

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
 THE STATE OF SOUTH CAROLINA)
 ex rel. Alan Wilson, in his official)
 capacity as Attorney General of the State of)
 South Carolina)
)
 Plaintiff,)
 vs.)
)
 TIKTOK INC., TIKTOK LLC, TIKTOK)
 PTE. LTD, TIKTOK, LTD, BYTEDANCE)
 INC., AND BYTEDANCE LTD,)
)
 Defendants.)
 _____)

IN THE COURT OF COMMON PLEAS
 FIFTH JUDICIAL CIRCUIT
 CIVIL ACTION NO:

SUMMONS

TO THE DEFENDANTS ABOVE-NAMED:

YOU ARE HEREBY SUMMONED and required to answer the petition herein, a copy of which is herewith served upon you, and to serve a copy of your answer to this petition upon the subscriber, at the address shown below, within thirty (30) days after service hereof, exclusive of the day of such service, and if you fail to answer the petition, judgment by default will be rendered against you for the relief demanded in the petition.

s/ Anna C. Smith_____

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October 8, 2024

**ATTORNEY FOR THE STATE
 OF SOUTH CAROLINA**

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COMPLAINT

I. INTRODUCTION

1. Defendants’ social media application TikTok is extremely popular among South Carolina’s youth. It is also rife with severe profanity, sexual content, violence, mature themes, and drug and alcohol content. The app presents virtually endless amounts of extreme and mature videos to teens and pre-teens as young as 12 or 13—some with millions of views. Much of this content would shock the conscience of an individual of any age, let alone impressionable young people.

2. Defendants (collectively, “TikTok”) have not only failed to disclose the truth about the mature and extreme content on its highly addictive app—they have affirmatively *lied* about it—misleading parents and young people across the State at least hundreds of thousands of times to date.

3. TikTok has lied about the nature of its product in several independent and material ways. First, TikTok has relentlessly sought and defended an app age rating of 12+, which indicates the app is appropriate for users ages 12 and older. When a parent or young person considers whether to download an app in the Apple App Store or Google Play Store, each app is presented

with a corresponding age rating. In the Apple App Store, apps can be rated either 12+ or 17+. TikTok claims a “12+” rating in Apple’s App Store, despite that it could select a rating of 17+. Likewise, TikTok claims a “T for Teen” rating in the Microsoft and Google Play App Stores, which is defined as ages 13 and older.

4. Further, TikTok represents that the categories of inappropriate content on its Platform, including drugs, nudity, alcohol, and profanity, are all “infrequent” and “mild.” TikTok explicitly claims that its app only contains: “Infrequent/Mild Sexual Content and Nudity,” “Infrequent/Mild Profanity or Crude Humor,” “Infrequent/Mild Mature/Suggestive Themes,” and “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References.”

5. These claims are misleading, deceptive, and false.

6. To make matters worse, TikTok specifically targets its app to young people and purposefully designed its app to be *addictive*. American youth are now in the grip of a profound mental health crisis driven by excessive social media use.¹ TikTok is one of the top three most widely used social media platforms among U.S. teens,² and has knowingly contributed to this crisis by creating its Platform³ to be intentionally addictive to youth, designing elements that prey upon young people’s unique psychological vulnerabilities, and overriding young people’s autonomy to decide how much time to spend on TikTok’s Platform.

7. Addictiveness is a core element of TikTok’s business model. TikTok presents an endless scroll of videos designed to hook a user into a dreamlike state of content consumption. The more time young South Carolinians spend glued to the app, scrolling with no end, the more TikTok

¹ See *Social Media and Youth Mental Health, The U.S. Surgeon General’s Advisory*, U.S. DEP’T OF HEALTH & HUMAN SERVS. (May 23, 2023), <https://bit.ly/3XV125V>.

² See Monica Anderson, et al., *Teens, Social Media and Technology 2023*, PEW RSCH. CTR. (Dec. 11, 2023), <https://bit.ly/3zOJ76m>.

³ The TikTok Platform refers to the TikTok application and all attendant features, in all internet mediums in which it is made available, including mobile and web applications.

can feed them targeted advertisement after advertisement and generate massive profits through ad revenue. To achieve that goal, TikTok perniciously employs an arsenal of harmful addictive-by-design features specifically tailored to exploit, manipulate, and capitalize on young users' developing brains. TikTok does this effectively by harvesting its young users' data to identify and exploit vulnerabilities unique to each young user.

8. At the same time, rather than disclosing its Platform's harms to young users or their parents, TikTok again misleads the public about the ways its Platform has harmed—and is continuing to harm—young people.

