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**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

STATE OF NEVADA,  
  
Plaintiff,  
  
vs.  
  
SNAP, INC.,  
  
Defendant.

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 Snap, Inc.  
3 (“Snap”) and its social media platform<sup>1</sup>, Snapchat (collectively, Snap and Snapchat are referred  
4 to herein as “Defendants”) 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  
8 the State to eliminate the hazard to public health and safety caused by Defendants’ social media  
9 platform Snapchat, and to recover civil penalties and other relief arising out of Defendants’  
10 false, deceptive and unfair marketing and other unlawful conduct arising from the design and  
11 implementation of Snapchat.

12 2. Snap, Inc. is the parent company of one of the world’s largest social media  
13 platforms, the wildly popular Snapchat. Worldwide, daily active users (“DAU”) numbered over  
14 375 million in 2022 (an increase of 17%, year-over-year).<sup>2</sup> Because of its scale, Snapchat is also  
15 wildly remunerative, with Snap generating billions of dollars in revenue from facilitating  
16 targeted advertising—in 2022, it reported more than \$4.6 billion in revenue (up from \$2.5  
17 billion in 2020 and \$4.1 billion in 2021).<sup>3</sup>

18 3. However, this massive revenue and revenue growth are only available as long as  
19 Snap maintains and continues to increase its audience on Snapchat to view those highly-targeted  
20 advertisements. Thus, Snap is incentivized to keep as many of its users on the platform for as  
21 long as possible. But Snap has crossed a line from simply enticing its audience to taking steps  
22 to keep its audience *addicted* to the platform. Highly-skilled and highly-paid employees have  
23 invested years of research and analysis into designing and deploying features on Snapchat that

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

27 <sup>2</sup> <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf> (last visited Jan. 27, 2024).

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

1 make it impossible not just to quit using the app, but simply to put our phones down to attend  
2 to the most basic functions of our daily lives. It demands our attention first thing in the morning  
3 and last thing at night, at the dinner table, while we are walking down the street, even when we  
4 are driving.

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

11 5. And, much like an illegal drug, Snapchat has been designed to be an addiction  
12 machine, targeting people under the age of 18 (“Young Users”) and more insidiously children  
13 under the age of 13 (“Youngest Users”) who, as Snap well knows, have developmentally limited  
14 capacity for self-control. Children are the most vulnerable to these intentionally addictive  
15 design elements. As one specialist in social media addiction notes, “[a]dolescence is second  
16 only to infancy when it comes to growth. Therefore, the impact of social media on a developing  
17 teen’s mind and body can be huge.”<sup>5</sup> Social media platforms like Snapchat, with design  
18 elements that intentionally keep children engaged for as long as possible—to the exclusion of  
19 all other activities—harm their users emotionally, developmentally, and physically. They lead  
20 to a condition known as “problematic internet use,”<sup>6</sup> which is associated with a range of harms,  
21 including but not limited to exposure to predators and online bullies, age-inappropriate content,  
22 damage to children’s self-esteem, and increased risk of eating disorders and even suicide.

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/>  
27 (last visited Jan. 27, 2024).

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

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

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

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

20           9. Snapchat’s design and platform features have fueled the explosive increase in  
21 the amount of time that Young Users spend on its platform. As Snap’s internal data confirms—  
22 and as anyone who has recently spent time with adolescents can attest—Snap has successfully  
23 induced Young Users to spend vast amounts of time on its social media platform. Indeed, for  
24 many Young Users, social media platforms are viewed as an indispensable part of their identity,  
25

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

1 a forum to share a carefully cultivated personality “highlight reel,” and a place where they must  
2 constantly be “present”—whether they want to be or not.

3 10. All the while, Snap understands that Young Users’ time spent on its social media  
4 platform is not the product of free choice. As Snap’s internal studies repeatedly demonstrate—  
5 and as a growing chorus of independent researchers have confirmed—Young Users feel  
6 addicted to the platform. They widely report difficulty controlling their time spent on the  
7 application (also referred to as “app”). And they frequently express that they would prefer to  
8 spend meaningfully less time on social media platforms, including Snapchat, but feel powerless  
9 to do so. Still, Snap has not introduced any product changes to meaningfully reduce its  
10 platform’s addictiveness.

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

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

21 13. In short, Snap’s business strategy that purposefully addicts Young Users to its  
22 social media platform has caused widespread and significant injury to Nevadans, and young  
23 Nevadans in particular.

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 *patriae*, by and through Aaron D. Ford, the Attorney General of the State of Nevada. Attorney  
2 General Ford is acting pursuant to his authority under, inter alia, NRS 228.310, 338.380,  
3 228.390, and 598.0963(3).

4 20. Snap, Inc. (“Snap”) is a Delaware corporation with a principal place of business  
5 in Santa Monica, California. Snap designs, develops, owns, operates, and markets the Snapchat  
6 social media platform.

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

#### 12 JURISDICTION AND VENUE

13 22. Subject matter jurisdiction for this case is conferred upon this Court pursuant to,  
14 inter alia, Article 6, Section 6 of the Nevada Constitution.

15 23. This Court has personal jurisdiction over Defendants because Defendants do  
16 business in Nevada and/or have the requisite minimum contacts with Nevada necessary to  
17 constitutionally permit the Court to exercise jurisdiction with such jurisdiction also within the  
18 contemplation of the Nevada “long arm” statute, NRS § 14.065. More specifically, and set forth  
19 in greater detail, *infra*, Snap enriches itself by selling advertisements targeted to Nevada. Snap  
20 regularly sells advertisements specific to Nevada, and it allows businesses to target specific  
21 cities in Nevada. All manner of Nevada entities advertise on Snapchat to reach a Nevada  
22 audience and expand their business in Nevada.

23 24. The instant Complaint does not confer diversity jurisdiction upon the federal  
24 courts pursuant to 28 USC § 1332, as the State is not a citizen of any state and this action is not  
25 subject to the jurisdiction of the Class Action Fairness Act of 2005.<sup>9</sup> Likewise, federal question

26 <sup>9</sup> See, e.g., *Postal Tel Cable Co. v. Alabama*, 155 U.S. 482, 487, 15 S.Ct. 192, 194, 39 L.Ed.  
27 231 (1894) (“A State is not a citizen. And, under the Judiciary Acts of the United States, it is  
28 well settled that a suit between a State and a citizen or a corporation of another State is not  
between citizens of different States....”).

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1 subject matter jurisdiction pursuant to 28 USC § 1331 is not invoked by the Complaint, as it  
2 sets forth herein exclusively viable state law claims against Defendants. Nowhere herein does  
3 Plaintiff plead, expressly or implicitly, any cause of action or request any remedy that arises  
4 under federal law. The issues presented in the allegations of this Complaint do not implicate  
5 any substantial federal issues and do not turn on the necessary interpretation of federal law. No  
6 federal issue is important to the federal system as a whole under the criteria set by the Supreme  
7 Court in *Gunn v. Minton*, 568 U.S. 251 (2013) (e.g., federal tax collection seizures, federal  
8 government bonds). Specifically, the causes of action asserted, and the remedies sought herein,  
9 are founded upon the positive statutory, common, and decisional laws of Nevada. Further, the  
10 assertion of federal jurisdiction over the claims made herein would improperly disturb the  
11 congressionally approved balance of federal and state responsibilities. Accordingly, any  
12 exercise of federal jurisdiction is without basis in law or fact.

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

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

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

## FACTS

### I. SNAPCHAT, GENERALLY.

28. Snapchat is social media platform (principally manifesting as an app on mobile devices) that is principally devoted to sharing photos and videos among its users. Most of Snapchat’s content deletes after short periods of time, and Snap marketed Snapchat as “temporary social media” that would allow users to show a more authentic, unpolished, and spontaneous side of themselves.<sup>10</sup> Snapchat’s disappearing-content features are so important to its business model and product differentiation that Snap selected a whimsical ghost (“Ghostface Chillah”) as the Snapchat logo.

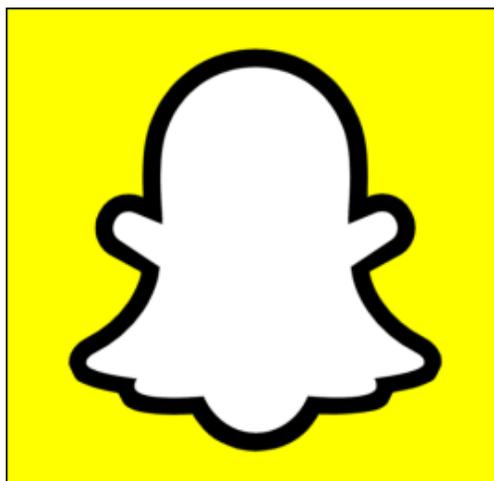


Fig. 1<sup>11</sup>

29. Snap describes Snapchat as its “flagship product,”<sup>12</sup> but further acknowledges that the platform, itself, constitutes an amalgam of separate “products,” which Defendants view as distinct entities. Specifically, in the portion of its website titled “Privacy and Safety Hub,”

<sup>10</sup> Jenna Wortham, *A Growing App Lets You See It, Then You Don’t*, NEW YORK TIMES (Feb. 9, 2013), [https://www.nytimes.com/2013/02/09/technology/snapchat-a-growing-app-lets-you-see-it-then-you-dont.html?\\_r=0](https://www.nytimes.com/2013/02/09/technology/snapchat-a-growing-app-lets-you-see-it-then-you-dont.html?_r=0) (last visited Jan. 27, 2024).

<sup>11</sup> [https://sketchfab.com/models/92a3b91086444037bf955555739861a3/embed?utm\\_source=website&utm\\_campaign=blocked\\_scripts\\_error](https://sketchfab.com/models/92a3b91086444037bf955555739861a3/embed?utm_source=website&utm_campaign=blocked_scripts_error) (last visited Jan. 27, 2024).

<sup>12</sup> <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf> (last visited Jan. 27, 2024).

1 Snap breaks the following items (among others) down as individual products in a document  
2 titled “Privacy by Product”:<sup>13</sup>

- 3 • Snaps & Chats
- 4 • Stories
- 5 • Lenses
- 6 • Cameos
- 7 • Spotlight
- 8 • Memories
- 9 • Snap Map
- 10 • Profiles

11 30. The core product on the Snapchat platform is called a “**Snap.**” A Snap is an  
12 image or video that is sent from a user to one or more people on the platform. Critically, Snaps  
13 are meant to disappear after they’ve been viewed. A sender can draw, insert text, or overlay a  
14 filter on the Snap and determine how many seconds the recipient can view it before the file  
15 disappears from the recipient’s device. As a general matter, messages can only be viewed once.

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<sup>13</sup> <https://values.snap.com/privacy/privacy-by-product> (last visited Jan. 27, 2024).

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Fig. 2<sup>14</sup>

31. Snapchat also allows for direct messaging with its “Chat” product:

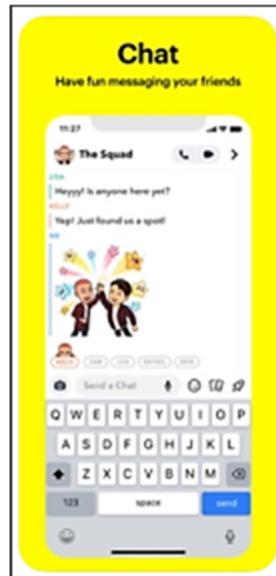


Fig. 3<sup>15</sup>

<sup>14</sup> <https://campaignme.com/snapchat-unveils-new-after-dark-feature/> (last visited Jan. 27, 2024).

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

1           32.     In addition to sending text for Chats, users are able to place audio and video calls  
2 and/or send audio or video messages. Like Snaps, Chats typically disappear after a set time,  
3 unless the sender elects otherwise.

4           33.     Snapchat also offers a product called “**Stories,**” which allows users to compile  
5 snaps into chronological storylines, accessible to all of their friends. Per Defendants: “Snaps  
6 and Chats are like snippets of a personal conversation, while Stories are more like, well, a story  
7 you’re telling to a larger group....You can share Snaps in your Story with just your friends, or  
8 with the entire Snapchat community.”<sup>16</sup>

9           34.     By June 2014, photo and video snaps presented to friends in the Stories  
10 functionality had surpassed person-to-person private snaps as the most frequently used function  
11 of the service, with over one billion viewed per day—double the daily views tallied in April  
12 2014.

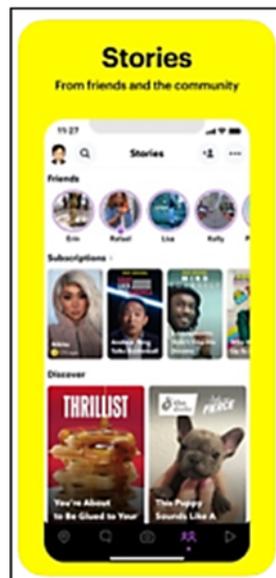


Fig. 4<sup>17</sup>

16 <https://values.snap.com/privacy/privacy-by-product> (last visited Jan. 27, 2024).

17 <https://campaignme.com/snapchat-unveils-new-after-dark-feature/> (last visited Jan. 27, 2024).

1 35. Defendants also feature the “**Lenses**” product. Lenses allow users to add  
2 augmented reality (“AR”) effects into their Snaps by using face detection technology, thereby  
3 altering their appearance in a host of different ways.



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9  
10 Fig. 5<sup>18</sup>

11 36. Notably, Lenses need not just augment the user’s face. In addition to **Face**  
12 **Lenses**, Defendants offer **World Lenses**, which augment the user’s surroundings. Per  
13 Defendants, World Lenses “let you reimagine the world around you and bring characters to life!  
14 Make the Eiffel Tower puke rainbows, or place your dancing Bitmoji on your desk!”<sup>19</sup>



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24 Fig. 6<sup>20</sup>

25 <sup>18</sup> <https://www.snapchat.com/lens> (last visited Jan. 27, 2024).

26 <sup>19</sup> [https://help.snapchat.com/hc/en-us/articles/7012348332052?lang=en-US&utm\\_campaign=priv\\_prod&utm\\_medium=snap&utm\\_source=web](https://help.snapchat.com/hc/en-us/articles/7012348332052?lang=en-US&utm_campaign=priv_prod&utm_medium=snap&utm_source=web) (last visited Jan. 27, 2024).

27 <sup>20</sup> <https://campaignme.com/snapchat-unveils-new-after-dark-feature/> (last visited Jan. 27,  
28 2024).

1           37. Like Lenses, Snapchat also offers another product called “**Cameos**” that are  
2 animated GIFs that can augment a user’s selfie, which the user can send in a chat. Snapchat  
3 offers dozens of video options to add one’s image to, including “duets” where the user and a  
4 friend appear together.

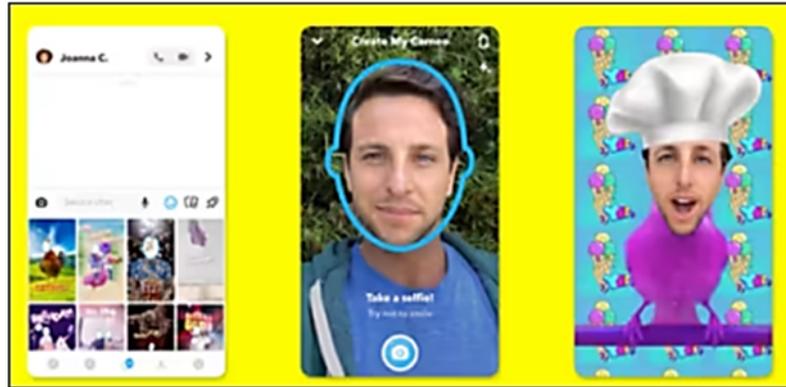


Fig. 7<sup>21</sup>

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12  
13           38. Defendants also offer a product called “**Spotlight**,” in which users get paid by  
14 Defendants for posts that “go viral” (*i.e.*, are seen, shared, and otherwise interacted with a large  
15 number of people).<sup>22</sup> Per Defendants,

16 Snaps submitted to Spotlight are public and other Snapchatters will be able to  
17 share them both on and off Snapchat or even ‘Remix’ them. For example, they  
18 may take your funny dance Snap and layer a reaction over it. Your Profile is  
19 where you will be able to control and see an overview of Spotlight Snaps you’ve  
20 submitted. You can also favorite Spotlight Snaps and when you do, we will add  
21 it to your favorites list and use it to personalize your Spotlight experience.

22 As you explore and engage with more Spotlight Snaps, we will tailor your  
23 Spotlight experience and show you Spotlight Snaps we think you will like. For  
24 example, if you can’t stop watching dance challenges, we will show you more  
25 dance-related Spotlight Snaps.<sup>23</sup>

26           39. The Spotlight product serves as a repository on the platform for content that is—  
27 by design—intended to be popular and encourage engagement among users. Ultimately, this  
28

26 <sup>21</sup> <https://newsroom.snap.com/introducing-cameos> (last visited Jan. 27, 2024).

