bit.ly/3IPQim2> (last visited Jan. 27, 2024).

25 <sup>75</sup> [REDACTED]

26 <sup>76</sup> [REDACTED]

27 <sup>77</sup> *Get Coins*, TikTok, [www.tiktok.com/coin](http://www.tiktok.com/coin) (last visited Jan. 27, 2024); [REDACTED]

1 incentivized to ask their followers (people watching the Live stream) for Coins, which they then  
2 can exchange for hard currency. As one publication explains: “Fans can use Coins to send gifts  
3 during livestreams, shown as specific emoticons at the bottom of the screen. When you send a  
4 gift on TikTok LIVE, a notification pops up for everyone in the stream. Sometimes, the creator  
5 might give you a shoutout. TikTok converts gifts into virtual credits called Diamonds. The  
6 number of credits depends on the creator's popularity in livestreams. They can exchange them  
7 for real-world money.”<sup>78</sup>

8 133. [REDACTED]

11 134. [REDACTED]



Fig. 9<sup>81</sup>

78 <https://www.androidpolice.com/tiktok-buy-recharge-coins/> (last visited Jan. 27, 2024).

79 [REDACTED]

80 *Id.*

81 <https://www.forbes.com/sites/alexandralevine/2022/04/27/how-tiktok-live-became-a-strip-club-filled-with-15-year-olds/?sh=71e3e5a262d7> (last visited Jan. 27, 2024).

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137.

### 3. Ephemeral Content

138. As research shows and Defendants know, Young Users are developmentally wired such that the fear of missing out (“FOMO”) is a “repeatedly identified driver of smartphone and social media use[.]”<sup>84</sup> This dovetails with a psychological concept identified by

<sup>82</sup> [REDACTED] (pg. 63)

<sup>83</sup> *Id.*

<sup>84</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).

1 B.F. Skinner as “avoidance,” meaning that an individual performs a behavior to avoid a negative  
2 outcome.<sup>85</sup>

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

7 140. [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]

11 141. This preys on Young Users’ FOMO. Once hooked on the live content, Young  
12 Users are more likely to compulsively and continuously log on to TikTok so they can view it.  
13 This includes at inopportune moments such as during school, or when Young Users should be  
14 sleeping.

15 142. [REDACTED]  
16 [REDACTED]  
17 [REDACTED]

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

21 144. Defendants could make posts able to be stored by their users, or simply make that  
22 content available for viewing days or weeks after they are created. This would allow Young  
23 Users to take meaningful breaks from TikTok (for instance, during the school week or while on  
24 vacation) without missing content. Instead, they deploy ephemeral content because they know

25 <sup>85</sup> GameQuitters, *Are Video Games Designed to Be Addictive?*, [https://gamequitters.com/are-](https://gamequitters.com/are-video-games-addictive/)  
26 [video-games-addictive/](https://gamequitters.com/are-video-games-addictive/) (last visited Jan. 27, 2024).

27 <sup>86</sup> [REDACTED]  
28 [REDACTED]

1 Young Users' FOMO will keep them glued to the platform. In addition, this ephemeral nature  
2 of TikTok's content gives Defendants a pretext to send endless streams of push notifications to  
3 users' smartphones, constantly alerting them of content they are going to miss day and night  
4 (more on this below).

5 **4. Push Notifications**

6 145. Defendants cause Young Users to increase their time spent on their platform by  
7 inundating them with notifications when they are off TikTok, in an effort to entice them to stop  
8 whatever else they are doing and return to engaging with social media. By default, TikTok  
9 peppers users (including Young Users) with frequent alerts or notifications intended to cause  
10 users to open the application.

11 146. TikTok's push notifications alert users on their smartphones even when the app  
12 is closed and the user is not actively using their smartphone. They can come as buzzes, lights,  
13 sounds, or messages, but the crux is the same: they draw the user's attention to their phone and  
14 then, to the TikTok application.

15 147. Another push notification feature that exacerbates FOMO and social pressures to  
16 be on TikTok is the "Now" feature, wherein TikTok sends daily push notifications prompting  
17 users to take a 10-second video or photo and share what they are doing at a given moment using  
18 both the front and back camera of the phone simultaneously.<sup>88</sup>

19 148. [REDACTED]

20 [REDACTED]  
21 149. [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

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27 <sup>88</sup> *TikTok Now*, TikTok <https://web.archive.org/web/20230327001832/https://support.tiktok.com/en/using-tiktok/exploring-videos/tiktok-now> (archived version as of Mar. 17, 2023).  
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1 [REDACTED]  
2 [REDACTED]

3 150. While some notifications exist to alert users to interactions their accounts have  
4 had on TikTok—such as receiving a new follower or message—many push notifications are  
5 completely disconnected from users’ actual engagement with TikTok. Instead, the reason those  
6 notifications exist is to draw users back to TikTok.

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

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

16 While it’s easy to dismiss this claim as hyperbole. [social media platforms]  
17 *leverage the very same neural circuitry used by slot machines and cocaine to*  
18 *keep us using their products as much as possible....* Although not as intense as  
19 [sic] hit of cocaine, positive social stimuli will similarly result in a release of  
dopamine, reinforcing whatever behavior preceded it . . . Every notification...  
has the potential to be a positive social stimulus and dopamine influx.<sup>90</sup>

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

23 154. [REDACTED]  
24 [REDACTED]

25 <sup>89</sup> [REDACTED]

26 <sup>90</sup> <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/> (last visited Jan.  
27, 2024).

28 <sup>91</sup> [REDACTED]

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

3                           **5. Harmful Filters**

4           156. Defendants incorporate a host of filters—which are formally called “Effects” on  
5 the platform—into TikTok, allowing Young Users to edit their posts with augmented-reality  
6 visual and aural effects. However, many of these filters are cosmetic in nature, inducing the user  
7 to alter their appearance in a manner more in line with perceived notions of attractiveness.

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

10          158. One such Effect is “Bold Glamour,” which changes people’s facial features and  
11 simulates makeup. As of March 8, 2023, it had been used over 16 million times in videos.

12          159. A *Vice* article describes the Bold Glamour effect as one that “convincingly alters  
13 facial features to look more conventionally attractive and simulates a soft glam makeup look[.  
14 It] has some users freaking out that it conveys unrealistic beauty standards without viewers  
15 realizing that the look comes from software.” The article quotes one user as saying: “As someone  
16 who experienced body (dysmorphia) growing up this makes me sick to my stomach; tik tok u  
17 can’t be enabling this . . . it’s sickening for our youth[.]”<sup>92</sup>

18          160. One young adult TikToker provided before-and-after screenshots to The Wall  
19 Street Journal showing the filter’s effect:

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27 <sup>92</sup> Lauren Fichten, *This is a Problem’: A New Hyper-Realistic TikTok Beauty Filter Is Freaking*  
28 *People Out*, *Vice* (Feb. 28, 2023), <https://www.vice.com/en/article/pkg747/tiktok-beauty-filter-bold-glamor-problem> (last visited Jan. 27, 2024).