9. TikTok has internally known for years that excessive, compulsive, and addictive use of its Platform is harmful to young people. Yet TikTok refuses to take measures to protect young users across the United States. TikTok's executives and employees admit that they target young Americans and they know that the harmful effects of its Platform wreak havoc on the mental health of millions of American youth. Its executives admit:

[REDACTED]

10. Despite full knowledge of the potential for serious harm, including sleep deprivation, depression, anxiety, self-harm, suicide, and death, TikTok deliberately and successfully targets its product to minors. As a result, young South Carolinian users utilize the TikTok Platform at extremely high rates and suffer because of it.

11. TikTok deceptively markets its Platform to conceal its harmful effects. It lures young people and their parents with misrepresentations about its Platform, fails to disclose material information about the harms that result from using its Platform, and induces excessive, compulsive, and addictive use of its Platform.

12. TikTok does not tell young users or their parents that it [REDACTED]
[REDACTED]
[REDACTED]. Nor does TikTok disclose [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
and that it [REDACTED]
[REDACTED]

13. In response to criticism from users, parents, the public, and politicians, TikTok recently implemented certain tools that it claims help users reduce the time they spend on the Platform and other harms caused by the algorithm. But TikTok’s representations regarding these tools are misleading because TikTok knows that [REDACTED]
[REDACTED]
[REDACTED].

14. The South Carolina Unfair Trade Practices Act (SCUTPA) stands strong against such deceptive and unfair acts that harm young South Carolinians. *See* S.C. Code Ann. §§ 39-5-20, *et seq.* SCUTPA is both broad and clear: “unfair or deceptive acts or practices in the conduct of any trade or commerce are hereby declared unlawful.” *Id.* § 39-5-20(a). The Act charges the Attorney General with enforcing these critical protections. *Id.* §§ 39-5-50(a), 39-5-110(a).

15. The State of South Carolina seeks, in addition to civil penalties and other appropriate relief, a preliminary and permanent injunction ordering TikTok to stop its false, misleading, and deceptive representations to young South Carolinians and their parents and stop TikTok from unlawfully capitalizing on young users' developing brains by intentionally addicting them to its Platform.

16. This action is in the public interest because TikTok engaged, and continues to engage, in unlawful acts which harm consumers in South Carolina.

II. JURISDICTION AND VENUE

17. This Court has personal jurisdiction over all Defendants in this action.

18. Defendants operate a social media application and platform that they have directed to operate in South Carolina. The TikTok app has been activated by a device located in South Carolina at least hundreds of thousands, if not millions, of times. Defendants market and advertise their product in South Carolina and specifically to young people in the state, including on the Apple App Store, Google Play Store, and Microsoft Store. Defendants actively serve content to and collect data from those devices and accounts located in South Carolina.

19. Defendants use data collected from South Carolina users, including location-based data, to serve content to those users in South Carolina. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. TikTok also serves users in South Carolina location-specific advertisements. For example, a TikTok user might see an advertisement for a local barbeque restaurant based on his location in Columbia, South Carolina.

21. When South Carolinians register to use the TikTok app, they enter a contract with TikTok, known as the Terms of Service. The contract is supported by consideration: South Carolina users gain access to the TikTok Platform, and in consideration for that benefit, they “acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise increase [its] value from your use of the [TikTok] Services” (among other things).⁴ The Terms of Service explicitly allow TikTok to collect and use South Carolinians’ geographic information: users grant TikTok contractual permission to “automatically collect certain information,” including “your IP address” and “geolocation-related data,” and TikTok informs users that it may link them with their offline activity, like where a user shops in-person.⁵ TikTok has entered such contracts with hundreds of thousands, if not millions, of South Carolinians.

22. Defendants have availed themselves of the benefit of transacting business in South Carolina through the marketing, sale, and operation of a well-known social media and advertising network. Defendants are aware of their presence in South Carolina and the financial rewards they receive from operating within South Carolina. Defendants can attribute millions of dollars in annual revenue to activities in the State of South Carolina.

23. [REDACTED]

[REDACTED]

[REDACTED]

⁴ *Terms of Service*, TIKTOK (last updated Nov. 2023), <https://bit.ly/3RG602u>.

⁵ *Privacy Policy*, TIKTOK (last updated Aug. 19, 2024), <https://bit.ly/3OXgKGH>. [The Terms of Service incorporate the Privacy Policy.]