27 <sup>22</sup> <https://www.bbc.com/news/technology-55044179> (last visited Jan. 27, 2024).

28 <sup>23</sup> <https://values.snap.com/privacy/privacy-by-product> (last visited Jan. 27, 2024).

1 was Defendants' response to the immensely popular social media platform TikTok, and Snap  
2 spends approximately \$1 million a day to pay its users with especially popular content.<sup>24</sup>

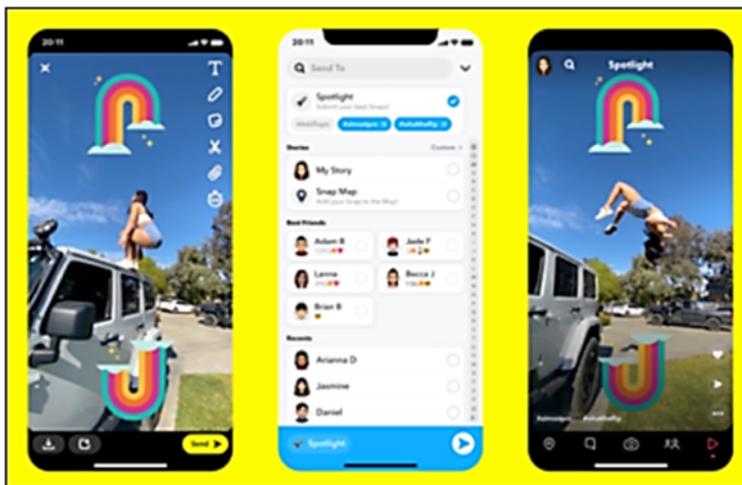


Fig. 8<sup>25</sup>

40. Defendants also offer a product on Snapchat called “**Memories**,” which allows  
Snaps and Story posts to be saved into a private storage area, where they can be viewed  
alongside other photos stored on the device, as well as edited and published as new Snaps, Story  
posts, or Chats in the future. When shared with a user's current Story, the memory would have  
a timestamp to indicate its age. Content in the Memories storage area can be searched by date  
or using a local object recognition system. Snaps accessible within Memories can additionally  
be placed into a “**My Eyes Only**” area that is locked with a Personal identification

<sup>24</sup> <https://www.businessinsider.com/guides/tech/snapchat-spotlight#:~:text=Snapchat's%20Spotlight%20feature%20is%20a%20TikTok%2Dlike%20component%20for%20promoting,for%20getting%20your%20snaps%20accepted> (last visited Jan. 27, 2024).

<sup>25</sup> <https://variety.com/2020/digital/news/snapchat-spotlight-pay-creators-1-million-daily-1234837976/> (last visited Jan. 27, 2024).

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1 number (PIN). Snapchat has stated that the Memories feature was inspired by the practice of  
2 manually scrolling through photos on a phone to show them to others.

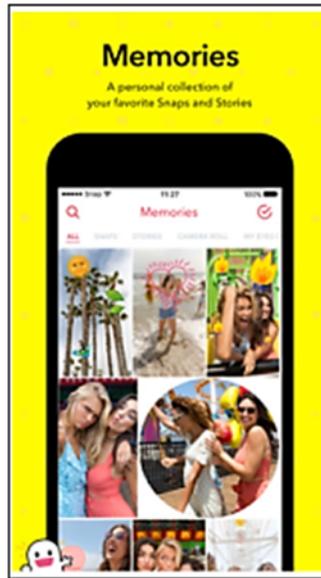


Fig. 9<sup>26</sup>

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27 <sup>26</sup> <https://siliconangle.com/2016/07/07/snapchats-new-memories-feature-how-to-save-and-share-all-your-old-snaps/> (last visited Jan. 27, 2024).

1           41. Defendants also offer the “Snap Map” product on Snapchat, which allows users  
2 to share their location in real time on a map that is searchable by all other users (and, by  
3 extension, users also may use the Snap Map to search for others).

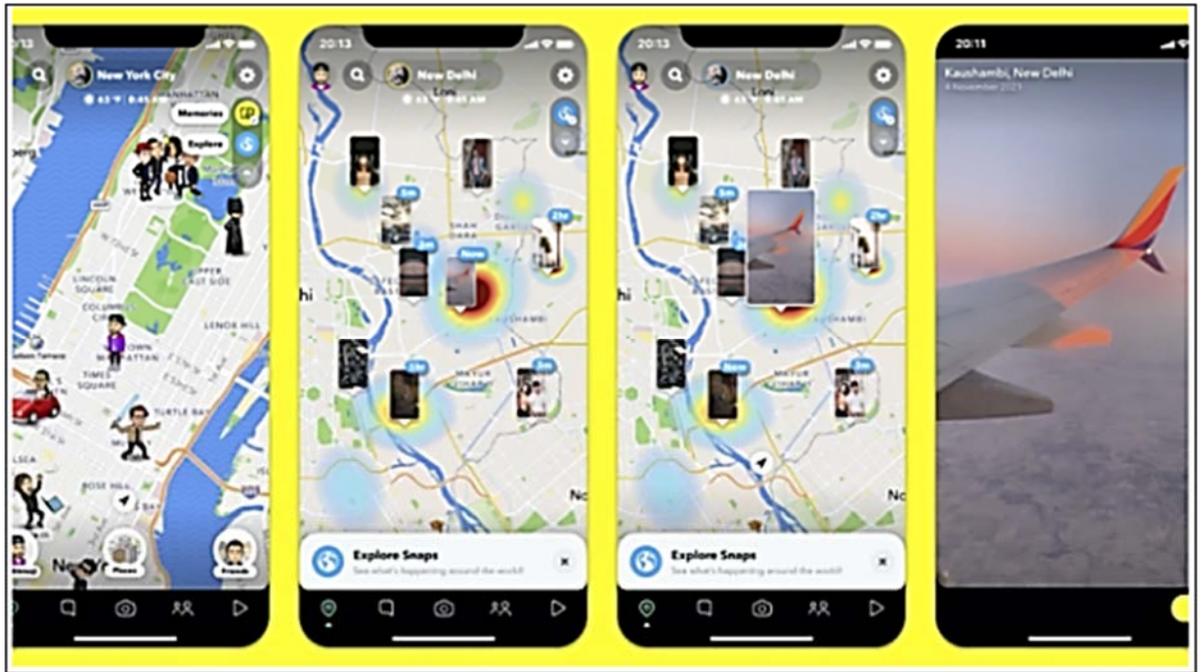


Fig. 10<sup>27</sup>

17           42. Additionally, Snapchat features “Profiles,” described by Defendants as follows:

18 Profiles make it easy to find the info and Snapchat features that you care about  
19 the most! There are different types of Profiles on Snapchat, including **My Profile**, **Friendship Profiles**, **Group Profiles**, and **Public Profiles**.

20 My Profile features your Snapchat info, like your Bitmoji, location on the Map,  
21 friend info, and more. Friendship Profile is as unique as each individual  
22 friendship, this is where you can find Snaps and messages you’ve saved, your  
23 friend’s Snapchat info like Bitmoji and location on the Map, and this is also  
24 where you can manage your friendship, and report, block, or remove the friend.  
25 Group Profiles showcase your saved Snaps and Chats within a Group Chat and  
26 your friends’ Snapchat info.

27 <sup>27</sup> <https://mashable.com/article/snapchat-launches-snap-map-layers> (last visited Jan. 27, 2024).

1 Public Profiles enable Snapchatters to be discovered in the app. If you want a  
2 Public Profile, you will need to create one first. Once you’ve created a Public  
3 Profile, you can showcase your favorite public Snaps and share your Lenses  
4 and other information. Other Snapchatters will be able to subscribe to your  
5 Public Profile. Your subscriber count is turned off by default, but if you want  
6 you can turn it on in Settings.<sup>28</sup>

7 43. As noted above, Snapchat attracts hundreds of millions of daily active users  
8 worldwide. A 2020 survey of American children ages 9–17 reported that 40% of the 9-12-year-  
9 old respondents and 52% of the 13-17-year-old respondents used Snapchat at least once a day,  
10 with 67% and 74% of those respective cohorts reporting having used the platform at least  
11 once.<sup>29</sup> More broadly, a 2023 report from the Pew Center states that 60% of teens use the  
12 platform, while 14% report using the platform “almost constantly.”<sup>30</sup>

13 **A. Snap Offers Its Platforms in Exchange for Consumers’ Valuable  
14 Consideration that Enables Snap to Sell Advertising.**

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

20 45. The practical effect of this arrangement—free access to the Snapchat platform  
21 in exchange for personal data—is best expressed in the documentary *The Social Dilemma*,  
22

23 <sup>28</sup> <https://values.snap.com/privacy/privacy-by-product> (last visited Jan. 27, 2024).

24 <sup>29</sup> Thorn, *Responding to Online Threats: Minors’ Perspectives on Disclosing, Reporting, and*  
25 *Blocking Findings from 2020 quantitative research among 9–17 year olds*, (May 2021), at Fig.  
26 4 – “Platform Usage Habits”, [https://info.thorn.org/hubfs/Research/Responding\\_%20to%20Online%20Threats\\_2021-Full-Report.pdf?utm\\_campaign=H2D%20report&utm\\_source=website](https://info.thorn.org/hubfs/Research/Responding_%20to%20Online%20Threats_2021-Full-Report.pdf?utm_campaign=H2D%20report&utm_source=website) (last visited Jan. 27, 2024).

27 <sup>30</sup> Pew Research Center, *Teens, Social Media and Technology 2023* (Dec. 11, 2023),  
28 <https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>  
(last visited Jan. 27, 2024).

1 which quotes Google’s former design ethicist, Tristan Harris: “*if you’re not paying for the*  
2 *product, then you are the product.*”<sup>31</sup>

3 46. Because Snap views its users as its product, and because it can best monetize  
4 and collect information about its users while they are on its various platforms (including  
5 Snapchat), Snap is incentivized to keep its users on the platforms as long as possible, and as  
6 often as possible. Via his current project, The Center for Humane Technology, Tristan Harris  
7 further explains this concept:

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

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

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

14 ...

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

17 ...

18 *[S]ocial media companies don’t sell software, they sell influence. They collect*  
19 *in-depth data about how to influence your decisions, then sell that influence to*  
*the highest bidder. The more time they can get you to spend scrolling and*  
*clicking, the more data they can collect and the more ads they can sell.*<sup>32</sup>

20 47. Defendants acknowledge this fact in their most recent Form 10-K, warning that  
21 decreased use of the Snapchat platform—resulting in fewer opportunities to profile users and  
22 serve targeted advertising—is fatal to its business model: “We generate substantially all of our  
23 revenue from advertising. Our advertising business is most effective when our advertisers  
24

25 <sup>31</sup> Abigail McCormick, *Review: The Social Dilemma* (Aug. 8, 2021),  
26 <https://sauconpanther.org/2535/arts-and-entertainment/if-youre-not-paying-for-the-product-then-you-are-the-product/> (last visited Jan. 27, 2024).

27 <sup>32</sup> Center for Humane Technology, *The Attention Economy – Why do tech companies fight for*  
28 *our attention?* (Aug. 17, 2021), <https://www.humanetech.com/youth/the-attention-economy>  
(last visited Jan. 27, 2024).

1 succeed. Driving their success requires continual investment in our advertising products and  
2 may be hindered by competitive challenges and various legal, regulatory, and operating system  
3 changes that make it more difficult for us to achieve and demonstrate a meaningful return for  
4 our advertisers.”<sup>33</sup> Further, Defendants acknowledge that “individuals are becoming  
5 increasingly resistant to the processing of personal data to deliver behavioral, interest-based, or  
6 targeted advertisements, and regulators are likewise scrutinizing such data processing activities,  
7 which could reduce the demand for our products and services and threaten our primary revenue  
8 stream.”<sup>34</sup>

9 48. Competition for users’ attention is fierce, and social media platforms—like  
10 Defendants’—are purposely designed to addict their users. Fundamentally, the Snapchat  
11 platform is built not for user experience, but for maximization of profit.

12 49. And this maximization of profit is achieved through addiction. As set forth  
13 below, Defendants employ sophisticated principles first identified by psychologists and other  
14 academics, which they manifest through intentional design elements that exploit those  
15 psychological principles.

16 50. These design elements are not subjective—instead they are part and parcel of  
17 Snapchat’s code. They operate consistently, and universally, across the platform, for all users,  
18 including the vulnerable children who Defendants know—to a certainty—are using Snapchat.

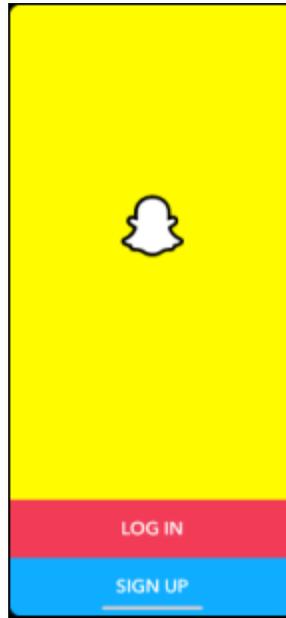
19 **B. Account Creation for Snapchat.**

20 51. To fully access Snapchat, consumers must create an account. As part of the  
21 account-creation process, consumers enter into a contract with Snap. By entering into these  
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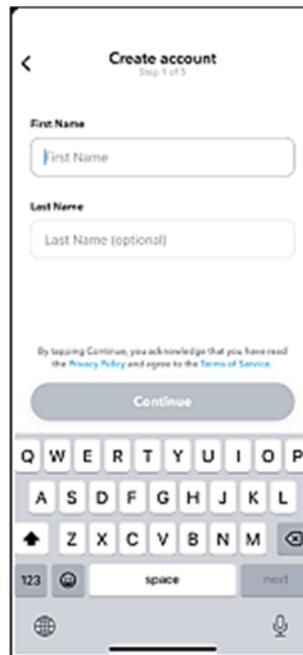
26 <sup>33</sup> <https://d18rn0p25nwr6d.cloudfront.net/CIK-0001564408/c22ae9bd-7418-456e-82d4-48129de1df54.pdf> (last visited Jan. 27, 2024).

27 <sup>34</sup> *Id.*

1 contracts, users agree to be bound by, respectively, Snapchat's Terms of Service<sup>35</sup> and its  
2 Privacy Policy.<sup>36</sup>



13 Fig. 11



25 Fig. 12

26  
27 <sup>35</sup> <https://www.snap.com/en-US/terms> (last visited Jan. 27, 2024).

28 <sup>36</sup> <https://values.snap.com/privacy/privacy-policy> (last visited Jan. 27, 2024).

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

4           53. In exchange for the right to use Snapchat, consumers agree to a host of terms  
5 that power Snap’s advertising business. For example, this is confirmed by Snapchat’s Terms of  
6 Service:

7           [T]hese Terms form a legally binding contract between you and Snap  
8 Inc. (“Snap”). So please read them carefully.... We, our affiliates, and our third-  
9 party partners may place advertising on the Services, including personalized  
10 advertising based on the information you provide us, we collect, or we obtain  
11 about you. Advertising may sometimes appear near, between, over, or in your  
12 content.... Our Services provide personalized recommendations. This is  
13 designed to make our Services more relevant and engaging for you. We will  
14 recommend content, advertising, and other information to you based on what  
15 we know and infer about your and others’ interests from use of our Services. It  
16 is necessary for us to handle your personal data for this purpose, as we explain  
17 in our Privacy Policy. It is also a condition of our contract with you for us to be  
18 able to do so[.]<sup>37</sup>

19           54. Consumers also pay for Snapchat by agreeing to give Snap access to vast reams  
20 of data arising out of their platform use. In order to create an account, consumers also must  
21 agree to Snap’s Privacy Policy. And pursuant to that Privacy Policy, each consumer must agree  
22 that Snap may collect a host of data, ranging from information about the consumer’s activity on  
23 Snapchat (such as the content they like, the Filters or Lenses they use, the Stories they watch,  
24 and accounts they follow); information regarding the messages the consumer sends and  
25 receives; the content the consumer provides through Snapchat’s camera feature and the  
26 consumer’s camera roll; the ways the consumer interacts with ads, the time the user spends  
27 interacting with various pieces of content; the hardware and software the consumer is using,  
28 location-based signals (including granular GPS data); and many other categories of data.

          55. Consumers’ payment in the form of time, attention, and data enables Snap to sell  
highly targeted, data-informed advertising opportunities, which is the foundation of Snap’s  
business.

<sup>37</sup> <https://www.snap.com/en-US/terms> (last visited Jan. 27, 2024).