Fig. 10<sup>93</sup>

161. These types of filters have created lasting damage among Young Users. Plastic surgeons have reported a surge in patients seeking alterations so that they can look more like selfies to which these types of filters have been applied.<sup>94</sup>

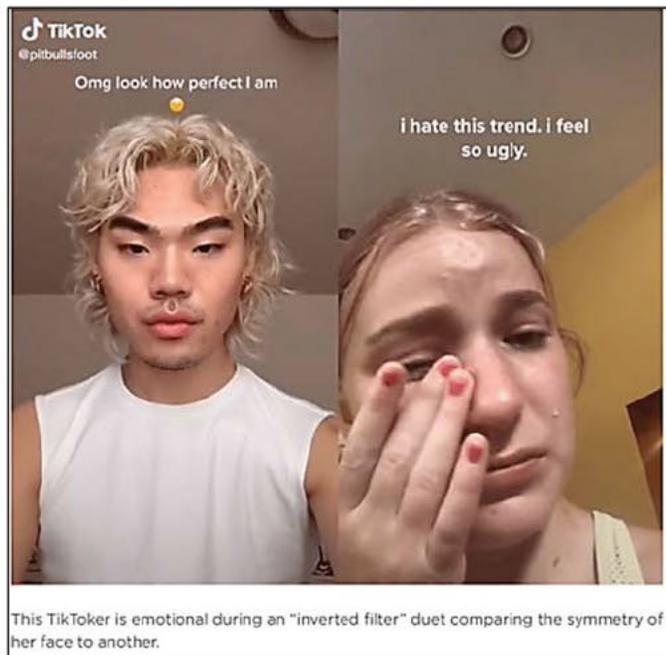
162. One social psychologist summarized the effect as “the pressure to present a certain filtered image on social media [which] can certainly play into [depression and anxiety] for younger people who are just developing their identities.”<sup>95</sup> *E.g.*,

<sup>93</sup> Sara Ashley O’Brien, *With ‘Bold Glamour’ Transformations, TikTok Effect Sparks Beauty Debate*, Wall St. J. (March 10, 2023), <https://www.wsj.com/articles/bold-glamour-tiktok-effect-beauty-debate-d877d6> (last visited Jan. 27, 2024).

<sup>94</sup> <https://www.americanspa.com/medical-spa/how-tiktok-influencing-plastic-surgery> (last visited Jan. 27, 2024).

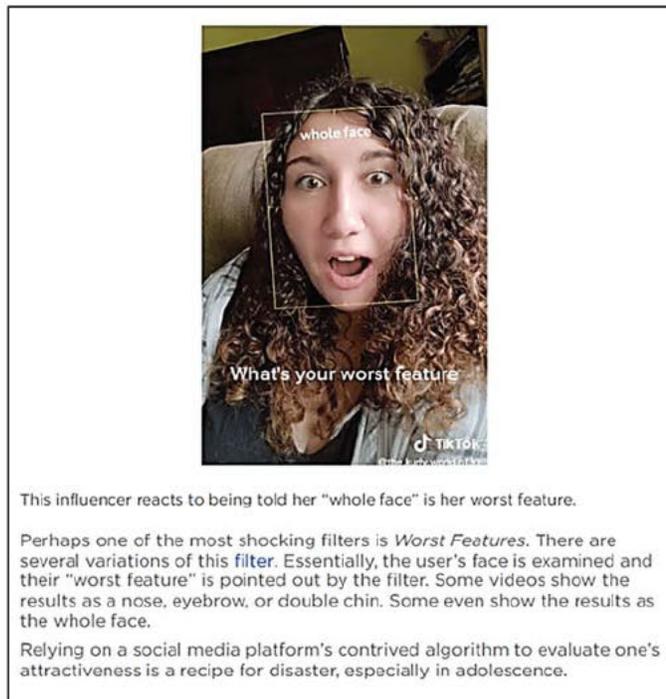
<sup>95</sup> Nathan Smith & Allie Yang, *What happens when lines blur between real and virtual beauty through filters*, ABC News (May 1, 2021), <https://abcnews.go.com/Technology/lines-blur-realvirtual-beauty-filters/story?id=77427989> (last visited Jan. 27, 2024).

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

Fig. 11<sup>96</sup>



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

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

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

Fig. 12<sup>97</sup>

<sup>96</sup> <https://gabb.com/blog/tiktok-filters/> (last visited Jan. 27, 2024).

<sup>97</sup> *Id.*

1            163. A 2022 study<sup>98</sup>—focusing exclusively on TikTok users—showed that TikTok is  
2 detrimental to body image, with usage being positively associated with body dissatisfaction.  
3 TikTok also caused indirect effects by increasing upward appearance comparison<sup>99</sup> and body  
4 surveillance, which in turn increases body dissatisfaction. While researchers hypothesized that  
5 being exposed to body positive media could function as a protective factor against TikTok  
6 causing negative body image, the results actually showed the complete opposite, with people  
7 who consumed high levels of this type of media engaging in increased appearance comparison.<sup>100</sup>

8            164. [REDACTED]

11          165. [REDACTED]

15          166. [REDACTED]

20 <sup>98</sup> Danielle Bissonette Mink, Dawn M. Szymanski, *TikTok use and body dissatisfaction: Examining direct, indirect, and moderated relations*, *Body Image*, Volume 43, 2022, Pages 205-216, ISSN 1740-1445, <https://doi.org/10.1016/j.bodyim.2022.09.006> (last visited Jan. 27, 2024).

22 <sup>99</sup> “Upward appearance” refers to appearance-based social comparisons, specifically those made to others with perceived “better” bodies, while “body surveillance” is a preoccupation with monitoring one’s physical appearance and attractiveness. See, e.g., <https://www.cognitivebehaviorassociates.com/blog/does-tiktok-cause-body-dysmorphia/#:~:text=Research%20has%20shown%20that%20TikTok,increases%20body%20dissatisfaction%20even%20more> (last visited Jan. 27, 2024).

25 <sup>100</sup> Danielle Bissonette Mink, Dawn M. Szymanski, *TikTok use and body dissatisfaction: Examining direct, indirect, and moderated relations*, *Body Image*, Volume 43, 2022, Pages 205-216, ISSN 1740-1445, <https://doi.org/10.1016/j.bodyim.2022.09.006> (last visited Jan. 27, 2024).

27 <sup>101</sup> [REDACTED]

1 167. Defendants continuously prioritize engagement over the safety of TikTok’s  
2 Young Users, while publicly denying that they do this.

3  
4 **6. Ineffective and Misleading Parental Controls and Wellbeing  
Initiatives**

5 168. TikTok recently introduced some new features that prompt users who spend more  
6 than 100 minutes in the app to consider taking a break.<sup>103</sup> However, this is merely a suggestion,  
7 and the value of mentioning to an addict that they may want to cease engaging in their addiction  
8 is not a particularly effective tool.

9 169. Moreover, the prompt only appears the *next* time the user opens the app, and does  
10 nothing to limit the current session, even after the 100-minute mark.<sup>104</sup>

11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]

15 [REDACTED]  
16 [REDACTED]  
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19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

23 [REDACTED]  
24 [REDACTED]

25 <sup>103</sup> Jordan Furlong, *Investing in Our Community's Digital Well-Being*, TikTok Newsroom (June  
26 9, 2022), <https://newsroom.tiktok.com/en-us/investing-in-our-communitys-digital-well-being>  
(last visited Jan. 27, 2024).

27 <sup>104</sup> *Id.*

28 <sup>105</sup> [REDACTED]

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Fig. 13<sup>109</sup>

<sup>106</sup> [REDACTED] Yingzhi Yang and Brenda Goh, *ByteDance names head of China news unit as global TikTok R&D chief*, Reuters (Feb. 24, 2021), <https://www.reuters.com/article/us-usa-tiktok-bytedance/bytedance-names-head-of-china-news-unit-as-global-tiktok-rd-chief-sources-idUSKBN2AO26F> (last visited Jan. 27, 2024).