24. [REDACTED]

25. [REDACTED]

26. [REDACTED]

27. Venue is proper in Richland County pursuant to S.C. Code Ann. § 39-5-50.

28. TikTok’s violation of SCUTPA is ongoing. The illegal conduct began no later than 2017, and such conduct has continued through the present. This action is timely brought pursuant to S.C. Code Ann. § 39-5-150.

29. The State demands a jury trial.

III. PLAINTIFF

30. The Plaintiff State of South Carolina brings this action, by and through its Attorney General, Alan Wilson, in its sovereign capacity in order to protect the interests of the State and its citizens. The Attorney General brings this action pursuant to his *parens patriae*, constitutional,

statutory, and common law authority, including the authority granted to him by the South Carolina Unfair Trade Practices Act, S.C. Code Ann. §§ 39-5-20, 50, 110 and S.C. Code Ann. § 1-7-40.

IV. DEFENDANTS

31. Defendant TikTok Inc. is a California corporation with its principal place of business at 5800 Bristol Parkway, Culver City, California 90230.

32. Defendant TikTok LLC is a Delaware limited liability company with its principal place of business at 5800 Bristol Parkway, Culver City, California 90230. Defendant TikTok LLC wholly owns Defendant TikTok Inc.

33. Defendant TikTok Pte. Ltd. is a company incorporated in Singapore with its principal place of business in Singapore at 1, Raffles Quay, #26-10, Singapore 048583.

34. Defendant TikTok, Ltd. is a company incorporated in the Cayman Islands with its principal place of business in Shanghai, China. Defendant TikTok, Ltd. wholly owns Defendant TikTok LLC and Defendant TikTok Pte. Ltd.

35. Defendant ByteDance Inc. is a Delaware corporation with its principal place of business at 1199 Coleman Avenue, San Jose, California 95110.

36. Defendant ByteDance Ltd. is the ultimate parent company of all other Defendants. It is a company incorporated in the Cayman Islands with its principal place of business in Beijing, China.

37. Upon information and belief, each of the Defendants has jointly advertised, marketed, developed, operated, and distributed the TikTok social media application and platform to consumers throughout the United States since 2017. Upon information and belief, each Defendant has actively formulated, participated in, approved, directed, or otherwise controlled the acts or practices referenced throughout this complaint.

38. As described below, all Defendants together operate as a common enterprise, including while engaging in the unfair, deceptive, and other unlawful acts and practices alleged below.

V. TRADE AND COMMERCE IN SOUTH CAROLINA

39. TikTok has engaged and continues to engage in “trade or commerce,” as defined by S.C. Code Ann. §39-5-20(a).

40. TikTok enters into contracts with thousands of users across South Carolina. Although users can establish accounts on TikTok without paying a fee, TikTok’s services are not free. TikTok charges its South Carolina users by collecting their time and data, including users’ locations, interests, and behaviors, which it then converts into advertising dollars.⁶ This is outlined in TikTok’s Terms of Service, which provides in relevant part: “[y]ou acknowledge and agree that [TikTok] may generate revenues, increase goodwill or otherwise increase our value from your use of the [s]ervices . . . through the sale of advertising, sponsorships, promotions, usage data and [g]ifts.”⁷

41. TikTok provides tools for businesses to advertise on its Platform.⁸ TikTok offers various tools through its Business Center, Ad Manager, Creator Marketplace, Business Account, and TikTok Shop.⁹ TikTok sells advertising space to marketers and provides tools that allow businesses to tailor messages and ads to specific locations.¹⁰ TikTok also offers cross-platform advertising with Shopify, another e-commerce platform, selling ads for products that are shoppable

⁶ See *Terms of Service*, TIKTOK (last updated Nov. 2023), <https://bit.ly/3BATPhl>.

⁷ See *id.*

⁸ See *TikTok for Business: Ads with impact Only on TikTok*, TIKTOK, <https://bit.ly/4ewKOog> (last visited Oct. 7, 2024).

⁹ See *Welcome to TikTok Business Center*, TIKTOK, <https://bit.ly/3XWqYvp> (last visited Oct. 7, 2024).

¹⁰ See *Location Targeting*, TIKTOK (last updated May 2024), <https://bit.ly/3TVfyXJ>.

on TikTok without Shopify users ever needing to leave the Shopify Platform.¹¹ TikTok generates substantial and increasing revenue annually by sending targeted advertisements to users across the United States.