1           **C. Snap Prioritizes Acquiring Young Users and Maximizing Their Time Spent**  
2           **on its Platforms.**

3           56. In Snap’s business model, not all consumers are created equal. Young Users are  
4 Snap’s prized demographic. Snap’s CEO, a “self-professed instant messaging addict in high  
5 school,” wanted Snapchat designed in a manner that accommodated that type (and age) of  
6 user.<sup>38</sup>

7           57. For example, in May 2012, less than eight months after launching, Snap’s CEO  
8 reported that the company was “thrilled” to learn that most of Snapchat’s users were high school  
9 students.<sup>39</sup>

10          58. Accordingly, Snap has pursued increasing Young Users’ time spent on its  
11 platform as one of the Company’s most important goals. Snap immediately focused on the  
12 product’s frequency of use<sup>40</sup> and designed features that appeal to minors and encourage their  
13 use of the Snapchat product.

14          59. As of 2019, Snapchat was estimated to have over 17 million users under age 18,  
15 and 69% of 13–17-year-olds nationwide were using the product.<sup>41</sup> Snapchat even claims to have  
16 an influence over what it calls the “Snapchat Generation” (“Gen Z”), with the product changing  
17 the way young people connect and communicate going forward.<sup>42</sup>

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20 <sup>38</sup> <https://www.theverge.com/2014/5/1/5670260/real-talk-the-new-snapchat-makes-texting-fun-again-video-calls> (last visited Jan. 27, 2024).

21 <sup>39</sup> Team Snapchat, *Let’s Chat*, SNAPCHAT BLOG (May 9, 2012), <https://web.archive.org/web/20120518003029/http://blog.snapchat.com:80/> (last visited Jan. 27, 2024).

22 <sup>40</sup> Billy Gallagher, *You Know What’s Cool? A Billion Snapchats: App Sees Over 20 Million*  
23 *Photos Shared Per Day, Releases On Android*, TECHCRUNCH (Oct. 29, 2012),  
<https://techcrunch.com/2012/10/29/billion-snapchats/> (last visited Jan. 27, 2024).

24 <sup>41</sup> *Snapchat statistics 2020*, SMART INSIGHTS (Mar. 18, 2020), <https://www.smartinsights.com/social-mediemarketing/social-media-strategy/snapchat-statistics/> (last visited Jan. 27,  
25 2024).

26 <sup>42</sup> THE SNAPCHAT GENERATION 2022, [https://downloads.ctfassets.net/inb32lme5009/4jTkSAv5M29ttZ5Fu4tvJC/d11c7ed91b6d8d99801854856dfad7ab/The\\_Snapchat\\_Generatio](https://downloads.ctfassets.net/inb32lme5009/4jTkSAv5M29ttZ5Fu4tvJC/d11c7ed91b6d8d99801854856dfad7ab/The_Snapchat_Generation_2022.pdf)  
27 [n\\_2022.pdf](https://www.socialmediatoday.com/news/snapchat-shares-new-insights-intogen-z-consumption-and-engagement-trends/595256/) (last visited Jan. 27, 2024); <https://www.socialmediatoday.com/news/snapchat-shares-new-insights-intogen-z-consumption-and-engagement-trends/595256/> (last visited Jan.  
28 27, 2024).

1           60.     Since its inception, Snap recognized minor users as its clear demographic. Snap  
2 knew “App usage peaked between 9 a.m. and 3 p.m. – school hours.”<sup>43</sup> Indeed, a large part of  
3 Snapchat’s success has been its virality on school campuses.<sup>44</sup> According to an interview  
4 regarding Snapchats’ early adoption, “the app started catching on with high schoolers in LA as  
5 they could send digital notes back and forth during classes.”<sup>45</sup> Snapchat “grew very quickly in  
6 tight-knit communities at high schools and colleges, where students interact at a very high  
7 frequency and can (and did) tell each other to download Snapchat in between classes.”<sup>46</sup> Once  
8 Snapchat knew it had appeal among school-aged children, Snapchat “ran with it and never  
9 looked back.”<sup>47</sup>

10           61.     Even its competitors acknowledge—however grudgingly—Snapchat’s  
11 popularity with Young Users, and seek to emulate it. An internal marketing study by Meta—  
12 the parent company of the social media platforms Facebook, Instagram, Messenger, and  
13 WhatsApp—refers to Snapchat as “fun, funny, silly and creative – seemingly made just for  
14 [tweens].” The document discusses unique Snapchat products (discussed in further detail  
15 below) that appeal particularly to children and teens, such as Snap Streaks, Bitmoji, and silly  
16 photo filters. Meta even interviewed children—as young as ten years old—about the popularity  
17 of Snapchat and why they love it.<sup>48</sup> Per those interviews:

20 <sup>43</sup> J.J. Colao, *The Inside Story of Snapchat: The World’s Hottest App Or A \$3 Billion*  
21 *Disappearing Act?*, FORBES (Jan. 6, 2014), [https://www.forbes.com/sites/jjcolao/2014/01/06/the-inside-story-of-snapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=](https://www.forbes.com/sites/jjcolao/2014/01/06/the-inside-story-of-snapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=2329013267d2)  
22 [2329013267d2](https://www.forbes.com/sites/jjcolao/2014/01/06/the-inside-story-of-snapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=2329013267d2) (last visited Jan. 27, 2024).

23 <sup>44</sup> *How Snapchat Gained Success By Going Viral At High Schools Across Los Angeles*, Forbes  
24 (Feb. 16, 2018, 1:20 pm), <https://www.forbes.com/sites/quora/2018/02/16/how-snapchat-gained-success-by-going-viral-at-high-schools-across-los-angeles/?sh=2fd9daca3b36> (last  
25 visited Jan. 27, 2024).

26 <sup>45</sup> *Id.*

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

28 <sup>47</sup> *Id.*

<sup>48</sup> TWEENS AND SOCIAL MEDIA (October 9, 2017), [https://www.documentcloud.org/](https://www.documentcloud.org/documents/23322940-copy-of-tweens-and-social-media_sanitized_opt)  
[documents/23322940-copy-of-tweens-and-social-media\\_sanitized\\_opt](https://www.documentcloud.org/documents/23322940-copy-of-tweens-and-social-media_sanitized_opt) (last visited Jan. 27,  
2024).

1 • “I don’t like making accounts on stuff except for Snapchat ... I feel safer with  
2 just one thing.” – 10-year-old child

3 • “Some of the filters are silly so some of the adults are like, ‘What is this? This  
4 is like too silly and stuff.’” – 11-year-old child

5 • “I found out about Snapchat because most of my friends use it.” – 12-year-old  
6 child

7 62. Defendants have long been aware of Snapchat’s connection to its Young Users,  
8 including its effect on schools. After Snapchat added new features to the platform, news  
9 organizations noted the havoc it was wreaking in classrooms: “No one was more excited about  
10 the update than Snapchat’s target demographic: teens. And no one could have used a warning  
11 about the huge in-app changes more than high-school teachers,” one of whom noted that “[i]n  
12 16 years of teaching I can’t think of anything that has ever disrupted my classroom more than  
13 today’s Snapchat update.”<sup>49</sup> The teacher explained that during class kids were so focused on  
14 updating their Snapchat, “*you would have thought it was crack. They seriously could not keep*  
15 *away from it. I even had one girl crawl under the table with her phone.*”<sup>50</sup>

16 63. Disruptive use of Snapchat in the classroom was no surprise to Defendants. In  
17 the first post on Snapchat’s website, Defendants stated it was “thrilled” with the disruptions:

18 [t]o get a better sense of how people were using Snapchat and what we could  
19 do to make it better, we reached out to some of our users. *We were thrilled to*  
20 *hear that most of them were high school students who were using Snapchat*  
*as a new way to pass notes in class—behind-the-back photos of teachers and*  
*funny faces were sent back and forth throughout the day.*<sup>51</sup>

21 64. Snapchat also highlights its connection to schools when communicating with  
22 advertisers, promoting “Back to School on Snapchat” and “Snap to School.”<sup>52</sup>

24 <sup>49</sup> <https://www.businessinsider.com/high-school-teacher-on-snapchat-update-2014-5> (last  
25 visited Jan. 27, 2024).

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

27 <sup>51</sup> Team Snapchat, *Let’s Chat*, Snapchat Blog (May 9, 2012), [https://web.archive.org/  
web/20220523084954/https://newsroom.snap.com/lets-chat/](https://web.archive.org/web/20220523084954/https://newsroom.snap.com/lets-chat/) (last visited Jan. 27, 2024).

28 <sup>52</sup> <https://forbusiness.snapchat.com/back-to-school-2021> (last visited Jan. 27, 2024).

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Fig. 13<sup>53</sup>

65. The company explained that it had an “unparalleled student and parent audience”<sup>54</sup> and noted that 90% of students (ages 13-24) in the US and UK are on Snapchat.<sup>55</sup> Recently, Snapchat promoted new features and the ability to access Snapchat from a desktop computer, not just a phone, “just in time for back to school” to let students “keep conversations with friends going from any device,” underscoring the importance of student users and further emphasizing Snapchat’s desire to maximize user engagement—*i.e.*, continuous interaction with the platform—by this key group.<sup>56</sup>

66. In fact, Defendants have designed Snapchat in a manner that not only appeals to Young Users, but also affirmatively discourages use by older audiences, making the platform

<sup>53</sup> <https://marissa-nicole.com/snap-to-school/> (last visited Jan. 27, 2024).

<sup>54</sup> <https://forbusiness.snapchat.com/back-to-school-2021> (last visited Jan. 27, 2024).

<sup>55</sup> *Id.*

<sup>56</sup> <https://newsroom.snap.com/fresh-fall-features> (last visited Jan. 27, 2024).

1 hard for them to use.<sup>57</sup> As Snap’s CEO explains, “[w]e’ve made it very hard for parents to  
2 embarrass their children[.]”<sup>58</sup>

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

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

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

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

17 71. This approach has been profitable. Snap reported earning \$4.6 billion in revenue  
18 in 2022, \$4.1 billion in 2021, and \$2.5 billion in 2020.

19 72. A significant portion of these earnings come from the Young Users on Snap’s  
20 platforms. A recent study estimated the revenue derived from Young Users across the world’s  
21 largest social media platforms, including Snapchat, and concluded that there were roughly 18  
22 million U.S.-based Young Users (ages 0-17 years) on the platform as of 2022.<sup>59</sup> Roughly \$1

24 <sup>57</sup> Hannah Kuchler & Tim Bradshaw, *Snapchat’s Youth Appeal Puts Pressure on Facebook*,  
25 *Fin. Times* (Aug. 21, 2017), <https://www.ft.com/content/07e4dc9e-86c4-11e7-bf50-e1c239b45787> (last visited Jan. 27, 2024).

26 <sup>58</sup> Max Chafkin & Sarah Frier, *How Snapchat Built a Business by Confusing Olds*, *Bloomberg*  
27 (Mar. 3, 2016), <https://www.bloomberg.com/features/2016-how-snapchat-built-a-business/>  
(last visited Jan. 27, 2024).

28 <sup>59</sup> Raffoul A, Ward ZJ, Santoso M, Kavanaugh JR, Austin S Bryn (2023) *Social media platforms  
generate billions of dollars in revenue from U.S. youth: Findings from a simulated revenue*

1 billion in Snapchat’s ad revenue came from ads exclusively targeting that cohort in the same  
2 year,<sup>60</sup> which the researchers believe accounted for “nearly half (41.4%) of overall advertising  
3 revenue in 2022.”<sup>61</sup> Upon information and belief, a portion of these income-generating Young  
4 Users reside in Nevada.

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

8 73. Research shows that a higher percentage of children of color in America use  
9 social media platforms—including Snapchat—than their white counterparts.

10 74. A recent study by Pew, entitled *Teens, Social Media and Technology 2023*,  
11 reveals that Black and Hispanic teenagers between ages 13 and 17 spend more time on social  
12 media platforms than their white counterparts.<sup>62</sup>

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

16 76. That study indicated that “Hispanic teens stand out in...Snapchat use,” with 20%  
17 of surveyed Hispanic respondents reporting that they are on the platform “almost constantly,”  
18 while only 12% of white respondents reported the same level of use.

19 77. Another study similarly found that Black and Hispanic children, ages 8 to 12,  
20 also use social media platforms more than their white counterparts.<sup>63</sup>

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*model*. PLoS ONE 18(12): e0295337, <https://doi.org/10.1371/journal.pone.0295337> (last  
23 visited Jan. 27, 2024); *id.* at Table 1.

24 <sup>60</sup> *Id.* at Fig. 1.

25 <sup>61</sup> *Id.* at Fig. 2.

26 <sup>62</sup> Pew Research Center, *Teens, Social Media and Technology 2023* (Dec. 11, 2023),  
<https://www.pewresearch.org/internet/2023/12/11/teens-social-media-and-technology-2023/>  
(last visited Jan. 27, 2024).

27 <sup>63</sup> Rideout, V., et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021*  
28 (2022), [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           78.     Researchers have found that due to lower income levels, Black and Hispanic  
2 teenagers are less likely to have broadband access or computers at home, causing  
3 disproportionate reliance on smartphones and corresponding use of social media platforms.

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

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

9           81.     With respect to reading, the 2023 *Scholastic Kids & Family Reading Report*  
10 found that the average amount of reading across all racial groups is in decline and continues to  
11 trend downward as children transition to their teenage years.<sup>64</sup>

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

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

17           84.     As of the 2020 Census, Nevada’s Black community constitutes roughly 12.1%  
18 of the State’s population, and the Hispanic community constitutes 28.7% of the State’s  
19 population.<sup>65</sup>

20     ///

23     ///

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26 <sup>64</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).

27 <sup>65</sup> <https://www.census.gov/library/stories/state-by-state/nevada-population-change-between-census-decade.html> (last visited Jan. 27, 2024).

1           **E. Snap Directs Its Business Towards Nevada.**

2           85. Notably, Snap allows advertisers to target Young Users based on their age<sup>66</sup> and  
3 location,<sup>67</sup> and Snapchat is popular among Young Users in Nevada. Indeed, Snapchat markets  
4 its services to advertisers based on its reach to Young Users, stating “90% of 13-to-24-year-  
5 olds in 20+ countries” are on Snapchat based upon “internal data [from] Q2 2022.”<sup>68</sup>

6           86. There is no shortage of reporting on teens’ use of Snapchat in Nevada, albeit for  
7 a host of troubling reasons. For example, teens in Nevada have used Snapchat to send bomb  
8 threats at their high schools;<sup>69</sup> have been solicited by predators on Snapchat;<sup>70</sup> have posted racist  
9 diatribes leading to their expulsion from high school (and ensuing First Amendment  
10 litigation);<sup>71</sup> and have used Snapchat to target and threaten area high schools.<sup>72</sup>

11           87. And of course, Snap enriches itself by selling advertisements targeted to Nevada.  
12 As noted above, Snap facilitates the targeting of advertisements specific to Nevada, and even  
13 allows businesses to target specific cities in Nevada. Further, all manner of Nevada entities  
14 utilize Snapchat to reach a Nevada audience and expand their business in Nevada (for example,  
15 the Las Vegas Raiders<sup>73</sup>).

16           88. In sum, Snap not only makes its social media platforms available in Nevada, it  
17 also—at a minimum—promotes its brand in Nevada, tracks its platforms’ performance in  
18

19 <sup>66</sup> See, e.g., [https://businesshelp.snapchat.com/s/article/standard-targeting?language=en\\_US](https://businesshelp.snapchat.com/s/article/standard-targeting?language=en_US)  
(explaining to advertisers how to target by ages as low as 13) (last visited Jan. 27, 2024).

20 <sup>67</sup> See, e.g., [https://businesshelp.snapchat.com/s/article/location-categories?language=en\\_US](https://businesshelp.snapchat.com/s/article/location-categories?language=en_US)  
(explaining how to target ads based on location, including by city and state in the United States)  
(last visited Jan. 27, 2024).

21 <sup>68</sup> <https://forbusiness.snapchat.com/> (at fn. 1) (last visited Jan. 27, 2024).

22 <sup>69</sup> <https://www.thebee.news/teen-accused-of-sending-school-threat-through-snapchat/> (last  
23 visited Jan. 27, 2024).

24 <sup>70</sup> [https://thenevadaglobe.com/775times/man-accused-of-soliciting-incline-high-school-  
25 students-connected-to-50-girls-on-snapchat/](https://thenevadaglobe.com/775times/man-accused-of-soliciting-incline-high-school-students-connected-to-50-girls-on-snapchat/) (last visited Jan. 27, 2024).

26 <sup>71</sup> [https://www.law.com/2022/07/07/10th-circ-expulsion-of-student-over-off-campus-snapchat-  
27 post-was-a-first-amendment-violation/?sreturn=20240016144640](https://www.law.com/2022/07/07/10th-circ-expulsion-of-student-over-off-campus-snapchat-post-was-a-first-amendment-violation/?sreturn=20240016144640) (last visited Jan. 27, 2024).