<sup>107</sup> [REDACTED]

<sup>108</sup> MM Guardian, *TikTok Is Now the Most Used App by Teens & Pre-Teens in the US*, PR Newswire (Mar 23, 2021), <https://www.prnewswire.com/news-releases/tiktok-is-now-the-most-used-app-by-teens--pre-teens-in-the-us-301253639.html> (last visited Jan. 27, 2024); see also [REDACTED]

<sup>109</sup> [REDACTED] (pg. 4)

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

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

7           174. Notably, these Design Elements—Low-Friction Variable Rewards; Social  
8 Manipulation; Ephemeral Content; Push Notifications; Harmful Filters; and Ineffective and  
9 Misleading Parental Controls and Wellbeing Initiatives—are not tethered to any specific third-  
10 party content. Indeed, the substance of any content incorporated into or used by the Design  
11 Elements is immaterial. Instead, the Design Elements themselves create the risk and harm of  
12 addiction, which is separate and apart from other harms caused by the platform.

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

16           **III. DEFENDANTS KNOW [REDACTED]**

17           **[REDACTED] AMONG YOUNG USERS.**

18           176. Because of Defendants’ design choices, TikTok already has hooked a generation  
19 of Young Users.

20           177. Defendants know [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 <sup>110</sup> Under Nevada law, “‘knowingly’ means that the defendant is aware that the facts exist that  
26 constitute the act or omission.” *Poole v. Nev. Auto Dealership Invs., LLC*, 2019 Nev. App.  
27 LEXIS 4, \*2. Similarly, “a ‘knowing[ ]’ act or omission under the NDTPA does not require that  
28 the defendant intend to deceive with the act or omission, or even know of the prohibition against  
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).

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179. As TikTok’s CEO has admitted, Defendants have “invested a significant amount in understanding the issues that could arise from . . . teenage use[.]”<sup>112</sup> However, since Young Users’ compulsive use benefit Defendants’ bottom line, they have not taken meaningful steps to rescue Young Users from this emerging crisis.

184. Defendants further are aware of the safety risks of their Design Elements. As noted above, TikTok is routinely cited in reports of crimes committed against Young Users, and

<sup>111</sup> [REDACTED]

<sup>112</sup> N.Y. Times Events, *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube (Nov. 30, 2022), <https://bit.ly/3YIRFI2> (last visited Jan. 27, 2024).

<sup>113</sup> [REDACTED]

<sup>114</sup> [REDACTED]

<sup>115</sup> *Id.*

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1 itself is the target of numerous lawsuits resulting from injuries—even fatal injuries—suffered by  
2 its Young Users.

3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
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25 116 [REDACTED]  
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27 118 [REDACTED]  
28 119 [REDACTED]



1 192. [REDACTED]

2 [REDACTED] failed to disclose any of this

3 material information.

4 **A. Defendants Harm Young Users by Inducing Compulsive Use on TikTok.**

5 193. Defendants have substantially injured Young Users by designing TikTok to  
6 induce compulsive and excessive use, which interferes with important developmental processes  
7 and behaviors.

8 194. These injuries include Young Users' lack of sleep and related health outcomes,  
9 diminished in-person socialization skills, reduced attention, increased hyperactivity, self-control  
10 challenges and interruption of various brain development processes.

11 **1. Mental Health Harms**

12 195. Maximizing children's time and activities online is linked with worse  
13 psychological well-being in children in concrete and serious ways that cannot be ignored in the  
14 context of the current youth mental health crisis. Defendants have caused Young Users to  
15 experience mental health harms, such as increased levels of depression and anxiety. In addition,  
16 Defendants have caused Young Users to have diminished social capacity and other  
17 developmental skills by virtue of the "opportunity cost" associated with devoting significant time  
18 to social media, rather than partaking in other developmentally important, in-person life  
19 experiences.

20 196. The United States Surgeon General's May 2023 Advisory, titled "Social Media  
21 and Youth Mental Health" (the "Advisory"), describes some of the harms caused by Defendants.

22 <sup>122</sup> As the Advisory explains, "[a] Surgeon General's advisory is a public statement that calls  
23 the American people's attention to an urgent public health issue . . . Advisories are reserved for  
24 significant public health challenges that require the nation's immediate awareness and action."<sup>123</sup>

25 \_\_\_\_\_  
26 <sup>122</sup> U.S. Dep't of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S.  
27 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).

28 <sup>123</sup> *Id.*

1 According to the Surgeon General, Young Users’ social media use is one such significant public  
2 health challenge.

3 197. As the Advisory explains, “[e]xcessive and problematic social media use, such as  
4 compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and  
5 feelings of exclusion among adolescents.”<sup>124</sup>

6 198. The Advisory also identifies “changes in brain structure,” “altered neurological  
7 development,” “depressive symptoms, suicidal thoughts, and behaviors,” “attention  
8 deficit/hyperactivity disorder (ADHD,)” and “depression, anxiety and neuroticism,” as  
9 additional harms to Young Users associated with compulsive social media use.<sup>125</sup>

10 199. [REDACTED]  
11 [REDACTED]  
12 [REDACTED]  
13 [REDACTED]

## 14 2. Harm to Body Image

15 200. Design features that maximize time spent on social media can also lead to  
16 heightened exposure to negative body image–related content, which increases children’s  
17 susceptibility to poor body image and, consequently, disordered eating. A study of data from 7th  
18 and 8th graders published in 2019 in the *International Journal of Eating Disorders* “suggest[ed]  
19 that [social media], particularly platforms with a strong focus on image posting and viewing, is  
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24 <sup>124</sup> *Id.*

25 <sup>125</sup> To be clear, this Complaint is focused on harms arising out of compulsive or “problematic”  
26 platform use, not harms caused by exposure to any individual, specific pieces or categories of  
27 content on TikTok.

28 <sup>126</sup> [REDACTED]

<sup>127</sup> [REDACTED]

1 associated with elevated [disordered eating] cognitions and behaviors in young adolescents.”<sup>128</sup>

2 Personal stories from sufferers of disordered eating have highlighted the link to social media.<sup>129</sup>

3 201. 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.

6 202. Second, platforms use algorithms to deliver content related to topics or themes  
7 that the platform believes will maximize a user’s time spent on the platform. These  
8 recommendation systems create “bubbles” or “rabbit holes” of content around a specific theme  
9 and also expose users to increasingly extreme content on a given topic. This has proven  
10 especially true for negative body image and pro-eating disorder content.<sup>130</sup> Research shows that  
11 social media platforms’ content selection algorithms have pushed disordered eating and harmful  
12 diet techniques to teenage girls.<sup>131</sup> Girls who express an interest in dieting or dissatisfaction with  
13 their looks are bombarded with content targeted to these insecurities and often pushed to more  
14 extreme content such as pro-anorexia posts and videos. And because platforms know teenage  
15 girls disproportionately engage with this type of content,<sup>132</sup> even minor users who do not express  
16 interest in these topics are often delivered this content.

17 203. The harm that social media does to children’s body image and eating habits has  
18 been widely discussed in public discourse in recent months, but even as of the filing of this

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20 <sup>128</sup> Simon M. Wilksch et al., *The Relationship Between Social Media Use and Disordered Eating*  
*in Young Adolescents*, 53 *Int. J. Eat. Disord.* 96, 104 (2020).