28 <sup>72</sup> [https://www.rgj.com/story/news/education/2018/01/25/wcsd-police-looking-into-threat-  
rumor-spanish-springs-high-school/1065226001/](https://www.rgj.com/story/news/education/2018/01/25/wcsd-police-looking-into-threat-rumor-spanish-springs-high-school/1065226001/) (last visited Jan. 27, 2024).

<sup>73</sup> <https://www.snapchat.com/add/raidersofficial?locale=en-US> (last visited Jan. 27, 2024).

1 Nevada, studies its platforms’ impact on Nevada residents, and sells advertisements to Nevada  
2 entities so that they can expand their businesses in Nevada. And by virtue of Snap’s business  
3 model, Snap has entered into (at least) hundreds of thousands of contracts with consumers in  
4 Nevada and sold the opportunity to serve ads specifically to those Nevada consumers.

5 **II. SNAP UTILIZES MULTIPLE DESIGN PRACTICES PURPOSELY INTENDED TO HOOK**  
6 **YOUNG USERS AND KEEP THEM ON ITS PLATFORMS IN PERPETUITY.**

7 **A. By Snap’s Design, its Platform Induces Compulsive Use Among Young**  
8 **Users.**

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

12 90. Snap could have followed a similar course. It might have offered a version of its  
13 platforms that was simply appealing, but not addictive.

14 91. Instead, Snap intentionally designed its platform to exploit known vulnerabilities  
15 in Young Users’ neurological development, making its platform profoundly difficult—and in  
16 some cases impossible—for children and teens to resist.

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

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

22 93. Collectively, these features cause Young Users to spend more time on Snapchat  
23 than they otherwise would.

24 94. Several categories of engagement-optimizing design features are especially  
25 pernicious: Low-Friction Variable Rewards; Social Manipulation; Ephemeral Content; Push  
26 Notifications; Harmful Filters; Display of Geolocation; and Ineffective and Misleading Parental  
27 Controls. The State discusses each, in turn.

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

2           95.     The “Low-Friction Variable Reward” design element (also called the “Hook  
3 Model”<sup>74</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>75</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>76</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 would get a small treat, other times a large treat, and  
9 other 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           96.     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>77</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  
16 Users and Youngest Users are of course forbidden from using or interacting with).<sup>78</sup>

17  
18 <sup>74</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>75</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>76</sup> Laura MacPherson, *A Deep Dive into Variable Designs and How to Use Them*, DesignLi  
24 (Nov. 8, 2018), <https://designli.co/blog/a-deep-dive-on-variable-rewards-and-how-to-use-them/> (last visited Jan. 27, 2024); Mike Brooks, *The “Vegas Effect” of Our Screens*, Psychol.  
25 Today (Jan. 4, 2019), <https://www.psychologytoday.com/us/blog/tech-happy-life/201901/the-vegas-effect-our-screens> (last visited Jan. 27, 2024).

26 <sup>77</sup> Anna Hartford & Dan J. Stein, *Attentional Harms and Digital Inequalities*, 9 JMIR Mental  
27 Health 2, 3 (Feb. 11, 2022), <https://pubmed.ncbi.nlm.nih.gov/35147504/> (“At the level of our  
28 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>78</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).

i. Endless Scroll

97. One example of variable rewards design feature is the infinite or endless scroll mechanism with variable content that is deployed across social media platforms. When a platform uses endless scroll, a user is continuously fed more pieces of content, with no endpoint, as they scroll down a feed or page. When platforms load content into streams viewed by endless scroll, a user can never predict what will come next or how interesting it will be. The user is rewarded at unpredictable intervals and levels with pieces of content they find funny, entertaining, or otherwise interesting.<sup>79</sup>

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

99. Snapchat employs the endless scroll, supplying Young Users with unpredictable variable rewards by strategically and intermittently surfacing content that the platform predicts users will want to see, particularly via its Stories product. But Snap is not just making a “lucky” guess about the type of content that children- and others- would wish to engage. Rather its predictions are incredibly precise and “effective” as they are made because Snapchat siphons private and personal user data to create individualized user profiles—including of children who use the apps.

100. As one example, Defendants’ Spotlight product (*see, supra*) pushes “an endless feed,” curated by Defendants in an effort to get constant engagement from Young Users.<sup>80</sup> After Defendants introduced Spotlight on Snapchat, user time spent on the platform rose by over 200%.<sup>81</sup>

<sup>79</sup> GCFGlobal.org, *Digital Media Literacy: Why We Can’t Stop Scrolling*, <https://edu.gcfglobal.org/en/digital-media-literacy/why-we-cant-stop-scrolling/1/> (last visited Jan. 27, 2024).

<sup>80</sup> Salvador Rodriguez, *Snap is launching a competitor to TikTok and Instagram Reels*, CNBC (Nov. 23, 2020), <https://www.cnbc.com/2020/11/23/snap-launching-a-competitor-to-tiktok-and-instagram-reels.html> (last visited Jan. 27, 2024).

<sup>81</sup> *See Snap Q4 Earnings Beat Estimates, User Growth Aids Top Line, Zacks Equity Research* (Feb. 5, 2021), <https://finance.yahoo.com/news/snap-q4-earnings-beat-estimates-153003950.html> (last visited Jan. 27, 2024).

1           101. Highlighting both the low-friction and variable nature of Snapchat, one 16-year-  
2 old told the researchers that Snapchat is “*so addictive because it’s so easy to go on to the next*  
3 *thing . . . . And you never know what amazing thing could be on the next Story, and all you*  
4 *have to do is tap once and you get to the next thing.*”<sup>82</sup>

## 5                           2. Social Manipulation

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

11           103. Children are particularly vulnerable to social manipulation techniques. Younger  
12 adolescents have specific developmental needs for social connectedness and are particularly  
13 attuned to social validation.<sup>83</sup> This can “lead to greater relinquishing of security in certain arenas  
14 to gain social validation and belonging, for example, disclosing publicly to participate in online  
15 communities and accrue large amounts of likes, comments, and followers.”<sup>84</sup> One pair of  
16 researchers investigating the phenomena write:

17                           [T]o tweens and teens, the kind of “rewards” social media promise are even  
18 more meaningful. Teens are primed to crave and value social validation, which  
19 is part of how they make sense of where they fit into their social worlds. Their  
20 biological sensitivity to social feedback makes them more susceptible to the  
21 pull of social media, which is at the ready with a promise of 24/7 access to likes  
22 and praising comments. Capacities for self-regulation and impulse control are  
23 also a work in progress during the teen years, which adds to the challenge of  
24 pulling away.<sup>85</sup>

23 <sup>82</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults*  
24 *Are Missing)*, MIT Press, at 34 (2022).

25 <sup>83</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>84</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)).

<sup>85</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults*  
*Are Missing)*, MIT Press, at 33 (2022) (citing Lucy Foulkes and Sarah-Jayne Blakemore, *Is*

1           104. Many social manipulation design features induce anxiety in children that they or  
2 their content may not be as popular as that of their peers. In the words of a Massachusetts high  
3 school student who spoke with Common Sense Media, “[I]f you get a lot of likes, then ‘Yay,’  
4 you look relevant, but then if you don’t get a lot of likes and/or views, it can completely crush  
5 one’s confidence. Especially knowing that you’re not the only one who’s able to see it.”<sup>86</sup> Not  
6 only are children spotting and seeing posts, but now they are obsessing over the popularity of  
7 their posts and those of others. These factors all converge to create a feedback loop: because  
8 children crave this social reinforcement, they seek it out, but ultimately children are unequipped  
9 with the tools to protect themselves against the allure of “rewards” that these manipulative  
10 social media designs purportedly promise.

11                           i.           Interaction Streaks

12           105. Social media platforms—most notably, Snapchat—maximize minors’ online  
13 engagement through the use of interaction streaks. Streaks are design features that pressure  
14 users to continue an ongoing series of interactions with the service or another user. For example,  
15 Snapchat keeps track of how many consecutive days two people have sent Snaps to each other,  
16 displaying the number of consecutive days—the “**Snapstreak**” value—next to each friend’s  
17 name.<sup>87</sup>

18           106. Each party must send and receive at least one Snap within 24 hours for the  
19 Snapstreak to be kept alive, and a Snapstreak must extend for three days in order to begin being  
20 recorded by Snapchat; but once that three-day period has passed, a flame emoji will appear next  
21 to the user’s friend’s name, along with a number that says how many days the two users have  
22 had a Streak together (a “**Streak score**”).<sup>88</sup>

23 \_\_\_\_\_  
24 *There Heightened Sensitive to Social Reward in Adolescence?*, 40 *Current Opinion*  
*Neurobiology* 81 (2016)).

25 <sup>86</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec. 17,  
26 2021), <https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good> (last visited Jan. 27, 2024).

27 <sup>87</sup> *Longest Snapchat Streak*, TechMirror (April 19, 2020), <https://perma.cc/46BU-4VBM> (last  
28 visited Jan. 27, 2024).

<sup>88</sup> <https://www.businessinsider.com/guides/tech/snapchat-streak> (last visited Jan. 27, 2024).

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Fig. 14<sup>89</sup>

107. In addition to the flame emoji, Defendants assign other emojis to signify (and quantify) aspects of the relationship between the people communicating, each of which is meant to induce continued, compulsive communication—via Snapchat—between the users:

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<sup>89</sup> *Id.*

17 Snapchat Emoji	18 Icon	19 Meaning
20 Baby		21 Shown next to brand-new Snapchat friends.
22 Gold star		23 Shows someone has replayed your Snap in the last 24 hours.
24 Yellow heart		25 Shown when you are top best friends with another user.
26 Red heart		27 Shown when you have been best friends with a user for 2 weeks in a row.
28 Pink hearts		Shown when you have been best friends with a user for 2 months in a row.
Birthday cake		Shown next to a friend's name on their birthday.
Smiling face		Shown next to a user when you are one of their top best friends.
Face with sunglasses		Shown when a contact is also the best friend of your best friend.
Grimacing face		Shown when two users are each other's top best friends.
Smirking face		Indicates someone is your best friend, but you are not theirs.
Fire		Shows Snapstreak of at least three days.
One hundred		Indicates Snapstreak of 100 consecutive days.
Hourglass		Signifies a Snapstreak is about to end.
Pushpin		Indicates a conversation has been pinned to the top of your feed.

Fig. 15<sup>90</sup>

18 108. For teens in particular, Snapstreaks are a vital part of using the app, and—for  
19 many—of their social lives as a whole. Fostering compulsive daily use of its platform—*indeed*,  
20 *punishing Young Users for not using Snapchat on at least a daily basis*—and measuring the  
21 strength of a friendship through Snapchat participation clearly benefits Snap, but Snapstreaks  
22 undermine young people’s wellbeing.

23 109. In addition to increasing the time that minors spend online, streak features often  
24 generate harmful social pressure and anxiety.<sup>91</sup> For Snapchat users, Snapstreaks are considered

25  
26 <sup>90</sup> <https://blog.hootsuite.com/snapchat-emoji-meanings/> (last visited Jan. 27, 2024).

27 <sup>91</sup> Lori Janjigian, *What I Learned After Taking Over My 13-Year-Old Sister’s Snapchat for Two Weeks*, Business Insider (Aug. 4, 2016, 11:53 AM), <https://www.businessinsider.com/how-teens-are-using-snapchat-in-2016> (last visited Jan. 27, 2024).

1 a measure of the strength of users’ relationships—the longer a streak, the more valuable the  
2 relationship.<sup>92</sup> For example, one 13-year-old user explains that “[o]n Snapchat, streaks develop  
3 a level of friendship between people. The longer your snap streak is, the better friends you  
4 are,”<sup>93</sup> while a 20-year-old college freshman explains, “I’ve heard people say things like ‘oh  
5 yeah, I love her, we have a 200 day Snapchat streak.’”<sup>94</sup>

6 110. Teenagers regard Snapstreaks as proof of friendship, with those having the most  
7 and longest streaks considered the most popular.<sup>95</sup> Many teenagers invest significant effort and  
8 time every day to set up and maintain their streaks, sometimes even going so far as arranging  
9 to have others log in on their behalf to continue their streaks when they are themselves unable  
10 to.<sup>96</sup> Snapchat heightens the sense of urgency to maintain a Snapstreak, going as far as  
11 displaying an hourglass emoji by someone’s name if a user is close to losing their streak with  
12 them, further encouraging addictive and dependent behavior in users, and overall contributing  
13 to a feeling of fear and anxiety of losing connection with someone else.<sup>97</sup>

14 111. Quotes from teenagers interviewed by journalists about Snapstreaks illustrate  
15 the intense pressure and anxiety this feature generates to remain engaged on the service:

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18 <sup>92</sup> *Id.*

19 <sup>93</sup> Taylor Lorenz, *Teens Explain the World of Snapchat’s Addictive Streaks, Where Friendships*  
20 *Live or Die*, Insider (Apr. 14, 2017, 1:58 PM) <https://www.businessinsider.com/teens-explain-snapchat-streaks-why-theyre-so-addictive-and-important-to-friendships-2017-4?international=true&r=US&IR=T> (last visited Jan. 27, 2024).

21 <sup>94</sup> Jacob Shamsian, *Teens Are Obsessed with this One Snapchat Score that Can Make or Break*  
22 *Friendships*, Insider, (Dec. 14, 2016, 4:51 PM), <https://www.insider.com/teens-are-obsessed-with-snap-streaks-on-snapchat-2016-12> (last visited Jan. 27, 2024).

23 <sup>95</sup> Taylor Lorenz, *Teens Explain the World of Snapchat’s Addictive Streaks, Where Friendships*  
24 *Live or Die*, Insider (Apr. 14, 2017, 1:58 PM) <https://www.businessinsider.com/teens-explain-snapchat-streaks-why-theyre-so-addictive-and-important-to-friendships-2017-4?international=true&r=US&IR=T> (last visited Jan. 27, 2024).

25 <sup>96</sup> Lori Janjigian, *What I Learned After Taking Over My 13-Year-Old Sister’s Snapchat for Two*  
26 *Weeks*, Business Insider (Aug. 4, 2016, 11:53 AM), <https://www.businessinsider.com/how-teens-are-using-snapchat-in-2016> (last visited Jan. 27, 2024).

27 <sup>97</sup> <https://thecampoelaw.com/opinion/2022/03/23/snapchat-dangerous-for-teens-mental-health/>  
28 (last visited Jan. 27, 2024).



1           114. Snapchat has a scoring metric that symbolizes how much the user spends their  
2 time or interacts on the app.<sup>102</sup> A user’s “**Snap score**” is highlighted at the top of a summary of  
3 their profile. Users can also easily check friends’ scores on their respective profiles. There are  
4 multiple synonyms for Snapchat score such as **Snapchat points**, **Snapscore**, **Snap points** and  
5 **Snap Number**.

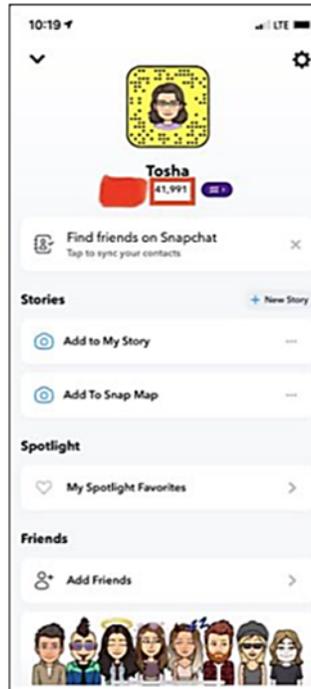


Fig. 16<sup>103</sup>

19           115. Snap scores are cultural currency, to the point of potentially altering or  
20 establishing one’s view of a person they don’t even know. For instance, someone with a lower  
21 Snap score may seem less popular or more socially isolated than someone with a much higher  
22 Snap score. This can cause a user to compare their snap score to others, worrying about the way

24 \_\_\_\_\_  
25 <sup>102</sup> Briallyn Smith, *How Does Snapchat Score Work? How to Increase Your Score, Make Use*  
26 *Of* (April 2, 2022, updated Mar. 29, 2023), [https://www.makeuseof.com/tag/improve-snapchat-](https://www.makeuseof.com/tag/improve-snapchat-score/)  
27 [score/](https://www.makeuseof.com/tag/improve-snapchat-score/) (last visited Jan. 27, 2024).

26 <sup>103</sup> Center for Digital Democracy, Fairplay, et al., *Petition for Rulemaking to Prohibit the Use*  
27 *on Children of Design Features that Maximize for Engagement*, at p. 37 (Nov. 2, 2022),  
28 <https://fairplayforkids.org/wp-content/uploads/2022/11/EngagementPetition.pdf> (last visited  
Jan. 27, 2024).

1 the number displayed by their name shifts others' perceptions of them. For example, on Reddit,  
2 one teen posts:

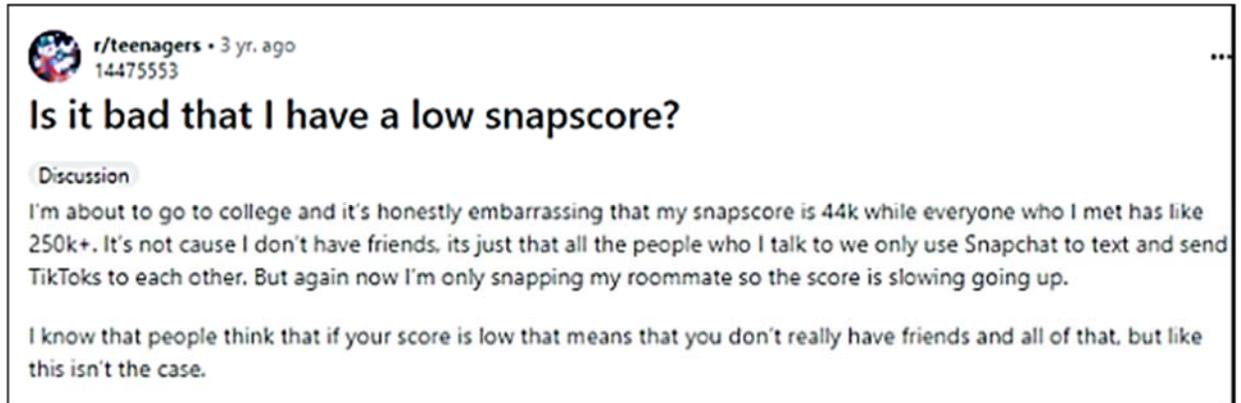


Fig. 17<sup>104</sup>

116. On that same thread, another person confesses to sending “a snap to 100 people simultaneously for a few hours straight to boost mine to 200k lol.”<sup>105</sup>

117. Google has reported millions of searches for “How to improve Snap score.” YouTube contains numerous videos with titles like “How to Increase Snapchat Score Fast.”<sup>106</sup>

118. Another way Snap scores encourage unhealthy behaviors in Young Users is by creating an obsession with constantly checking someone else’s Snap score to see if they are talking with others, but ignoring you. Users on Snapchat can refresh the app in order to see if someone’s Snap score is increasing, in order to determine whether the person is purposely not talking to them.<sup>107</sup> This can cause someone to be overly dependent on someone else’s

<sup>104</sup> [https://www.reddit.com/r/teenagers/comments/nxnrcj/is\\_it\\_bad\\_that\\_i\\_have\\_a\\_low\\_snapscore/](https://www.reddit.com/r/teenagers/comments/nxnrcj/is_it_bad_that_i_have_a_low_snapscore/) (last visited Jan. 27, 2024).

<sup>105</sup> *Id.*

<sup>106</sup> FozTech, *How to Increase Snapchat Score Fast! (100% Works in 2023)*, YouTube (Oct. 1, 2019), <https://www.youtube.com/watch?v=m7s0hvQdTok> (*How to Increase Snapchat Score Fast* had 4.3 million views as of Apr 17, 2023, video no longer available as of Jan. 27, 2024, due to user account termination); see also <https://web.archive.org/web/20230329193623/https://www.youtube.com/watch?v=m7s0hvQdTok> (last visited Jan. 27, 2024).

<sup>107</sup> <https://thecampoelaw.com/opinion/2022/03/23/snapchat-dangerous-for-teens-mental-health/> (last visited Jan. 27, 2024).

1 attention—constantly checking the app to see if the person is prioritizing their interactions with  
2 others over them.

3 iii. Trophies and Charms

4 119. Snap has also designed Snapchat to include user rewards, including trophies and  
5 other social recognition signals, similar to “Likes” on other apps. These are highly addictive  
6 and drive compulsive use.

7 120. “**Trophies**” are emojis awarded for achieving engagement milestones or  
8 performing certain activities, such as increasing one’s Snap score, sending creative Snaps, or  
9 posting a live story. A user’s Trophies are displayed in a “trophy box” viewable by their friends.  
10 Snap designed this feature to encourage users to share their videos and posts with the public,  
11 promote greater use of Snapchat, and deepen young users’ addiction to, and compulsive use of,  
12 the platform. *E.g.*,



Fig. 18<sup>108</sup>

108 <https://www.popbuzz.com/internet/social-media/snapchat/trophy-case/> (last visited Jan. 27, 2024).

1           21. In 2020, Snap phased out Trophies and replaced them with “Charms.” Unlike  
2 Trophies, where users were rewarded for unlocking individual accomplishments like sending  
3 1,000 selfies, Charms reward users for achieving certain milestones in their relationship with  
4 other users. *E.g.*,

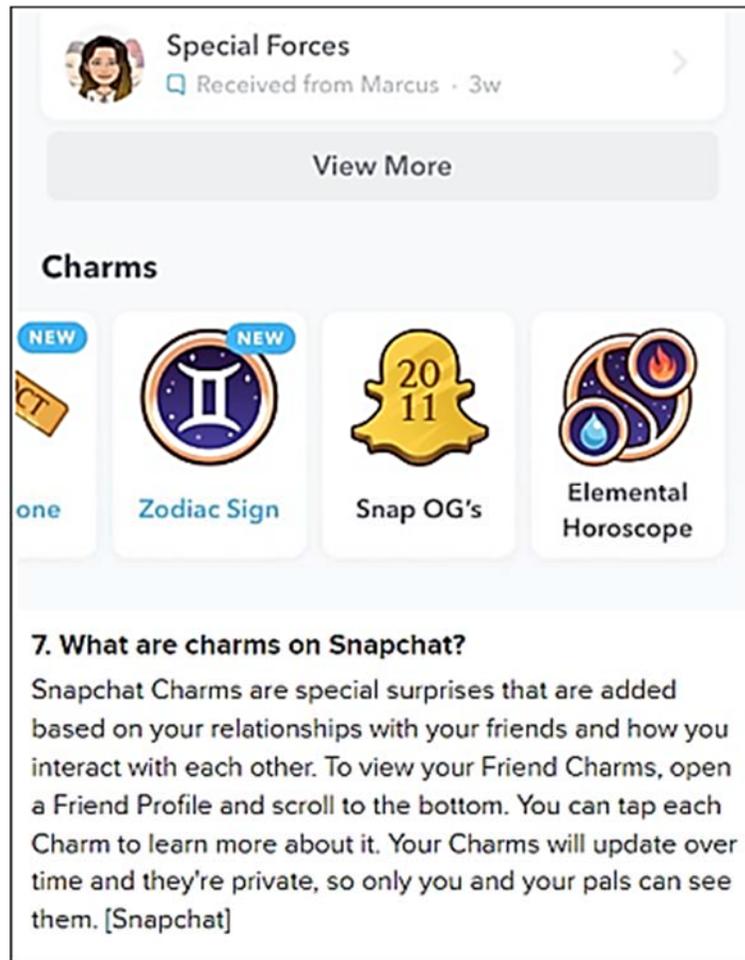


Fig. 19<sup>109</sup>

22  
23           22. Typically, the more users interact with one another, the more Charms they  
24 unlock in their relationship. Charms are private and viewable only by users’ mutual contacts.  
25 For example, if two users are at the top of each other’s friends list, meaning they exchange  
26 frequent Snaps, they may unlock a “BFF (Best Friends Forever)” Charm. Conversely, the “It’s

27  
28 <sup>109</sup> *Id.*

1 Been Forever” and “It’s Been a Minute” Charms may be awarded to friends who are  
2 infrequently in contact, to prompt their engagement with one another on Snapchat.

### 3 3. Ephemeral Content

4 123. As research shows and Defendants know, Young Users are developmentally  
5 wired such that the fear of missing out (“FOMO”) is a “repeatedly identified driver of  
6 smartphone and social media use[.]”<sup>110</sup> This dovetails with a psychological concept identified  
7 by B.F. Skinner as “avoidance,” meaning that an individual performs a behavior to avoid a  
8 negative outcome.<sup>111</sup>

9 124. Defendants induce constant engagement by making certain content ephemeral.  
10 In point of fact, the temporary nature of Snaps, Chats, Memories, and other Snapchat products  
11 is Snapchat’s main point of differentiation from its competitors.

12 125. Unlike content delivery systems that permit a user to view existing posts on a  
13 schedule convenient for the user, ephemeral content—like that which makes up almost the  
14 entirety of Defendants’ social media platform—is only available on a temporary basis, thus  
15 incentivizing users to engage with the content (1) immediately and (2) constantly.

16 126. Moreover, Defendants have designed Snapchat and its ephemeral content in such  
17 a way as to discourage or frustrate Young Users’ attempts to save any of the ephemeral posts.  
18 Early iterations of Snapchat had what its founders perceived to be “a fatal flaw” to its ephemeral  
19 nature—namely, that users could take a screenshot rendering a disappearing image  
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25 <sup>110</sup> Laura Marciano, Anne-Linda Camerini, Rosalba Morese, *The Developing Brain in the*  
26 *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/](https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full)  
[articles/10.3389/fpsyg.2021.671817/full](https://www.frontiersin.org/articles/10.3389/fpsyg.2021.671817/full) (last visited Jan. 27, 2024).

27 <sup>111</sup> GameQuitters, *Are Video Games Designed to Be Addictive?*, [https://gamequitters.com/are-](https://gamequitters.com/are-video-games-addictive/)  
28 [video-games-addictive/](https://gamequitters.com/are-video-games-addictive/) (last visited Jan. 27, 2024).

1 permanent.<sup>112</sup> Defendants designed a work-around to screenshots “by building in a notification  
2 if your picture has been captured, a potential social deterrent.”<sup>113</sup>

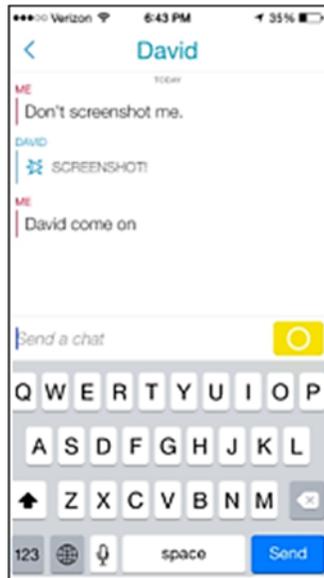


Fig. 20<sup>114</sup>

15 127. Defendants also prevent or interfere with a user’s ability to take screenshots on  
16 certain devices and/or access points. For example, Snapchat will blur a conversation when it  
17 detects a screenshot is being taken from a web browser and send users a pop-up notification  
18 chastising them for the attempt.

24 <sup>112</sup> J.J. Colao, *The Inside Story of Snapchat: The World’s Hottest App Or A \$3 Billion*  
25 *Disappearing Act?*, FORBES (Jan. 6, 2014), <https://www.forbes.com/sites/jjcolao/2014/01/06/the-inside-story-of-snapchat-the-worlds-hottest-app-or-a-3-billion-disappearing-act/?sh=2329013267d2> (last visited Jan. 27, 2024).

26 <sup>113</sup> *Id.*

27 <sup>114</sup> <https://www.theverge.com/2014/5/1/5670260/real-talk-the-new-snapchat-makes-texting-fun-again-video-calls> (last visited Jan. 27, 2024).

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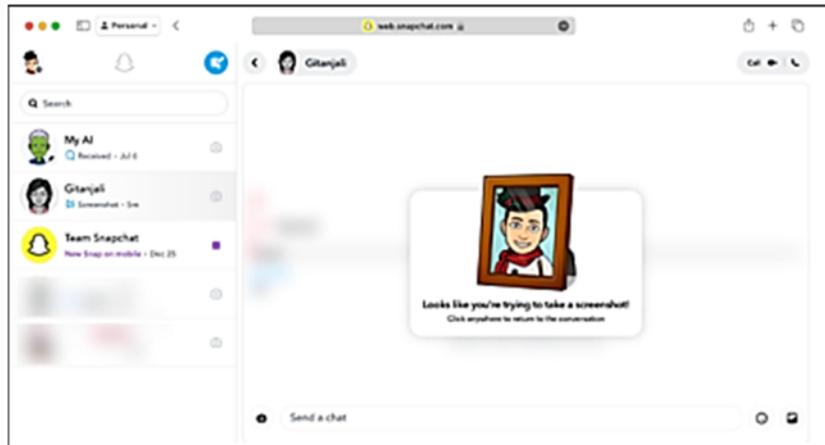


Fig. 21<sup>115</sup>

128. Defendants could make posts like Snaps, Chats, Stories, etc. able to be stored by its users, or simply make that content available for viewing days or weeks after they are created. This would allow Young Users to take meaningful breaks from Snapchat (for instance, during the school week or while on vacation) without missing content. Instead, they deploy ephemeral content because they know Young Users' FOMO will keep them glued to the platform. In addition, this ephemeral nature of its content gives Defendants a pretext to send endless streams of push notifications to users' smartphones, constantly alerting them of content they are going to miss day and night (more on this below).

#### 4. Push Notifications

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

130. These include Chat notifications (alerting users to new messages from friends); Snap notifications (alerting users to new Snaps from a friend); Story notifications (alerting users

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<sup>115</sup> <https://www.idownloadblog.com/2024/01/24/how-to-use-snapchat-on-computer/> (last visited Jan. 27, 2024).

1 to new Stories added to a friend’s profile); Friend suggestions (alerting users when Snapchat  
2 suggests new friends for them to add); Memories ((alerting users to new memories saved in  
3 their Memories section); and App updates ((alerting users when there is a new update available  
4 for the Snapchat app)).<sup>116</sup>

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

9 While it’s easy to dismiss this claim as hyperbole. *platforms*  
10 *like...Snapchat...leverage the very same neural circuitry used by slot*  
11 *machines and cocaine to keep us using their products as much as*  
12 *possible....Although not as intense as [sic] hit of cocaine, positive social stimuli*  
13 *will similarly result in a release of dopamine, reinforcing whatever behavior*  
14 *preceded it . . . Every notification... has the potential to be a positive social*  
15 *stimulus and dopamine influx.*<sup>117</sup>

16 132. Preying on that vulnerability, by default Snapchat notifies Young Users  
17 whenever anything happens on the platform that may affect the Young User, or warrant an  
18 action from them. As explained in an interview with Snap’s CEO, “Snapchat sends a push  
19 notification to your lock screen to say that a friend has begun typing a message to you. The hope  
20 is that by the time they hit send, you’re already in the chat, ready to respond or video chat with  
21 them.”<sup>118</sup>

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

## 24 5. Harmful Filters: Lenses

25 134. As explained more fully above, Defendants incorporate a host of filters—known  
26 as Lenses—into the Snapchat platform that allow Young Users to edit their posts with

27 <sup>116</sup> <https://medium.com/@andiksyldnata/understanding-snapchat-notification-settings-df2cffe9f63#:~:text=Snap%20notifications%3A%20These%20notifications%20alert,friends%20for%20you%20to%20add> (last visited Jan. 27, 2024).

28 <sup>117</sup> <https://sitn.hms.harvard.edu/flash/2018/dopamine-smartphones-battle-time/> (last visited Jan. 27, 2024).

<sup>118</sup> <https://www.theverge.com/2014/5/1/5670260/real-talk-the-new-snapchat-makes-texting-fun-again-video-calls> (last visited Jan. 27, 2024).

1 augmented-reality visual and aural effects. However, many of these Lenses are cosmetic in  
2 nature, inducing the user to alter their appearance in a manner more in line with perceived  
3 notions of attractiveness.

4 135. These types of Lenses have created lasting damage among Young Users. Plastic  
5 surgeons have reported a surge in patients seeking alterations so that they can look more like  
6 Snapchat selfies to which these filters have been applied.<sup>119</sup>

7 136. Researchers at the Boston medical center authored an article in the journal  
8 JAMA Facial Plastic Surgery, coining the term “Snapchat dysmorphia” and arguing that filters  
9 on apps are having a disastrous impact on people’s self-esteem.<sup>120</sup> One social psychologist  
10 summarized the effect as “the pressure to present a certain filtered image on social media  
11 [which] can certainly play into [depression and anxiety] for younger people who are just  
12 developing their identities.”<sup>121</sup>

13 137. The harm created by Lenses extends beyond body dysmorphia. Snapchat’s  
14 World Lenses also have induced users to undertake dangerous, and even fatal, tasks. One  
15 particularly dangerous example is Snapchat’s “Speed Filter,” which from 2013 to 2021 allowed  
16 users to record their real-life speed and overlay that speed onto Snaps. Shortly after the Speed  
17 Filter was introduced, it became a viral game for users—particularly teenage users—to capture  
18 photos and videos of themselves driving at 100 miles-per-hour or more. Tragically, the quest to  
19 capture a 100 mile-per-hour Snap caused a number of fatal vehicle accidents involving teens  
20 and young adults.<sup>122</sup>

22 <sup>119</sup> <https://www.theguardian.com/technology/2018/aug/08/snapchat-surgery-doctors-report-rise-in-patient-requests-to-look-filtered> (last visited Jan. 27, 2024).