21 <sup>129</sup> See, e.g., Jennifer Neda John, *Instagram Triggered My Eating Disorder*, *Slate* (Oct. 14, 2021),  
22 <https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger.html> (last  
23 visited Jan. 27, 2024); Clea Skopeliti, *‘I Felt My Body Wasn’t Good Enough’: Teenage Troubles*  
*with Instagram*, *The Guardian* (Sept. 18, 2021), [https://www.theguardian](https://www.theguardian.com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram)  
24 [.com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram](https://www.theguardian.com/society/2021/sep/18/i-felt-my-body-wasnt-good-enough-teenage-troubles-with-instagram)  
(last visited Jan. 27, 2024).

25 <sup>130</sup> “Selfies—Living in the Era of Filtered Photographs.” *JAMA Facial Plastic Surgery*, 20(6),  
pp. 443–444.

26 <sup>131</sup> *Id.*

27 <sup>132</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.](https://pubmed.ncbi.nlm.nih.gov/26991868/)  
28 [nlm.nih.gov/26991868/](https://pubmed.ncbi.nlm.nih.gov/26991868/) (last visited Jan. 27, 2024).

1 Action, content depicting disordered eating remains widely available to children and profitable  
2 to platforms, including TikTok, and even popular among teens, who are exposed to more of it as  
3 they spend more time online.

4 204. In 2020, a longitudinal study investigated whether social media platform  
5 addiction predicted suicide-related outcomes and found that children and adolescents addicted  
6 to social media use are more likely to engage in self-injurious behavior, such as cutting and  
7 suicide.<sup>133</sup> Other studies examining the link between these increases found that adolescents who  
8 spent more time on screen activities were significantly more likely to have high depressive  
9 symptoms or have at least one suicide-related outcome, and that the highest levels of depressive  
10 symptoms were reported by adolescents with high social media use and fewer in-person social  
11 interactions.<sup>134</sup>

12 205. Fueled by social media addiction, youth suicide rates are up an alarming 57%.<sup>135</sup>  
13 In the decade leading up to 2020, there was a 40% increase in high school students reporting  
14 persistent sadness and hopelessness,<sup>136</sup> and a 36% increase in those who attempted to take their  
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18 <sup>133</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>134</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>135</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)  
[youth-mental-health-advisory.pdf](https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf) (last visited Jan. 27, 2024).

28 <sup>136</sup> *Id.*

1 own lives. In 2019, one in five high school girls had made a suicide plan.<sup>137</sup> By 2018, suicide  
2 was the second leading cause of death for youth ages 10–24.<sup>138</sup>

3 206. Because of this shortage of psychiatrists and the extent of the youth mental health  
4 crisis fueled by social media addiction, the number of teens and adolescents waiting in  
5 emergency rooms for mental health treatment for suicide nationwide tripled from 2019 to  
6 2021.<sup>139</sup>

### 7 3. “Problematic” Internet Use

8 204. Maximizing time and activities online also fosters “problematic internet use”—  
9 psychologists’ term for excessive internet activity that exhibits addiction, impulsivity, or  
10 compulsion.<sup>140</sup> Indeed, the Design Elements discussed in this Action plainly impede children’s  
11 ability to put their devices down, even when they want to use them less. For example, a high  
12 school student told Common Sense Media,

13 One of the challenges I face with social media is getting off it. Once I get on, I  
14 have to really force myself off it because it’s so addictive. All I’m doing is  
15 scrolling, but I’m subconsciously looking for an end so I can feel accomplished.  
16 But the scrolling never stops.<sup>141</sup>

17 205. Problematic internet use, in turn, is linked to a host of additional problems. For  
18 example, in one study of 564 children between the ages of 7 and 15 spearheaded by the Child  
19 Mind Institute in New York, researchers found that problematic internet use was positively

20 <sup>137</sup> *Id.*

21 <sup>138</sup> AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental  
22 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).

23 <sup>139</sup> Stephen Stock, et al., *Children languish in emergency rooms awaiting mental health care*,  
24 CBS News (Feb. 27, 2023, 8:02 am), <https://www.cbsnews.com/news/emergency-rooms-children-mental-health/#:~:text=For%20kids%20in%20crisis%2C%20ER,health%20facilities%20%E2%80%94%20within%20six%20months> (last visited Jan. 27, 2024).

25 <sup>140</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>141</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17,  
2021), <https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good> (last visited Jan. 27, 2024).

1 associated with depressive disorders, Attention Deficit Hyperactivity Disorder, general  
2 impairment, and increased sleep disturbances.<sup>142</sup> An analysis of peer-reviewed studies involving  
3 cognitive findings associated with problematic internet use in both adults and adolescents found  
4 “firm evidence that PIU . . . is associated with cognitive impairments in motor inhibitory control,  
5 working memory, Stroop attentional inhibition and decision-making.”<sup>143</sup> Another study of over  
6 11,000 European adolescents found that among teens exhibiting problematic internet use, 33.5%  
7 reported moderate to severe depression; 22.2% reported self-injurious behaviors such as cutting;  
8 and 42.3% reported suicidal ideation.<sup>144</sup> The incidence of attempted suicide was also ten times  
9 higher for teens exhibiting problematic internet use than their peers who exhibited healthy  
10 internet use.<sup>145</sup>

#### 11 4. Harm to Physical Health

12 206. Maximizing children’s time spent online at the expense of sleep or movement  
13 also harms children’s physical health. When children are driven to spend more time online, they  
14 sleep less—because it is impossible to be online and sleep at the same time, because stimulation  
15 before bedtime disrupts sleep patterns, and because many of the design features discussed in this  
16 Action make users feel pressured to be connected constantly, and that feeling doesn’t always go  
17 away at nighttime. Indeed, research shows that children who exhibit problematic internet use  
18 often suffer from sleep problems.<sup>146</sup> One-third of teens say that at least once per night, they wake  
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20 <sup>142</sup> Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with*  
21 *Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020),  
<https://doi.org/10.1186/s12888-020-02640-x> (last visited Jan. 27, 2024).

22 <sup>143</sup> Konstantinos Ioannidis, et al., *Cognitive Deficits in Problematic Internet Use: Snap-Analysis*  
23 *of 40 Studies*, 215 British Journal of Psychiatry 639, 645 (2019), <https://pubmed.ncbi.nlm.nih.gov/30784392> (last visited Jan. 27, 2024).

24 <sup>144</sup> Michael Kaess, et al., *Pathological Internet use among European adolescents:*  
25 *psychopathology and self-destructive behaviours*, 23 Eur. Child & Adolescent Psychiatry 1093,  
26 1096 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4229646/> (last visited Jan. 27,  
27 2024).

28 <sup>145</sup> *Id.*

<sup>146</sup> Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with*  
*Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020),  
<https://doi.org/10.1186/s12888-020-02640-x> (last visited Jan. 27, 2024).

1 up and check their phones for something other than the time, such as to check their notifications  
2 or social media.<sup>147</sup> Some teens set alarms in the middle of the night to remind them to check their  
3 notifications or complete video game tasks that are only available for a limited time.<sup>148</sup> In  
4 addition, screen time before bed is known to inhibit academic performance in children.<sup>149</sup>  
5 Teenagers who use social media for more than five hours per day are about 70% more likely to  
6 stay up late on school nights.<sup>150</sup> A lack of sleep in teenagers has been linked to inability to  
7 concentrate, poor grades, drowsy-driving incidents, anxiety, depression, thoughts of suicide, and  
8 even suicide attempts.<sup>151</sup>

9           207. Decades of research have shown that more time online is consistently correlated  
10 with children’s risk of obesity, which in turn increases their risk of serious illnesses like diabetes,  
11 high blood pressure, heart disease, and depression.<sup>152</sup> Spending time online displaces time when  
12 children could be engaging in physical activity.<sup>153</sup> Further, when children spend more time  
13 online, they are exposed to more advertisements for unhealthy products,<sup>154</sup> which are heavily

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16 <sup>147</sup> Common Sense, *Screens and Sleep: The New Normal: Parents, Teens, Screens, and Sleep in*  
17 *the United States* at 7 (2019), [https://www.common sense media.org/sites/default/files/  
18 research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf](https://www.common sense media.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf) (last  
19 visited Jan. 27, 2024).

20 <sup>148</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults*  
21 *Are Missing)*, MIT Press, at 31 (2022).

22 <sup>149</sup> Chloe Wilkinson, et al., *Screen Time: The Effects on Children’s Emotional, Social, and*  
23 *Cognitive Development* at 6 (2021), <https://informed futures.org/screen-time/> (last visited Jan.  
24 27, 2024).

25 <sup>150</sup> *Heavy Social Media Use Linked to Poor Sleep*, BBC News (Oct. 23, 2019),  
26 <https://www.bbc.com/news/health-50140111> (last visited Jan. 27, 2024).

27 <sup>151</sup> *Among teens, sleep deprivation an epidemic*, Stanford News Ctr. (Oct. 8, 2015),  
28 [https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.  
html](https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html) (last visited Jan. 27, 2024).

<sup>152</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
(2021), [https://democratic media.org/assets/resources/full\\_report.pdf](https://democratic media.org/assets/resources/full_report.pdf) (last visited Jan. 27, 2024).

<sup>153</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, 2024).

<sup>154</sup> *Id.*

1 targeted toward children.<sup>155</sup> In addition, poor sleep quality—which, as discussed above, is  
2 associated with problematic internet use—increases the risk of childhood obesity by 20%.<sup>156</sup>  
3 Broadly, the harms of social media use include increased rates of major depressive episodes,  
4 anxiety, eating disorders, body image problems, sleep disturbances, suicidal ideation, and suicide  
5 attempts.<sup>157</sup>

6 [REDACTED]  
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16 <sup>155</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
(2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (last visited Jan. 27, 2024).

17 <sup>156</sup> Yanhui Wu, et al., *Short Sleep Duration and Obesity Among Children: A Systematic Review*  
18 *and Snap-Analysis of Prospective Studies*, 11 *Obesity Rsch. & Clinical Prac.* 140, 148 (2015),  
<https://pubmed.ncbi.nlm.nih.gov/27269366/> (last visited Jan. 27, 2024); Michelle A. Miller, et  
19 al., *Sleep Duration and Incidence of Obesity in Infants, Children, and Adolescents: A Systematic*  
*Review and Snap-Analysis of Prospective Studies*, 41 *Sleep* 1, 15 (2018),  
<https://pubmed.ncbi.nlm.nih.gov/29401314/> (last visited Jan. 27, 2024).

20 <sup>157</sup> See, e.g., Jonathan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative*  
21 *Review* (New York University, unpublished manuscript), [tinyurl.com/SocialMedia](https://tinyurl.com/SocialMediaMentalHealthReview)  
[MentalHealthReview](https://tinyurl.com/SocialMediaMentalHealthReview) (last visited Jan. 27, 2024); Jacqueline Nesi, et al., *Handbook of Adolescent*  
22 *Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

23 <sup>158</sup> [REDACTED]

24 <sup>159</sup> [REDACTED]

25 <sup>160</sup> Megan A. Moreno and Anna F. Jolliff, *Depression and Anxiety in the Context of Digital*  
26 *Media*, *Handbook of Adolescent Digital Media Use and Mental Health*, 227 (2022); see also,  
27 e.g., Huges Sampasa-Kanyinga et al., *Use of social media is associated with short sleep duration*  
*in a dose-response manner in students aged 11 to 20 years*, 107 *Acta Paediatrica* 694, 694-700  
28 (2018); Holly Scott, et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional*  
*Findings From the UK Millennium Cohort Study*, 9 *BMJ Open* 1 (2019); Garrett Hisler, et al.,  
*Associations between screen time and short sleep duration among adolescents varies by media*  
*type: evidence from a cohort study*, 66 *Sleep Medicine* 99, 92-102 (2020).

1                                   **5. Privacy Harms**

2           211. Design Elements that maximize children’s time and activities online also  
3 exacerbate privacy harms. Like all users, children are tracked as they engage in online  
4 activities.<sup>161</sup> Data about what children do online is collected by a vast network that includes  
5 platforms, marketers, and third-party data brokers all over the world that use the information  
6 apps, websites, and other services collect and retain about children to profile them, make  
7 predictions about their choices, and influence their behavior. Children do not developmentally  
8 understand digital privacy. The constant surveillance they are subjected to as a result of these  
9 techniques is manipulative, limits creativity and experimentation, and perpetuates  
10 discrimination, substantially harming children and teens.

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

20           213. As Justice Brandeis explained in his seminal article, *The Right to Privacy*, “[t]he  
21 common law secures to each individual the right of determining, ordinarily, to what extent his  
22 thoughts, sentiments, and emotions shall be communicated to others.” Samuel D. Warren &  
23 Louis Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193, 198 (1890). The Supreme Court  
24 similarly recognized the primacy of privacy rights, explaining that the Constitution operates in

25 \_\_\_\_\_  
26 <sup>161</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 the shadow of a “right to privacy older than the Bill of Rights.” *Griswold v. Connecticut*, 381  
2 U.S. 479, 486 (1965).

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

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

23 216. It is precisely because of TikTok’s capacity for “near perfect surveillance” that  
24 courts have consistently held that time-honored legal principles recognizing a right to privacy in  
25 one’s affairs naturally apply to online monitoring. Defendants’ unlawful intrusion into their  
26 minor users’ privacy is made even more egregious and offensive by the fact that the Defendants  
27 are targeting and collecting *children’s* information, without obtaining parental consent. The  
28

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

### 9                   **6. Risk to Physical Safety**

10           217. Finally, TikTok provides fertile ground for bad actors who use the platform  
11 expressly to harm Young Users. The National Center on Sexual Exploitation describes TikTok  
12 as “the ‘platform of choice’ for predators to access, engage, and groom children for abuse.”<sup>162</sup>

13           218. In May 2021, the child protection non-profit Thorn published quantitative  
14 research, based on data collected in 2020.<sup>163</sup> According to this report, TikTok ranked at the top  
15 among platforms for various harms caused to minors, with 18% of survey participants reporting  
16 a potentially harmful online experience on TikTok.<sup>164</sup> Thorn found the following regarding harm  
17 on TikTok:

- 18           • 18% of surveyed minors reported having had a potentially harmful online experience  
19           on TikTok.
- 20           • 9% of all respondents said they have had an online sexual interaction, which includes  
21           being asked to send a nude photo or video, go ‘on cam’ with a sexually explicit stream,  
22           being sent a sexually explicit photo (of themselves or another child), or sexually  
23           explicit messages, etc.

24           <sup>162</sup> <https://endsexualexploitation.org/tiktok/> (last visited Jan. 27, 2024).

25           <sup>163</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%202021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website) (last visited Jan. 27, 2024).