23 <sup>120</sup> “Selfies—Living in the Era of Filtered Photographs.” *JAMA Facial Plastic Surgery*, 20(6),  
24 pp. 443–444.

25 <sup>121</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).

26 <sup>122</sup> See, e.g., *Did Snapchat play role in deaths of 3 young women?*, ABC6 Action News (Feb.  
27 16, 2016), <https://6abc.com/action-news-investigation-snapchat-fatal-car-crash-philadelphia/1196846/> (last visited Jan. 27, 2024); Manpreet Darroch, *Snapchat and driving . . . you could be sending your last snap* (Apr.25, 2016), <https://web.archive.org/web/20160531055242/>

1 138. Snap continuously prioritizes generating excessive engagement over the safety  
2 of its Young Users, while publicly denying that it does the same.

### 3 6. Display of Geolocation: Snap Maps

4 139. As described in more detail above, Defendants’ Snap Map allows users to share  
5 their location with their followers (and the public) on an activity-level-based, color-coded  
6 heatmap. This puts Young Users at risk of physical harm, stalking, or cyberbullying.

7 140. Snap Map is a product that is unique to Snapchat (no other social media  
8 platforms incorporate such a product), and it is an unreasonably dangerous feature for Young  
9 Users. Predatory users often will convince minors to turn on and share their location with them.

10 141. For example, in February 2023 article, Placer County Sheriff’s Detective Patrick  
11 Craven specifically “emphasize[d] Snapchat’s geo-location features,” and their role in  
12 facilitating and making connections between Young Users and dangerous drug dealers on the  
13 platform that otherwise would not be made,

14 “In addition to that, it broadens the scope of people who would be able to  
15 acquire drugs,” he noted. “Dealers on Snapchat will tag a location and  
16 essentially post up a menu of what they’re selling. For instance, one could say  
17 like the Galleria, which is a highly populated area where there’s a lot of youth  
18 and people who have cash .... A dealer could tag their menu to that location,  
19 and then a buyer would look at that location because it would come up in their  
20 feed, as a story, that was posted from that location – and what that does is it  
21 forms a connection that otherwise would not have ever arrived.”<sup>123</sup>

22 142. At the latest, in July 2017, Snap leadership was aware that its product was  
23 facilitating drug distribution to American youth. Snap acknowledged the issue of illegal drug  
24 sales happening on Snapchat after targeted media coverage, claiming Snap had a “dedicated  
25 team” in place to prevent the platform from being utilized to facilitate “illegal activity.”<sup>124</sup>

26 <http://www.youthforroadsafety.org/news-blog/news-blog-item/t/snapchat-and-driving-hellip-you-could-be-sending-your-last-snap> (last visited Jan. 27, 2024).

27 <sup>123</sup> Scott Thomas Anderson, *Money, Snapchat and implied malice: Why a fentanyl dealer was charged with murder as Placer’s deaths soared by 450%*, SACRAMENTO NEWS & REVIEW (Feb. 28, 2023), <https://sacramento.newsreview.com/2023/02/28/money-snapchat-and-implied-malice-why-a-fentanyl-dealer-was-charged-with-murder-as-placers-deaths-soared-by-450/> (last visited Jan. 27, 2024).

28 <sup>124</sup> Saskia Courtney, *Snapchat, Instagram, cocaine and MDMA: How ‘digital dealers’ boast of making £13k a day selling drugs to kids*, THE MIRROR (July 17, 2017),

1 143. In another instance, a 25-year-old used Snap Map to hunt down and sexually  
2 assault a 16-year-old in Florida. Per a local news report, the man:

3 [U]sed Snapchat to reach out to the girl, then, unbeknownst to the teen, track[ed]  
4 her down in real-time using the Snapchat feature called Snap Map.

5 “Our victim posted a life story, and then he used Snap Map to track her down  
6 because of the meta tags that’s in the photo,” [a law enforcement official] said.

7 Detectives said the Snap Map allowed the suspect to see the data the teen posted  
8 and know just where she posted it from.

9 If you don’t hide your location where you make that, take that photo or that  
10 posting from, they can use data that’s hidden in the photo to track you down,”  
11 [the same official] said.<sup>125</sup>

12 144. Snap Map also functions as a social metric, incentivizing Young Users to add  
13 strangers—much like the Snap Score. This is illustrated in a report by 5Rights, a United  
14 Kingdom based children’s online safety advocacy group highlighted the experience of John, a  
15 14-year-old boy, who explained that “[h]aving more connections on Snapchat makes his Snap  
16 Map look more crowded, which he can then show off to people in real life and therefore appear  
17 more ‘popular.’”<sup>126</sup>

18 145. The Snap Map product, coupled with Snap’s gamification features, amplification  
19 of reward systems, connecting between Young Users and adults, and lack of reasonable  
20 warnings make Young Users an easy target.

## 21 7. Ineffective and Misleading Parental Controls

22 146. Although the vast majority of Snapchat accounts are held by Young Users,  
23 Snapchat had no parental controls between its launch in 2011 until mid-2022 when Defendants  
24 introduced the “Family Center.”

25 <https://www.mirror.co.uk/news/uk-news/snapchat-instagram-cocaine-mdma-how-10812890>  
(last visited Jan. 27, 2024).

26 <sup>125</sup> <https://www.wesh.com/article/flagler-county-snapchat-predator/41172189> (last visited Jan.  
27 27, 2024).

28 <sup>126</sup> 5RIGHTS FOUNDATION, *Pathways: How Digital Design Puts Children at Risk* 53 (July  
2021), <https://5rightsfoundation.com/uploads/Pathways-how-digital-design-puts-children-at-risk.pdf> (last visited Jan. 27, 2024).

1 147. But the Family Center is ineffective in combating the vast majority—if not the  
2 entirety—of the harms identified herein.

3 148. For example, while the Family Center enables a parent or caretaker to link their  
4 Snapchat account to a Young User’s account, the adult can only see who the Young User is  
5 communicating with; the substance of these communications remains hidden and still  
6 disappears after the allotted time.

7 149. Further, the Family Center does not allow a parent or caretaker to block the  
8 Young User from sending private messages, control the Young User’s engagement with many  
9 of Snapchat’s harmful platform products, control the Young User’s use of Snapchat’s  
10 geolocation feature, or control who the Young User may add to their friend list.

11 150. As one advocacy group explains, Family Center is

12 **Useless for the Most Common, Major Risks:** Based on our observation, the  
13 most common dangers facing children from Snapchat use come from  
14 interactions with peers they actually know in person. The long list of such  
15 dangers includes cyberbullying, sexting, depression, self-harm, violence, sexual  
16 harassment, hate speech, and substance abuse. Generally, Family Center, which  
17 focuses on assisting parents to identify Snapchat friends who are not known to  
18 the child, provides parents with no way to increase protection against the danger  
19 of using Snapchat with known peers.<sup>127</sup>

17 151. Fundamentally, Defendants’ Family Center is little more than a misleading PR  
18 stunt, repackaging an existing feature of Snapchat (*i.e.*, being able to observe a Young User’s  
19 contacts list) without adding any additional protections.

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

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

25 153. Notably, these Design Elements—Low-Friction Variable Rewards; Social  
26 Manipulation; Ephemeral Content; Push Notifications; Harmful Filters; Display of

27 <sup>127</sup> <https://www.socialmediasafety.org/blog/snapchat-family-center-review/> (last visited Jan.  
28 27, 2024).

1 Geolocation; and Ineffective and Misleading Parental Controls—are not tethered to any specific  
2 third-party content. Indeed, the substance of any content incorporated into or used by the Design  
3 Elements is immaterial. Instead, the Design Elements themselves create the risk of harm of  
4 addiction and risk to physical safety, which is separate and apart from other harms caused by  
5 the platform.

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

10 **III. SNAP KNOWS THAT ITS HARMFUL AND ADDICTION-CAUSING DESIGN ELEMENTS**  
11 **WORK AS INTENDED, AND THAT SNAPCHAT INDUCES WIDESPREAD COMPULSIVE**  
12 **USE AMONG YOUNG USERS.**

13 155. Because of Defendants’ design choices, Snapchat already has hooked a  
14 generation of Young Users.

15 156. Defendants know that Young Users use Snapchat at alarming rates. They  
16 know—or should know<sup>128</sup>—that Young Users wanted to reduce their time on Snapchat, but that  
17 this desire is overpowered by the platform’s engagement-inducing features. They further know  
18 that compulsive use has detrimental effects on Young Users’ mental health, sleep, and  
19 relationships. However, since Young Users’ compulsive use benefit Defendants’ bottom line,  
20 they have not taken meaningful steps to rescue Young Users from this emerging crisis.

21 157. As one example, in 2018, Defendants conducted internal research on Snap  
22 Streaks, which found that over a third of its users reported that keeping a Snap Streak alive was  
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25 <sup>128</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).

1 “extremely” or “very important,” and users further reported that the stress level they experience  
2 in keeping Streaks alive was “large” and even “intolerable.”<sup>129</sup>

3 158. Similarly, additional internal research demonstrates that Snapchat users are more  
4 compulsive in their use of the platform, engaging with it “right when I wake up,” “before  
5 work/school,” “during work/school,” “after work/school,” “on vacations,” and “when I’m with  
6 others[.]”<sup>130</sup>

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

11 160. Internally, Defendants understood the specific ways that their Design Elements  
12 harm Young Users on Snapchat. Externally, they failed to disclose any of this material  
13 information.

14 **A. Defendants Harm Young Users by Inducing Compulsive Use on Snapchat.**

15 161. Defendants have substantially injured Young Users by designing Snapchat to  
16 induce compulsive and excessive use, which interferes with important developmental processes  
17 and behaviors.

18 162. These injuries include Young Users’ lack of sleep and related health outcomes,  
19 diminished in-person socialization skills, reduced attention, increased hyperactivity, self-  
20 control challenges and interruption of various brain development processes.

21 **1. Mental Health Harms**

22 163. Maximizing children’s time and activities online is linked with worse  
23 psychological well-being in children in concrete and serious ways that cannot be ignored in the  
24 context of the current youth mental health crisis. Defendants have caused Young Users to

25  
26 <sup>129</sup> See Plaintiffs’ Master Complaint (Local Government and School District), *In re: Social*  
27 *Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-MD-3047  
(N.D. Cal.), Dkt. No. 504, at ¶ 613, fn. 757 (citing to internal Snap documents).

28 <sup>130</sup> *Id.* at ¶ 579, fn. 731 (citing to internal Snap documents).

1 experience mental health harms, such as increased levels of depression and anxiety. In addition,  
2 Defendants have caused Young Users to have diminished social capacity and other  
3 developmental skills by virtue of the “opportunity cost” associated with devoting significant  
4 time to social media, rather than partaking in other developmentally important, in-person life  
5 experiences.

6 164. The United States Surgeon General’s May 2023 Advisory, titled “Social Media  
7 and Youth Mental Health” (the “Advisory”), describes some of the harms caused by  
8 Defendants.<sup>131</sup> As the Advisory explains, “[a] Surgeon General’s advisory is a public statement  
9 that calls the American people’s attention to an urgent public health issue . . . . Advisories are  
10 reserved for significant public health challenges that require the nation’s immediate awareness  
11 and action.”<sup>132</sup> According to the Surgeon General, Young Users’ social media use is one such  
12 significant public health challenge.

13 165. As the Advisory explains, “[e]xcessive and problematic social media use, such  
14 as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and  
15 feelings of exclusion among adolescents.”<sup>133</sup>

16 166. The Advisory also identifies “changes in brain structure,” “altered neurological  
17 development,” “depressive symptoms, suicidal thoughts, and behaviors,” “attention  
18 deficit/hyperactivity disorder (ADHD,)” and “depression, anxiety and neuroticism,” as  
19 additional harms to Young Users associated with compulsive social media use.<sup>134</sup>

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23 <sup>131</sup> U.S. Dep’t of Health & Hum. Servs., Social Media and Youth Mental Health: The U.S.  
24 Surgeon General’s Advisory 4 (2023), <https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf> (last visited Jan. 27, 2024).

25 <sup>132</sup> *Id.*

26 <sup>133</sup> *Id.*

27 <sup>134</sup> To be clear, this Complaint is focused on harms arising out of compulsive or “problematic”  
28 platform use, not harms caused by exposure to any individual, specific pieces or categories of  
content on Snapchat.

1 167. As discussed above, a 2017 study found that Snapchat was one of the worst  
2 social media platforms for the mental health of children and adolescents, behind only  
3 Instagram.<sup>135</sup>

## 4 2. Harm to Body Image

5 168. Design features that maximize time spent on social media can also lead to  
6 heightened exposure to negative body image-related content, which increases children’s  
7 susceptibility to poor body image and, consequently, disordered eating. A study of data from  
8 7th and 8th graders published in 2019 in the *International Journal of Eating Disorders*  
9 “suggest[ed] that [social media], particularly platforms with a strong focus on image posting  
10 and viewing, is associated with elevated [disordered eating] cognitions and behaviors in young  
11 adolescents.”<sup>136</sup> Personal stories from sufferers of disordered eating have highlighted the link  
12 to social media.<sup>137</sup>

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

16 170. Second, platforms use algorithms to deliver content related to topics or themes  
17 that the platform believes will maximize a user’s time spent on the platform. These  
18 recommendation systems create “bubbles” or “rabbit holes” of content around a specific theme  
19 and also expose users to increasingly extreme content on a given topic. This has proven  
20  
21

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22 <sup>135</sup> Kara Fox, *Instagram worst social media app for young people’s mental health*, CNN (May  
23 19, 2017), [https://www.cnn.com/2017/05/19/health/instagram-worst-social-network-app-  
young-people-mental-health/index.html](https://www.cnn.com/2017/05/19/health/instagram-worst-social-network-app-young-people-mental-health/index.html) (last visited Jan. 27, 2024).

24 <sup>136</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).

25 <sup>137</sup> See, e.g., Jennifer Neda John, *Instagram Triggered My Eating Disorder*, Slate (Oct. 14,  
26 2021), [https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger-  
html](https://slate.com/technology/2021/10/instagram-social-media-eating-disorder-trigger.html) (last visited Jan. 27, 2024); Clea Skopeliti, *I Felt My Body Wasn’t Good Enough’:  
27 Teenage Troubles with Instagram*, The Guardian (Sept. 18, 2021), [https://www.theguardian-  
28 .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).

1 especially true for negative body image and pro-eating disorder content.<sup>138</sup> Research shows that  
2 social media platforms' content selection algorithms have pushed disordered eating and harmful  
3 diet techniques to teenage girls.<sup>139</sup> Girls who express an interest in dieting or dissatisfaction  
4 with their looks are bombarded with content targeted to these insecurities and often pushed to  
5 more extreme content such as pro-anorexia posts and videos. And because platforms know  
6 teenage girls disproportionately engage with this type of content,<sup>140</sup> even minor users who do  
7 not express interest in these topics are often delivered this content.

8 171. The harm that social media does to children's body image and eating habits has  
9 been widely discussed in public discourse in recent months, but even as of the filing of this  
10 Action, content depicting disordered eating remains widely available to children and profitable  
11 to platforms, including Snapchat, and even popular among teens, who are exposed to more of  
12 it as they spend more time online. And, as noted above, Snapchat is an especially toxic  
13 environment; so much so that researchers coined the phrase "Snapchat dysmorphia."<sup>141</sup>

14 172. In 2020, a longitudinal study investigated whether social media platform  
15 addiction predicted suicide-related outcomes and found that children and adolescents addicted  
16 to social media use are more likely to engage in self-injurious behavior, such as cutting and  
17 suicide.<sup>142</sup> Other studies examining the link between these increases found that adolescents who  
18 spent more time on screen activities were significantly more likely to have high depressive

19 \_\_\_\_\_  
20 <sup>138</sup> "Selfies—Living in the Era of Filtered Photographs." *JAMA Facial Plastic Surgery*, 20(6),  
pp. 443–444.

21 <sup>139</sup> *Id.*

22 <sup>140</sup> See Fabrizio Bert, et al., *Risks and Threats of Social Media Websites: Twitter and the Proana*  
*Movement*, 19 *Cyberpsychology, Behav. Soc. Networking* (Apr. 2016), <https://pubmed.ncbi.nlm.nih.gov/26991868/> (last visited Jan. 27, 2024).

23 <sup>141</sup> "Selfies—Living in the Era of Filtered Photographs." *JAMA Facial Plastic Surgery*, 20(6),  
24 pp. 443–444.