28           <sup>164</sup> *Id.*

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

4  
5 **IV. DEFENDANTS ENGAGE IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING MATERIAL FACTS ABOUT TIKTOK.**

6           220. Under the NDTPA, a business engages in deceptive conduct when its acts,  
7 statements, or omissions have a capacity or tendency to deceive whether that is intentional or  
8 not.<sup>165</sup>

9           221. For years, Defendants led reasonable consumers, parents, and guardians to  
10 believe TikTok is safer and less harmful than it truly is. Defendants deceived consumers, parents,  
11 and guardians by failing to disclose that TikTok is, on balance, harmful to consumers (and  
12 especially damaging to Young Users), by concealing information about some of their most  
13 popular platform features, by promoting misleading metrics about platform safety, and by touting  
14 inaccurate and ineffective “well-being” initiatives, among other methods.

15  
16 **A. Through Public Misrepresentation and Material Omissions, Defendants Lead the Public to Trust That TikTok is Safe for Young Users.**

17 **1. General Misrepresentations and Omissions Concerning Well Being**

18           222. Defendants create the impression that their focus on user wellbeing—particularly  
19 for Young Users—is their paramount concern. For example, in TikTok’s publicly available  
20 statement on “Youth Safety and Well-Being,” Defendants state that

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

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<sup>165</sup> *Watson Laboratories, Inc. v. State*, 241 So.3d 573 (Miss. 2018).

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Our goal is to provide young people with an experience that is developmentally appropriate and helps to ensure a safe space for self-exploration. We take several steps including: (1) limiting access to certain product features, (2) developing Content Levels that sort content by levels of thematic comfort, (3) using restrictive default privacy settings, and (4) making content created by anyone under 16 ineligible for the For You feed (FYF).<sup>166</sup>

223. But as discussed above,

[REDACTED]

<sup>166</sup> <https://www.tiktok.com/community-guidelines/en/youth-safety/> (last visited Jan. 27, 2024).

<sup>167</sup> [REDACTED]

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169 [REDACTED]

170 *Id.*

171 [REDACTED]

[REDACTED]

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3 [REDACTED]  
4 [REDACTED]

5 234. [REDACTED] *The Wall Street Journal*, for  
6 instance, showed that once the TikTok algorithm determines that a teen user is interested in  
7 gambling, drugs, or weight loss, the algorithm will consistently show them high amounts of that  
8 content.<sup>174</sup>

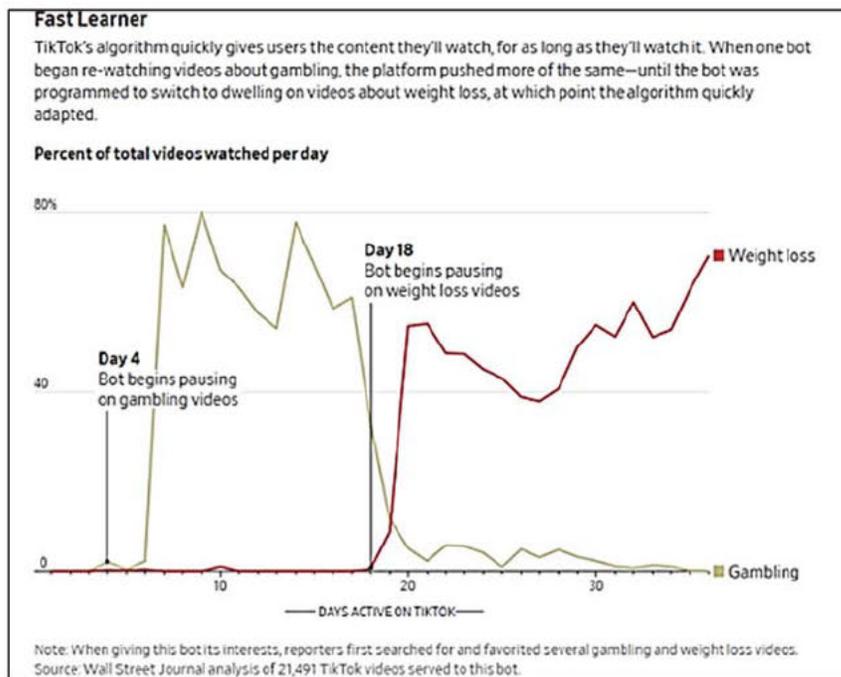


Fig. 15<sup>175</sup>

21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]

173 [REDACTED]

174 Tawnell D. Hobbs, et al., 'The Corpse Bride Diet': How TikTok Inundates Teens With Eating-Disorder Videos, Wall St. J. (Dec. 17, 2021), <http://bit.ly/3ERaNgq> (last visited Jan. 27, 2024); see also Rob Barry, et al., How TikTok Serves Up Sex and Drug Videos to Minors, Wall St. J. (Sept. 8, 2021), <http://bit.ly/3Ynb3Et> (last visited Jan. 27, 2024).

175 *Id.*



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

4 240. For example, in prepared testimony before Congress on March 23, 2023, the CEO  
5 of TikTok Ltd., Shou Chew “ma[de] the following commitments to [Congress] and our users: 1)  
6 We will keep safety—particularly for teenagers—a top priority for us[.]”<sup>180</sup>

7 241. Comparable misrepresentations proliferate on TikTok’s website. As one  
8 example, on a page titled “Our Approach to Safety,” there is a video which states, in part, “Our  
9 approach to safety involves developing policies, innovative technology, product development,  
10 and partnering with industry experts.”<sup>181</sup>

11 242. On a page called “Safety partners,” TikTok’s website states: “It’s important for  
12 our community members to look after their well-being, which means having a healthy  
13 relationship with online apps and services.”<sup>182</sup>

14 243. On a page called “Digital well-being,” TikTok’s website states:

15 At TikTok, we work to support the well-being of everyone in our community.  
16 As technology continues to complement our daily lives, we want to help ensure  
17 your online engagement is a positive experience. We are committed to giving  
18 you tools and resources to help you along your digital well-being journey, so  
19 you can find a balance that feels right for you.<sup>183</sup>

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

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23 <sup>180</sup> *Written Statement of Testimony of Shou Chew Before the U.S. House Committee on Energy  
and Commerce, U.S. House Cme. On Energy & Commerce (March 23, 2023),*  
24 <https://bit.ly/3K1gAwA> (last visited Jan. 27, 2024).

25 <sup>181</sup> *Our Approach to Safety*, TikTok, <https://www.tiktok.com/safety/en/our-approach-to-safety/>  
(last visited Jan. 27, 2024).

26 <sup>182</sup> *Safety Partners*, TikTok, <https://www.tiktok.com/safety/en-us/safety-partners/> (last visited  
Jan. 27, 2024).

27 <sup>183</sup> *Digital Well-being*, TikTok, <https://www.tiktok.com/safety/en/well-being/> (last visited Jan.  
28 27, 2024).

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[REDACTED]

**2. Misrepresentations and Omissions Regarding TikTok’s “Community Guidelines”**

249. Defendants publish TikTok’s “Community Guidelines,” which are rules they represent apply to content on TikTok.<sup>186</sup> At present, the Community Guidelines unambiguously assert, *inter alia*:

“We want TikTok to be a place that encourages self-esteem, and does not promote negative social comparisons. **We do not allow showing or promoting disordered eating or any dangerous weight loss behaviors.**”<sup>187</sup>

“TikTok is a place where people can come to discuss or learn about sexuality, sex or reproductive health. We are mindful that certain content may not be appropriate for young people, may be considered offensive by some, or may create the potential for exploitation. **We do not allow sexual activity or services.** This includes sex, sexual arousal, fetish and kink behavior, and seeking or offering sexual services.”<sup>188</sup>

<sup>184</sup> [REDACTED]

<sup>186</sup> <https://www.tiktok.com/community-guidelines/en/overview/> (last visited Jan. 27, 2024).

<sup>187</sup> <https://www.tiktok.com/community-guidelines/en/mental-behavioral-health/> (emphasis original) (last visited Jan. 27, 2024).

<sup>188</sup> <https://www.tiktok.com/community-guidelines/en/sensitive-mature-themes/> (emphasis original) (last visited Jan. 27, 2024).

1 “While adults make personal choices about how they engage with alcohol, drugs, and  
2 tobacco, we recognize that there are risks connected to trading and using these  
3 substances. **We do not allow showing or promoting recreational drug use, or the  
4 trade of alcohol, tobacco products, and drugs.**”<sup>189</sup>

4 “We are committed to bringing people together in a way that does not lead to physical  
5 conflict. We recognize that online content related to violence can cause real-world  
6 harm. **We do not allow any violent threats, incitement to violence, or promotion of  
7 criminal activities that may harm people, animals, or property.**”<sup>190</sup>

6 250. The Community Guidelines also claim that “We remove content that depicts  
7 suicide, involves suicidal ideation, or that might encourage suicidal or self-injurious behavior.  
8 We also remove content that depicts attempted suicide or behavior likely to lead to self-inflicted  
9 death.”<sup>191</sup>

10 251. TikTok Inc. CEO Shou Chew referenced these “Community Guidelines” and  
11 confirmed that TikTok reviews and moderates *all* content on TikTok:

12 The way TikTok works is that we do have about 13 rules. We call these rules  
13 Community Guidelines. It’s published on our website, you can go have a look.  
14 And these are the rules on what content we allow and disallow on the platform.  
15 These are things like no pornography, no violence, no misinformation. **And we  
16 build our trust and safety team to take these rules, build policies around  
17 them, and operationalize it so that we can go through all the content and  
18 remove the violative content.** So that’s the way the platform works.<sup>192</sup>

16 252. These public representations unambiguously set forth norms and expectations for  
17 content that TikTok’s consumers and their parents reasonably rely upon. Through the  
18 Community Guidelines and through statements from Defendants’ executives, reassure users and  
19 their parents that *all* content that offends the Guidelines can be moderated and removed. Those  
20 representations, however, are untrue.

23 <sup>189</sup> <https://www.tiktok.com/community-guidelines/en/regulated-commercial-activities/>  
24 (emphasis original) (last visited Jan. 27, 2024).

25 <sup>190</sup> <https://www.tiktok.com/community-guidelines/en/safety-civility/#1> (emphasis original) (last  
26 visited Jan. 27, 2024).

26 <sup>191</sup> *Community Guidelines*, TikTok (Oct. 2022), <https://www.tiktok.com/community-guidelines?lang=en> (last visited Jan. 27, 2024).

27 <sup>192</sup> N.Y. Times Events, *TikTok C.E.O. Shou Chew on China, the Algorithm and More*, YouTube  
28 (Nov. 30, 2022), <https://bit.ly/3lyJM4N> (last visited Jan. 27, 2024).

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1           267. In September 2021, *The Wall Street Journal* (“the *Journal*”) released findings  
2 from an experiment that browsed TikTok using nearly three dozen automated accounts registered  
3 as teenagers between 13 and 15. The *Journal* found TikTok showed the teenage accounts, *inter*  
4 *alia*, “more than 100 videos from accounts recommending paid pornography sites and sex shops”  
5 and thousands of videos “from creators who labeled their content as for adults only.”<sup>203</sup>

6           268. Further, TikTok’s search and hashtag features enable users to find an astonishing  
7 variety of content discussing and promoting drugs, alcohol, sex, and violence. And TikTok’s  
8 algorithm treats any expression of interest in these subjects as an invitation to send the user even  
9 more.

10           269. For example, using the hashtag “kinktok,” users can find videos discussing and  
11 depicting sex toys, choking, spanking, rope-tying, and sub-dom play.<sup>204</sup> Some of these videos  
12 promote physically dangerous behavior.<sup>205</sup>

13           270. As of February 2023, videos tagged “kinktok” have over 12 billion views.

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

16           272. When the *Journal* shared “a sample of 974 videos about drugs, pornography and  
17 other adult content that were served to the minor accounts,” a TikTok spokesperson responded  
18 that “the majority didn’t violate guidelines” and acknowledged that “the app doesn’t differentiate  
19 between videos it serves to adults and minors.”<sup>206</sup>

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23 <sup>203</sup> Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept.  
8, 2021), <http://bit.ly/3Ynb3Et> (last visited Jan. 27, 2024).

24 <sup>204</sup> Sophie Wilson, *KinkTok is Filling the Void Left Behind By NSFW Tumblr*, Vice (Aug. 27,  
25 2020), <https://bit.ly/40ieyh7>; #kinktok, TikTok, <https://www.tiktok.com/t/ZTRtHAoFL/> (last  
visited Jan. 27, 2024).

26 <sup>205</sup> Anna Iovine, *KinkTok is Rife With Misinformation. Here’s Why That’s Dangerous.*, Mashable  
(Jan. 27, 2023), <https://bit.ly/3FwatOm> (last visited Jan. 27, 2024).

27 <sup>206</sup> Rob Barry, et al., *How TikTok Serves Up Sex and Drug Videos to Minors*, Wall St. J. (Sept.  
28 8, 2021), <http://bit.ly/3Ynb3Et> (last visited Jan. 27, 2024).

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

4           274. As the *Journal* reported, “TikTok served one account registered as a 13-year-old  
5 at least 569 videos about drug use, references to cocaine and meth addiction, and promotional  
6 videos for online sales of drug products and paraphernalia.” According to the *Journal*,  
7 “[h]undreds of similar videos appeared in the feeds of the *Journal*’s other minor accounts.”<sup>207</sup>

8           275. The *Journal* further found that other videos served to the minor accounts  
9 “glorified alcohol, including depictions of drinking and driving and of drinking games.”<sup>208</sup>

10           276. As with sexual content and mature themes, TikTok’s search and hashtag systems  
11 enable users to easily locate drug and alcohol content. Often, TikTok permits slang and emoji  
12 symbols as references to drugs and alcohol.<sup>209</sup>

13           277. Under the “#seshtok,” for instance, TikTok features hundreds of videos in which  
14 users discuss “sessions” using cocaine, marijuana, and hallucinogens.<sup>210</sup> Under the “#pingtok,”  
15 TikTok features hundreds of videos of users discussing MDMA use.<sup>211</sup>

16           278. Searching TikTok for the snowflake emoji yields numerous videos discussing  
17 cocaine use; the mushroom emoji produces videos discussing hallucinogens; and the leaf emoji  
18 results in videos discussing marijuana use.

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

24 <sup>208</sup> *Id.*

25 <sup>209</sup> Rosie Bradbury, *TikTok Drug Sellers Are Using Nose and Snowflake Emoji and Slang To Get*  
26 *Around Search Blocks and Peddle Cocaine and Mushrooms*, Business Insider (May 3, 2022),  
[https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-](https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5)  
[mushrooms-2022-5](https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5) (last visited Jan. 27, 2024).

27 <sup>210</sup> #seshtok, TikTok, <https://www.tiktok.com/t/ZTRtxeKB6/> (last visited Jan. 27, 2024).

28 <sup>211</sup> #pingtok, TikTok, <https://www.tiktok.com/t/ZTRt9EKXY/> (last visited Jan. 27, 2024).