25 <sup>142</sup> See, e.g., Julia Brailovskaia, et al., *Positive mental health mediates the relationship between*  
*Facebook addiction disorder and suicide-related outcomes: a longitudinal approach*, 00(00)  
26 *Cyberpsychology, Behavior, and Social Networking* (2020), <https://doi.org/10.1089/cyber.2019.0563> (last visited Jan. 27, 2024); Jean M. Twenge, et al., *Increases in Depressive*  
*Symptoms, Suicide-Related Outcomes, and Suicide Rates Among U.S. Adolescents After 2010*  
27 *and Links to Increased New Media Screen Time*, 6 *Clinical Psych. Sci.* 3–17 (2017),  
28 <https://doi.org/10.1177/2167702617723376> (last visited Jan. 27, 2024).

1 symptoms or have at least one suicide-related outcome, and that the highest levels of depressive  
2 symptoms were reported by adolescents with high social media use and fewer in-person social  
3 interactions.<sup>143</sup>

4 173. Fueled by social media addiction, youth suicide rates are up an alarming 57%.<sup>144</sup>  
5 In the decade leading up to 2020, there was a 40% increase in high school students reporting  
6 persistent sadness and hopelessness,<sup>145</sup> and a 36% increase in those who attempted to take their  
7 own lives. In 2019, one in five high school girls had made a suicide plan.<sup>146</sup> By 2018, suicide  
8 was the second leading cause of death for youth ages 10–24.<sup>147</sup>

9 174. Because of this shortage of psychiatrists and the extent of the youth mental health  
10 crisis fueled by social media addiction, the number of teens and adolescents waiting in  
11 emergency rooms for mental health treatment for suicide nationwide tripled from 2019 to  
12 2021.<sup>148</sup>

### 13 3. “Problematic” Internet Use

14 175. Maximizing time and activities online also fosters “problematic internet use”—  
15 psychologists’ term for excessive internet activity that exhibits addiction, impulsivity, or

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17 <sup>143</sup> Jean M. Twenge, et al., *Increases in Depressive Symptoms, Suicide-Related Outcomes, and*  
18 *Suicide Rates Among U.S. Adolescents After 2010 and Links to Increased New Media Screen*  
19 *Time*, 6 *Clinical Psych. Sci.* 3–17 (2017), <https://doi.org/10.1177/2167702617723376> (last  
20 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).

21 <sup>144</sup> *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* at 8, U.S. Dep’t of  
22 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).

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

24 <sup>146</sup> *Id.*

25 <sup>147</sup> *AAP-AACAP-CHA Declaration of a National Emergency in Child and Adolescent Mental*  
*Health*, *Am. Acad. Pediatrics* (Oct. 19, 2021), [https://www.aap.org/en/advocacy/child-and-](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/)  
[adolescent-healthy-mental-development/aap-aacap-cha-declaration-of-a-national-emergency-](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/)  
[in-child-and-adolescent-mental-health/](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).

26 <sup>148</sup> Stephen Stock, et al., *Children languish in emergency rooms awaiting mental health care*,  
27 *CBS News* (Feb. 27, 2023, 8:02 am), [https://www.cbsnews.com/news/emergency-rooms-](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)  
[children-mental-health/#:~:text=For%20kids%20in%20crisis%2C%20ER,health%20facilities](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)  
[%20%E2%80%94%20within%20six%20months](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).

1 compulsion.<sup>149</sup> Indeed, the design features discussed in this Action plainly impede children’s  
2 ability to put their devices down, even when they want to use them less. For example, a high  
3 school student told Common Sense Media,

4 One of the challenges I face with social media is getting off it. Once I get on, I  
5 have to really force myself off it because it’s so addictive. All I’m doing is  
6 scrolling, but I’m subconsciously looking for an end so I can feel accomplished.  
7 But the scrolling never stops.<sup>150</sup>

8 176. Problematic internet use, in turn, is linked to a host of additional problems. For  
9 example, in one study of 564 children between the ages of 7 and 15 spearheaded by the Child  
10 Mind Institute in New York, researchers found that problematic internet use was positively  
11 associated with depressive disorders, Attention Deficit Hyperactivity Disorder, general  
12 impairment, and increased sleep disturbances.<sup>151</sup> An analysis of peer-reviewed studies involving  
13 cognitive findings associated with problematic internet use in both adults and adolescents found  
14 “firm evidence that PIU . . . is associated with cognitive impairments in motor inhibitory control,  
15 working memory, Stroop attentional inhibition and decision-making.”<sup>152</sup> Another study of over  
16 11,000 European adolescents found that among teens exhibiting problematic internet use,  
17 33.5% reported moderate to severe depression; 22.2% reported self-injurious behaviors such as  
18 cutting; and 42.3% reported suicidal ideation.<sup>153</sup> The incidence of attempted suicide was also

19 <sup>149</sup> Chloe Wilkinson, et al., *Screen Time: The Effects on Children’s Emotional, Social, and*  
20 *Cognitive Development at 6* (2021), <https://informedfutures.org/screen-time/> (last visited Jan.  
21 27, 2024).

22 <sup>150</sup> Katie Joseff, *Social Media Is Doing More Harm than Good*, Common Sense Media (Dec.  
23 17, 2021), [https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-](https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good)  
24 [more-harm-than-good](https://www.commonsensemedia.org/kids-action/articles/social-media-is-doing-more-harm-than-good) (last visited Jan. 27, 2024).

25 <sup>151</sup> Restrepo, et al., *Problematic Internet Use in Children and Adolescents: Associations with*  
26 *Psychiatric Disorders and Impairment*, 20 BMC Psychiatry 252 (2020), [https://doi.org/](https://doi.org/10.1186/s12888-020-02640-x)  
27 [10.1186/s12888-020-02640-x](https://doi.org/10.1186/s12888-020-02640-x) (last visited Jan. 27, 2024).

28 <sup>152</sup> Konstantinos Ioannidis, et al., *Cognitive Deficits in Problematic Internet Use: Snap-Analysis*  
*of 40 Studies*, 215 British Journal of Psychiatry 639, 645 (2019), [https://pubmed.ncbi.](https://pubmed.ncbi.nlm.nih.gov/30784392)  
[nlm.nih.gov/30784392](https://pubmed.ncbi.nlm.nih.gov/30784392) (last visited Jan. 27, 2024).

<sup>153</sup> Michael Kaess, et al., *Pathological Internet use among European adolescents:*  
*psychopathology and self-destructive behaviours*, 23 Eur. Child & Adolescent Psychiatry 1093,  
1096 (2014), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4229646/> (last visited Jan. 27,  
2024).

1 ten times higher for teens exhibiting problematic internet use than their peers who exhibited  
2 healthy internet use.<sup>154</sup>

3 177. And, once more, Snapchat’s effects on Young Users is particularly acute. As one  
4 teacher lamented, “[i]n 16 years of teaching I can’t think of anything that has ever disrupted my  
5 classroom more than [a] Snapchat update.”<sup>155</sup> The teacher explained that during class kids were  
6 so focused on updating their Snapchat, “*you would have thought it was crack. They seriously*  
7 *could not keep away from it. I even had one girl crawl under the table with her phone.*”<sup>156</sup>

#### 8 4. Harm to Physical Health

9 178. Maximizing children’s time spent online at the expense of sleep or movement  
10 also harms children’s physical health. When children are driven to spend more time online, they  
11 sleep less—because it is impossible to be online and sleep at the same time, because stimulation  
12 before bedtime disrupts sleep patterns, and because many of the design features discussed in  
13 this Action make users feel pressured to be connected constantly, and that feeling doesn’t  
14 always go away at nighttime. Indeed, research shows that children who exhibit problematic  
15 internet use often suffer from sleep problems.<sup>157</sup> One-third of teens say that at least once per  
16 night, they wake up and check their phones for something other than the time, such as to check  
17 their notifications or social media.<sup>158</sup> Some teens set alarms in the middle of the night to remind  
18 them to check their notifications or complete video game tasks that are only available for a  
19 limited time.<sup>159</sup> In addition, screen time before bed is known to inhibit academic performance

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

21 <sup>155</sup> <https://www.businessinsider.com/high-school-teacher-on-snapchat-update-2014-5> (last  
22 visited Jan. 27, 2024).

23 <sup>156</sup> *Id.*

24 <sup>157</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/](https://doi.org/10.1186/s12888-020-02640-x)  
[10.1186/s12888-020-02640-x](https://doi.org/10.1186/s12888-020-02640-x) (last visited Jan. 27, 2024).

25 <sup>158</sup> Common Sense, *Screens and Sleep: The New Normal: Parents, Teens, Screens, and Sleep*  
*in the United States* at 7 (2019), [https://www.common sense media.org/sites/default/files/](https://www.common sense media.org/sites/default/files/research/report/2019-new-normal-parents-teens-screens-and-sleep-united-states-report.pdf)  
[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)  
26 (last visited Jan. 27, 2024).

27 <sup>159</sup> Emily Weinstein & Carrie James, *Behind Their Screens: What Teens Are Facing (And Adults*  
*Are Missing)*, MIT Press, at 31 (2022).  
28

1 in children.<sup>160</sup> Teenagers who use social media for more than five hours per day are about 70%  
2 more likely to stay up late on school nights.<sup>161</sup> A lack of sleep in teenagers has been linked to  
3 inability to concentrate, poor grades, drowsy-driving incidents, anxiety, depression, thoughts of  
4 suicide, and even suicide attempts.<sup>162</sup>

5 179. Decades of research have shown that more time online is consistently correlated  
6 with children’s risk of obesity, which in turn increases their risk of serious illnesses like  
7 diabetes, high blood pressure, heart disease, and depression.<sup>163</sup> Spending time online displaces  
8 time when children could be engaging in physical activity.<sup>164</sup> Further, when children spend more  
9 time online, they are exposed to more advertisements for unhealthy products,<sup>165</sup> which are  
10 heavily targeted toward children.<sup>166</sup> In addition, poor sleep quality—which, as discussed above,  
11 is associated with problematic internet use—increases the risk of childhood obesity by 20%.<sup>167</sup>  
12 Broadly, the harms of social media use include increased rates of major depressive episodes,  
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14 <sup>160</sup> Chloe Wilkinson, et al., *Screen Time: The Effects on Children’s Emotional, Social, and*  
15 *Cognitive Development* at 6 (2021), <https://informedfutures.org/screen-time/> (last visited Jan.  
16 27, 2024).

17 <sup>161</sup> *Heavy Social Media Use Linked to Poor Sleep*, BBC News (Oct. 23, 2019),  
18 <https://www.bbc.com/news/health-50140111> (last visited Jan. 27, 2024).

19 <sup>162</sup> *Among teens, sleep deprivation an epidemic*, Stanford News Ctr. (Oct. 8, 2015),  
20 [https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.](https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html)  
21 [html](https://med.stanford.edu/news/all-news/2015/10/among-teens-sleep-deprivation-an-epidemic.html) (last visited Jan. 27, 2024).

22 <sup>163</sup> Jeff Chester, et al., *Big Food, Big Tech, and the Global Childhood Obesity Pandemic* at 3  
23 (2021), [https://democraticmedia.org/assets/resources/full\\_report.pdf](https://democraticmedia.org/assets/resources/full_report.pdf) (last visited Jan. 27,  
24 2024).

25 <sup>164</sup> E de Jong, et al., *Association Between TV Viewing, Computer Use and Overweight,*  
26 *Determinants and Competing Activities of Screen Time in 4- to 13-Year-Old Children*, 37 *Int’l*  
27 *J. Obesity* 47, 52 (2013), <https://pubmed.ncbi.nlm.nih.gov/22158265/> (last visited Jan. 27,  
28 2024).

<sup>165</sup> *Id.*

<sup>166</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).

<sup>167</sup> Yanhui Wu, et al., *Short Sleep Duration and Obesity Among Children: A Systematic Review*  
and *Snap-Analysis of Prospective Studies*, 11 *Obesity Rsch. & Clinical Prac.* 140, 148 (2015),  
<https://pubmed.ncbi.nlm.nih.gov/27269366/> (last visited Jan. 27, 2024); Michelle A. Miller, et  
al., *Sleep Duration and Incidence of Obesity in Infants, Children, and Adolescents: A Systematic*  
*Review and Snap-Analysis of Prospective Studies*, 41 *Sleep* 1, 15 (2018),  
<https://pubmed.ncbi.nlm.nih.gov/29401314/> (last visited Jan. 27, 2024).

1 anxiety, eating disorders, body image problems, sleep disturbances, suicidal ideation, and  
2 suicide attempts.<sup>168</sup>

### 3 5. Privacy Harms

4 180. Design features that maximize children’s time and activities online also  
5 exacerbate privacy harms. Like all users, children are tracked as they engage in online  
6 activities.<sup>169</sup> Data about what children do online is collected by a vast network that includes  
7 platforms, marketers, and third-party data brokers all over the world that use the information  
8 apps, websites, and other services collect and retain about children to profile them, make  
9 predictions about their choices, and influence their behavior. Children do not developmentally  
10 understand digital privacy. The constant surveillance they are subjected to as a result of these  
11 techniques is manipulative, limits creativity and experimentation, and perpetuates  
12 discrimination, substantially harming children and teens.

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

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23 <sup>168</sup> *See, e.g.*, Jonothan Haidt & Jean Twenge, *Social Media and Mental Health: A Collaborative*  
24 *Review* (New York University, unpublished manuscript), [tinyurl.com/SocialMedia](https://tinyurl.com/SocialMediaMentalHealthReview)  
25 [MentalHealthReview](https://tinyurl.com/SocialMediaMentalHealthReview) (last visited Jan. 27, 2024); Jacqueline Nesi, et al., *Handbook of*  
*Adolescent Digital Media Use and Mental Health*, Cambridge Univ. Press (2022).

26 <sup>169</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           182. As Justice Brandeis explained in his seminal article, *The Right to Privacy*, “[t]he  
2 common law secures to each individual the right of determining, ordinarily, to what extent his  
3 thoughts, sentiments, and emotions shall be communicated to others.” Samuel D. Warren &  
4 Louis Brandeis, *The Right to Privacy*, 4 HARV. L. REV. 193, 198 (1890). The Supreme Court  
5 similarly recognized the primacy of privacy rights, explaining that the Constitution operates in  
6 the shadow of a “right to privacy older than the Bill of Rights.” *Griswold v. Connecticut*, 381  
7 U.S. 479, 486 (1965).

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

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



1 included Snapchat (26%), Instagram (26%), YouTube (19%), TikTok (18%), and Messenger  
2 (18%).”<sup>172</sup> Thorn found the following regarding harm on Snapchat:

3 • 26% of surveyed minors reported having had a potentially harmful online  
4 experience on Snapchat.

5 • 16% of all respondents said they have had an online sexual interaction, which  
6 includes being asked to send a nude photo or video, go ‘on cam’ with a sexually explicit stream,  
7 being sent a sexually explicit photo (of themselves or another child), or sexually explicit  
8 messages, etc.

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

12 **IV. SNAP ENGAGES IN DECEPTIVE CONDUCT BY OMITTING AND MISREPRESENTING**  
13 **MATERIAL FACTS ABOUT SNAPCHAT.**

14 189. Under the NDTPA, a business engages in deceptive conduct when its acts,  
15 statements, or omissions have a capacity or tendency to deceive whether that is intentional or  
16 not.<sup>173</sup>

17 190. For years, Defendants led reasonable consumers, parents, and guardians to  
18 believe Snapchat is safer and less harmful than it truly is. Defendants deceived consumers,  
19 parents, and guardians by failing to disclose that Snapchat is, on balance, harmful to consumers  
20 (and especially damaging to Young Users), by concealing information about some of its most  
21 popular platform features, by promoting misleading metrics about platform safety.

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27 <sup>172</sup> *Id.*

28 <sup>173</sup> *Watson Laboratories, Inc. v. State*, 241 So.3d 573 (Miss. 2018).

1 V. THROUGH PUBLIC MISREPRESENTATIONS, SNAP LEADS THE PUBLIC TO TRUST THAT  
2 SNAPCHAT IS SAFE FOR YOUNG USERS.

3 A. Misrepresentations Concerning Prioritizing Well Being

4 191. Defendants create the impression that their focus on user wellbeing extends  
5 beyond mere compliance with regulation, and instead stems from a sense of “moral  
6 responsibility.” Specifically, in 2021 Snap CEO Evan Spiegel stated that “[t]he important point  
7 to make is that regulation is not a substitute for moral responsibility and for business practices  
8 that support the health and well being of your community.”<sup>174</sup> “Regulation certainly may be  
9 necessary in some of these areas,” he continued. “Other countries have made strides in that  
10 regard. But again, *unless businesses are proactively promoting the health and well being [sic]*  
11 *of their community, regulators are always going to be playing catch up.*”<sup>175</sup>

12 192. But as discussed above, the only thing Defendants have proactively promoted  
13 are addiction-causing Design Elements, meant to keep Young Users on Snapchat for as long as  
14 possible, without regard to their well-being.