1           279. As Business Insider found, TikTok “[a]ccounts run by people purporting to sell  
2 drugs are commonplace and easy to find via a few cursory searches on the app’s Discover  
3 page.”<sup>212</sup>

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

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

9           282. These misrepresentations and omissions, and other, comparable  
10 misrepresentations and omissions made by Defendants, are as material as they are demonstrably  
11 false, and they lead one to conclude that TikTok is healthier (or even less harmful) for Young  
12 Users than it really is.

13 **V. D** [REDACTED]

14 [REDACTED]

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

19           284. Defendants state that they “are deeply committed to ensuring that TikTok is a safe  
20 and positive experience for people under the age of 18 (we refer to them as “youth” or “young  
21 people”). This starts by being old enough to use TikTok. **You must be 13 years and older to have  
22 an account.**”<sup>213</sup>

23 \_\_\_\_\_

24 <sup>212</sup> Rosie Bradbury, *TikTok Drug Sellers Are Using Nose and Snowflake Emoji and Slang To Get*  
25 *Around Search Blocks and Peddle Cocaine and Mushrooms*, Business Insider (May 3, 2022),  
[https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-](https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5)  
[mushrooms-2022-5](https://www.businessinsider.com/tiktok-accounts-use-emoji-slang-to-peddle-cocaine-mushrooms-2022-5) (last visited Jan. 27, 2024).

26 <sup>213</sup> <https://www.tiktok.com/community-guidelines/en/youth-safety/> (last visited Jan. 27, 2024).  
27 Note that Defendants further state that the Youngest Users (*i.e.*, minors under age 13) may  
28 participate in a limited version of the platform, identified as “TikTok for Younger Users.”  
<https://newsroom.tiktok.com/en-us/tiktok-for-younger-users> (last visited Jan. 27, 2024).

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285.

[REDACTED]

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

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

289.

[REDACTED]

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However, Plaintiff's allegations refer to the regular TikTok platform, and not to the abrogated TikTok for Younger Users.

<sup>214</sup>

[REDACTED]

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1           290. Defendants publicly state that if they “believe someone under 13 (or 14 in  
2 Indonesia, Quebec and South Korea) is using TikTok, we will ban their account. You also have  
3 the option to report an account if you believe it may belong to someone under the minimum age  
4 to use TikTok.”<sup>218</sup>

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24 <sup>218</sup> <https://www.tiktok.com/safety/en/guardians-guide/> (last visited Jan. 27, 2024).

25 <sup>219</sup> [REDACTED]  
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297. Children under the age of 13 are particularly vulnerable to the harms caused by Defendants’ social media platforms, and Defendants’ conduct violates longstanding societal norms meant to protect children, and to preserve parents’ autonomy to ensure the same.

**CAUSES OF ACTION**

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

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

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

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

301. The Attorney General is authorized to bring an action in the name of the State to remedy violations of the Deceptive Trade Practices Act. NRS §§ 598.0999. This action is proper

1 in this Court because Defendants are using, have used, and/or are about to use practices that are  
2 unlawful under the Act. NRS § 598.0915(5).

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

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

16 304. As set forth in Sections IV and V, *supra*, Defendants knowingly failed to disclose  
17 the material facts concerning the true nature of the risks of harm posed to Young Users on  
18 TikTok.

19 305. As set forth in Sections IV and V, *supra*, Defendants knowingly misrepresented  
20 to regulators and the public that TikTok was safe for Young Users, and prioritized the wellbeing  
21 of Young Users, when in fact Defendants knew that those representations were false.

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

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

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

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

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

14           311. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
15 deceptive trade practices by using exaggeration and/or ambiguity as to material facts and  
16 omitting material facts, which had a tendency to deceive and/or did in fact deceive. NRS §  
17 598.0915(15).

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

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

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

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1 315. Defendants’ deceptive representations, concealments, and omissions were  
2 knowingly made in connection with trade or commerce, were reasonably calculated to deceive  
3 the public and the State, were statements that may deceive or tend to deceive, were willfully used  
4 to deceive the public and the State, and did in fact deceive the public and the State.

5 316. As described more specifically above, Defendants’ representations,  
6 concealments, and omissions constitute a willful course of conduct which continues to this day.  
7 Unless enjoined from doing so, Defendants will continue to violate the Nevada Deceptive Trade  
8 Practices Act.

9 317. But for these representations, concealments, and omissions of material fact,  
10 Nevada’s Young User citizens (and their families) would not have suffered the harms detailed  
11 herein.

12 318. Defendants’ deceptive trade practices are willful and subject to a civil penalty and  
13 equitable relief. NRS § 598.0999.

14 319. Because Defendants’ deceptive trade practices are toward minors, Defendants are  
15 subject to additional civil penalties and equitable relief. NRS § 598.09735.

16 320. Each exposure of a Nevada Young User to TikTok resulting from the  
17 aforementioned conduct of each Defendant constitutes a separate violation of the Nevada  
18 Deceptive Trade Practices Act.

19 321. Plaintiff, State of Nevada, seeks all legal and equitable relief as allowed by law,  
20 including *inter alia* injunctive relief and all recoverable penalties under all sections of the  
21 Deceptive Trade Practices Act including all civil penalties per each violation, attorney fees and  
22 costs, and pre- and post-judgment interest.

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

26 319. Plaintiff repeats and realleges the preceding paragraphs of this Complaint as if  
27 fully set forth herein.  
28

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

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

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

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

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

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

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

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

18           328.    As described more specifically above, Defendants’ conduct is willful and  
19 continues to this day. Unless enjoined from doing so, Defendants will continue to violate the  
20 Nevada Deceptive Trade Practices Act.

21           329.    But for this unconscionable conduct, Nevada’s Young User citizens would not  
22 have suffered the harms detailed herein.

23           330.    Defendants’ unconscionable practices are willful and subject to a civil penalty  
24 and equitable relief. NRS § 598.0999.

25           331.    Because Defendants’ unconscionable practices are toward minors, Defendants  
26 are subject to additional civil penalties and equitable relief. NRS § 598.09735.



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

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

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

7 340. Defendants created and maintain TikTok, and therefore are manufacturers of  
8 TikTok.

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

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

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

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

24 345. As set forth in Sections I-V, *supra*, the defect caused injury to Young Users in  
25 Nevada.

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

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**COUNT V: NEGLIGENCE**

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

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

348. Defendants had and continue to have a duty to exercise reasonable care in designing, implementing, maintaining, and otherwise introducing TikTok into the stream of commerce.

349. This duty of reasonable care extends to Young Users in the State of Nevada.

350. As set forth in Sections I-V, *supra*, Defendants breached and continue to breach that duty.

351. As a result of Defendants’ breach of that duty, Young Users in Nevada have been injured.

352. Defendants’ conduct was the legal cause of that injury.

353. As set forth in Sections I-V, *supra*, Defendants’ conduct was willful, wanton, malicious, reckless, oppressive, and/or fraudulent.

354. Plaintiff, the State of Nevada, seeks all legal and equitable relief as allowed by law, including *inter alia* injunctive relief, restitution, disgorgement of profits, compensatory and punitive damages, and all damages allowed by law to be paid by the Defendants, attorney fees and costs, and pre- and post-judgment interest.

**COUNT VI: UNJUST ENRICHMENT**

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

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



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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 entered  
7 against Defendants in favor of Plaintiff, and requiring that Defendant pay punitive damages;

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

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

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

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

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

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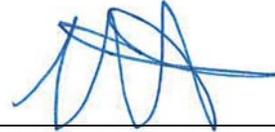
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**JURY DEMAND**

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

Dated January 30, 2024

Submitted By:



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