15 193. Spiegel made similar misrepresentations regarding Defendants’ Family Center  
16 product: “We basically have a family center so that young people and their parents can use  
17 Snapchat together, so parents have more visibility into who their friends are [that they are]  
18 talking to on Snapchat, their privacy settings, and things like that...That at least helps start a  
19 conversation between young people and their parents about what they’re experiencing on our  
20 service.”<sup>176</sup> However, as discussed above, Family Center is merely a repackaging of an existing  
21 feature—viewing a user’s public list of contacts—and otherwise does nothing to allow parents  
22 control over, or even visibility into—Young Users’ Snapchat activity.

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26 <sup>174</sup> [https://www.cnbc.com/2021/10/19/snap-ceo-spiegel-regulation-no-substitute-for-morals-  
in-social-media.html](https://www.cnbc.com/2021/10/19/snap-ceo-spiegel-regulation-no-substitute-for-morals-in-social-media.html) (last visited Jan. 27, 2024).

27 <sup>175</sup> *Id.*

28 <sup>176</sup> *Id.*

1 194. Finally, Defendants have misrepresented Snapchat’s effects on Young User  
2 well-being, claiming that it does not expose Young Users to the same types of harms as rival  
3 platforms Instagram and Facebook:

4 Asked why Snap hasn’t experienced the same type of issues with teenagers’  
5 mental health as Facebook and Instagram are dealing with, Spiegel said  
6 Snapchat is fundamentally different. When a user launches Snapchat on their  
7 phone, the app opens up to a camera rather than a feed of content from other  
8 users.

9 “Rather than opening up into a feed where you’re constantly comparing  
10 yourself to other people and whether or not they got likes or comments and  
11 things like that, you’re opening up into your own experience and prompted to  
12 express yourself and share and connect with your friends and family,” Spiegel  
13 said.<sup>177</sup>

14 195. But this is false. Snapchat has most, if not all, of the addicting features as  
15 Instagram and Facebook, and Defendants know that Snapchat is addictive to Young Users  
16 (indeed, teachers liken the platform to crack cocaine), and that it causes harms to Young Users’  
17 well-being (both mentally and in terms of physical safety).

18 196. Nor are these misrepresentations an isolated incident. Instead, Defendants have  
19 engaged in intentional, concerted, and consistent misdirection on these issues, in an attempt to  
20 confuse and mislead the public. For example, in prepared testimony before Congress, Snap’s  
21 Vice President of Global Public Policy, Jennifer Stout, made the following remarks, among  
22 others:

23 To understand Snap’s approach to protecting young people on our platform, it’s  
24 helpful to start at the beginning....Our founders saw how people were  
25 constantly measuring themselves against others through “likes” and comments,  
26 trying to present a version of themselves through perfectly curated images, and  
27 carefully scripting their content because of social pressure. Social media also  
28 evolved to feature an endless feed of unvetted content, exposing people to a  
flood of viral, misleading, and harmful content.

...

A huge part of living up to our mission has been building and maintaining trust  
with our community and partners, as well as parents, lawmakers, and safety  
experts. Those relationships have been built through the deliberate, consistent  
decisions we have made to put privacy and safety at the heart of our product  
design process.

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<sup>177</sup> *Id.*

1 For example, we have adopted responsible design principles that consider the  
2 privacy and safety of new products and features right from the beginning of the  
3 development process. And we've made those principles come to life through  
4 rigorous processes. Every new feature in Snapchat goes through a defined  
5 privacy and safety review, conducted by teams that span Snap — including  
6 designers, data scientists, engineers, product managers, product counsel, policy  
7 leads, and privacy engineers — long before it sees the light of day.<sup>178</sup>

8 197. Ms. Stout further listed specific efforts Defendants undertook to ensure Young  
9 Users' well-being and safety on Snapchat: (1) "Taking into account the unique sensitivities and  
10 considerations of minors when we design products;" (2) "Empowering Snapchatters by  
11 providing consistent and easy-to-use controls;" (3) "Working to develop tools that will give  
12 parents more oversight without sacrificing privacy;" (4) "Investing in educational programs and  
13 initiatives that support the safety and mental health of our community;" and (5) "Preventing  
14 underage use" (*i.e.*, preventing Young Users under age 13 from joining the platform; *but see*,  
15 Paragraph 199, *infra*).<sup>179</sup>

16 198. But these statements were, at minimum, subtle misdirections, if not outright  
17 falsehoods. As of the date of the Congressional hearing—October 26, 2021—Defendants had  
18 knowledge of, *inter alia*, the harmful nature of the above-described Design Elements, that the  
19 Design Elements fostered compulsive use on Snapchat, that Young Users did not like how the  
20 Design Elements made them feel, and that the Design Elements were hazardous to Young  
21 Users' safety (both emotional and physical).<sup>180</sup> These statements to Congress ignored this  
22 knowledge, however, and instead was meant to deflect legitimate criticism and re-frame the  
23 conversation around measures that simply did not—and still do not—acknowledge or remediate  
24 the harms at issue.

25 <sup>178</sup> Testimony of Jennifer Stout Vice President of Global Public Policy, Snap Inc., *Hearing*  
26 *before the United States Senate Committee on Science, Commerce, and Transportation*  
27 *Subcommittee on Consumer Protection, Product Safety, and Data Security*, October 26, 2021,  
28 [https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony\\_of\\_Jennifer\\_Stout\\_VP\\_of\\_Global\\_Public\\_Policy\\_Snap\\_Inc.pdf](https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony_of_Jennifer_Stout_VP_of_Global_Public_Policy_Snap_Inc.pdf) (last visited Jan. 27, 2024).

<sup>179</sup> *Id.*

<sup>180</sup> *See, e.g.*, Complaint at ¶¶ 155-160, *supra*. Upon information and belief, Snap possessed, and continues to possess, many more internal studies, reports, and other items of information further corroborating these allegations.

1           199. These misrepresentations, and other, comparable misrepresentations made by  
2 Defendants, are as material as they are demonstrably false, and they lead one to conclude that  
3 Snapchat is healthier (or even less harmful) for Young Users than it really is.

4 **VI. SNAP ACTIVELY ALLOWS ITS YOUNGEST USERS TO CREATE AND MAINTAIN**  
5 **ACCOUNTS DESPITE PUBLICLY CLAIMING THOSE UNDER-13 ARE NOT ALLOWED ON**  
6 **SNAP’S PLATFORMS**

7           200. Defendants’ disregard for the health and well-being of its Young Users is even  
8 more repugnant because Snapchat’s *Youngest* Users include children under age 13, who are  
9 prohibited from having accounts on the platform without verified consent from parents prior to  
10 collecting personal information of those under age 13.

11           201. Defendants claim in Snapchat’s Terms of Service that they do not allow users  
12 under age 13 to create accounts and be on the platform.<sup>181</sup> And Defendants represent publicly  
13 that they take steps to prevent Youngest Users from establishing accounts on Snapchat—for  
14 example, in her public testimony before Congress, Snap’s Vice President of Global Public  
15 Policy, Jennifer Stout, stated that “individuals under the age of 13 are not permitted to create  
16 Snapchat accounts. When registering for an account, individuals are required to provide their  
17 date of birth, and the registration process fails if a user inputs an age under the age of 13.”<sup>182</sup>

18           202. However, Snapchat’s age verification systems are ineffective at best. For the first  
19 two years of its existence, Snapchat did not even purport to limit user access to those 13 or  
20 older.<sup>183</sup> Users were not required to input a date of birth when creating an account.<sup>184</sup> And  
21 Defendants’ executives have admitted that Snapchat’s age verification “is effectively useless in

22 <sup>181</sup> SNAP INC. TERMS OF SERVICE, <https://www.snap.com/en-US/terms> (last visited Jan.  
23 27, 2024).

24 <sup>182</sup> Testimony of Jennifer Stout Vice President of Global Public Policy, Snap Inc., *Hearing*  
25 *before the United States Senate Committee on Science, Commerce, and Transportation*  
26 *Subcommittee on Consumer Protection, Product Safety, and Data Security*, October 26, 2021,  
27 [https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony\\_of\\_Jennifer\\_Stout\\_VP\\_of\\_Global\\_Public\\_Policy\\_Snap\\_Inc.p](https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony_of_Jennifer_Stout_VP_of_Global_Public_Policy_Snap_Inc.pdf)  
28 [df](https://assets.ctfassets.net/gqgsr8avay9x/1cR28yqyK12gRYp4DvAdFK/05056b6b21d5ed8be4d71e19299dec99/Testimony_of_Jennifer_Stout_VP_of_Global_Public_Policy_Snap_Inc.pdf) (last visited Jan. 27, 2024).

29 <sup>183</sup> Team Snapchat, *iOS Update: Bug Fixes and More!*, Snapchat Blog (June 22, 2013),  
30 <https://web.archive.org/web/20130627073951/http://blog.snapchat.com:80/> (last visited Jan.  
31 27, 2024).

32 <sup>184</sup> *Id.*

1 stopping underage users from signing up to the Snapchat app.”<sup>185</sup> Not surprisingly, underage  
2 use is widespread. As of 2021, 13% of children aged 8-12 use Snapchat.<sup>186</sup>

3 203. Snap routinely obtains actual knowledge that its Youngest Users are on Snap’s  
4 platforms without parental consent. A UK report from March 2023 supports this proposition.  
5 Ahead of Britain’s planned Online Safety Bill, TikTok and Snapchat were asked how many  
6 suspected users under the age of 13 they had removed from their platform in a year. TikTok  
7 reported that between April 2021 and 2022 it had blocked an average of around 180,000  
8 suspected underage accounts in Britain alone every month (totaling around 2 million, in Britain,  
9 for a 12-month period). For this same period of time, “Snapchat had disclosed that it had  
10 removed approximately 60 accounts per month, or just over 700 total.”<sup>187</sup> A source within  
11 Snapchat acknowledged that “It makes no sense that Snapchat is blocking a fraction of the  
12 number of children that TikTok is.”<sup>188</sup>

13 204. Snap relies on nominal bans on users under age 13 to avoid any responsibility to  
14 the Youngest User and their parents. But Snap’s own record reveals that it has actual knowledge  
15 that its platforms target and successfully allow its Youngest Users on the platforms, including  
16 those under 13.

17 205. Snap also acquired actual knowledge of specific under-13 accounts through  
18 external complaints regarding users under the age of 13 on Snapchat. In these instances, Snap  
19

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20 <sup>185</sup> Isobel Asher Hamilton, *Snapchat admits its age verification safeguards are effectively*  
21 *useless*, Bus. Insider (Mar. 19, 2019), <https://www.businessinsider.com/snapchat-says-its-age-verification-safeguards-are-effectively-useless-2019-3#:~:text=Snapchat%20admits%20its%20age%20verification%20safeguards%20are%20effectively%20useless&text=Snap%20executives%20Stephen%20Collins%20and,up%20to%20the%20Snapchat%20app> (last visited  
22 Jan. 27, 2024).

23 <sup>186</sup> Rideout, V., et al., *The Common Sense Census: Media Use by Tweens and Teens, 2021*  
24 (2022), [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).

25 <sup>187</sup> Martin Coulter, *Exclusive: Snapchat kicks few children off app in Britain, data given to*  
26 *regulator shows*, REUTERS (Mar. 5, 2023), [https://www.reuters.com/technology/snapchat-kicks-few-children-off-app-britain-data-given-regulator-shows-2023-03-03/#:~:text=LONDON%2C%20March%206%20\(Reuters\),and%20which%20Reuters%20has%20seen](https://www.reuters.com/technology/snapchat-kicks-few-children-off-app-britain-data-given-regulator-shows-2023-03-03/#:~:text=LONDON%2C%20March%206%20(Reuters),and%20which%20Reuters%20has%20seen)  
27 (last visited Jan. 27, 2024).

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

1 did not meaningfully enforce its nominal age-restriction on Snapchat, despite external claims  
2 to the contrary.

3 206. In sum, Snap actively pursued users under 13 despite public statements to the  
4 contrary, failed to effectively exclude under age 13 users from using its platforms, and acquired  
5 actual knowledge that specific children were on its platforms when concerned parents, siblings,  
6 teachers, and community members told Snap about individual children on its platform(s). Still,  
7 Snap declined to remove many of those children’s accounts and continued to falsely reassure  
8 the public that Snap does not allow under age 13 users on its platforms.

9 207. Children under the age of 13 are particularly vulnerable to the harms caused by  
10 Defendants’ social media platforms, and Snap’s conduct violates longstanding societal norms  
11 meant to protect children, and to preserve parents’ autonomy to ensure the same.

## 12 CAUSES OF ACTION

### 13 **COUNT I: DECEPTIVE ACTS OR PRACTICES BY DEFENDANTS IN VIOLATION** 14 **OF NEVADA’S DECEPTIVE TRADE PRACTICES ACT** 15 **(N.R.S. §§ 598.0903 THROUGH 598.0999)**

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

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

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

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

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

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

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

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

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

25           217. As set forth in Sections IV and V, *supra*, Defendants willfully committed further  
26 deceptive trade practices by causing confusion or misunderstanding as to the safety and risks  
27 associated with the Snapchat social media platform. NRS § 598.0915(2).  
28

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

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

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

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

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

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

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

25           225. Defendants’ deceptive representations, concealments, and omissions were  
26 knowingly made in connection with trade or commerce, were reasonably calculated to deceive  
27  
28

1 the public and the State, were statements that may deceive or tend to deceive, were willfully  
2 used to deceive the public and the State, and did in fact deceive the public and the State.

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

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

10 228. Defendants’ deceptive trade practices are willful and subject to a civil penalty  
11 and equitable relief. NRS § 598.0999.

12 229. Because Defendants’ deceptive trade practices are toward minors, Defendants  
13 are subject to additional civil penalties and equitable relief. NRS § 598.09735.

14 230. Each exposure of a Nevada Young User to Snapchat resulting from the  
15 aforementioned conduct of each Defendant constitutes a separate violation of the Nevada  
16 Deceptive Trade Practices Act.

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

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

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

26 233. The Attorney General is authorized to bring an action—independently in the  
27 name of the State as well as in a *parens patriae* capacity on behalf of the persons residing in  
28

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

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

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

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

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

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

26 239. NRS § 598.0923(2)(b)(1): As discussed, *supra*, the Design Elements represent a  
27 vast asymmetry in sophistication and knowledge between Defendants, on the one hand, who  
28

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

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

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

19 242. But for this unconscionable conduct, Nevada’s Young User citizens would not  
20 have suffered the harms detailed herein.

21 243. Defendants’ unconscionable practices are willful and subject to a civil penalty  
22 and equitable relief. NRS § 598.0999.

23 244. Because Defendants’ unconscionable practices are toward minors, Defendants  
24 are subject to additional civil penalties and equitable relief. NRS § 598.09735.

25 245. Each exposure of a Nevada Young User to Snapchat resulting from Defendants’  
26 aforementioned conduct constitutes a separate violation of the Nevada Deceptive Trade  
27 Practices Act.







1 associated with Young Users; as well as for all other reasons that Defendants have described a  
2 monetary value to Young Users).

3 275. Defendants knew of the benefits conferred.

4 276. Defendants accepted the benefits conferred.

5 277. It would be unjust to allow Defendants to retain the benefits conferred without  
6 paying their reasonable value.

7 **PRAYER FOR RELIEF**

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

9 A. On the First Cause of Action, Judgment in favor of the State and against  
10 Defendants declaring that all acts and omissions of the Defendants described in this Complaint  
11 constitute multiple, separate violations of the Deceptive Trade Practices Act and that thereby  
12 Defendants willfully and knowingly violated the Nevada Deceptive Trade Practices Act, NRS  
13 §§ 598.0903 to 598.0999;

14 B. On the Second Cause of Action, Judgment in favor of the State and against  
15 Defendants declaring that all acts and omissions of the Defendants described in this Complaint  
16 constitute multiple, separate violations of the Deceptive Trade Practices Act and that  
17 Defendants willfully and knowingly violated the Nevada Deceptive Trade Practices Act, NRS  
18 §§ 598.0903 to 598.0999;

19 C. On the Third Cause of Action, Judgment in favor of the State and against  
20 Defendants that Defendants' challenged social media platform contains one or more design  
21 defects that caused damages as alleged herein;

22 D. On the Fourth Cause of Action, Judgment in favor of the State and against  
23 Defendants that Defendants failed to provide adequate warnings about the challenged social  
24 media platform and that failure caused damages as alleged herein;

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

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

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

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

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

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

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

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

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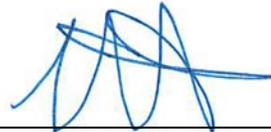
28

**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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