42. Users may also purchase “Coins” from TikTok and gift them to other TikTok users, which can then be exchanged for U.S. fiat currency.¹²

43. TikTok also offers users “TikTok Rewards,” a referral rewards program that can similarly be redeemed for U.S. currency. Users may earn a referral reward when they invite a new user who creates a TikTok account. Subsequently, both the new and referring users may earn referral rewards when the new user participates in certain video-watching tasks.¹³

44. TikTok encourages and provides tools for users to engage in e-commerce themselves. “TikTok Shop” allows small businesses and global brands alike to advertise and sell goods, which users can purchase directly through the Platform.¹⁴

VI. FACTUAL ALLEGATIONS

A. TikTok entered the U.S. market and experienced explosive growth following its acquisition of Musical.ly, a popular app with young people.

45. In September 2016, TikTok’s parent company ByteDance Ltd., acting through a subsidiary, released its first Social Media Platform, Douyin, in China. The Douyin Platform allows users to create and post short videos and watch videos uploaded by other users. Seeking to expand internationally, ByteDance Ltd. released a separate and distinct version of the Douyin app for international users named TikTok in 2017, but there is little overlap in content between Douyin and TikTok.

¹¹ See *About TikTok App on Shopify*, TIKTOK (last updated May 2024), <https://bit.ly/3BxnoQV>.

¹² See *Get Coins*, TIKTOK, <https://bit.ly/3BzzyZD> (last visited Oct. 7, 2024).

¹³ See *Benefits & Rewards*, TIKTOK, <https://bit.ly/4gXa6xu> (last visited Oct. 7, 2024).

¹⁴ See *TikTok Shop*, TIKTOK, <https://bit.ly/3Nn7cEl> (last visited Oct. 7, 2024).

46. ByteDance Ltd. entered the American market in December 2017 by acquiring Musical.ly, a popular social media app launched in 2014 that allowed users to create and post short videos of themselves lip-syncing and dancing to popular songs.¹⁵ Musical.ly was particularly popular with American teens,¹⁶ and had at least 60 million mostly U.S. users,¹⁷ with a significant percentage of them children under age 13.¹⁸ At the time, ByteDance Ltd. paid approximately \$1 billion to acquire Musical.ly and the accounts and content of its millions of users.¹⁹

47. In August 2018, ByteDance Ltd. merged the Musical.ly app with the TikTok app under the TikTok name and began operating as TikTok.²⁰

48. Like Musical.ly before it, TikTok continues to be popular with young people, and Defendants are highly incentivized to keep those young users on the Platform. An internal review

[REDACTED]

[REDACTED] According to internal data from 2019, [REDACTED]

[REDACTED] TikTok considers users

under age 13 a critical demographic, believing users will continue to use the Platform to which they are accustomed [REDACTED]

49. TikTok's growth in the United States exploded in 2020, and through that year, the Platform's user growth in the United States was [REDACTED]

¹⁵ See Paul Mozur, *Musical.ly, a Chinese App Big in the U.S., Sells for \$1 Billion*, N.Y. TIMES (Nov. 10, 2017), <https://bit.ly/3YeJI08>.

¹⁶ See Paresh Dave, *China's ByteDance Scrubs Musical.ly Brand in Favor of TikTok*, REUTERS (Aug. 2, 2018), <https://bit.ly/3ZUWhJD>.

¹⁷ See Jon Russell & Katie Roof, *China's Bytedance is buying Musical.ly in a deal worth \$800M-\$1B*, TECHCRUNCH (Nov. 10, 2017), <https://bit.ly/3U2v9F0>.

¹⁸ See Complaint ¶¶ 12–23, *United States v. Musical.ly*, No. 2:19-cv-1439 (C.D. Cal. Feb. 27, 2019) (“Musical.ly Compl.”).

¹⁹ See Mozur, *supra* n.15.

²⁰ See Musical.ly Compl. ¶ 23; see also Dave, *supra*, n.16.

50. TikTok's internal data [REDACTED]

[REDACTED]

[REDACTED]

reported using TikTok, and most teenagers in the U.S. were using TikTok daily; 17% of American teens said that they were on TikTok “almost constantly.”²¹

B. All Defendants are intimately involved in operating TikTok.

52. Defendants, although facially separate on paper, are all intimately involved in operating the TikTok Platform.

53. Although TikTok Inc. is incorporated in the United States, it is led by an executive team based in the United States, Singapore, and China.

²¹ See Anderson, *supra* n.2.

54. Employee roles among Defendants are often blurred: TikTok Inc. represents that it has not created or maintained an organizational chart because its employees do not have formal titles and their responsibilities between organizations are fluid.²² Some former employees have even stated they were unsure which Defendant they actually worked for.

55. Because Defendants' corporate boundaries are porous, employees at all the companies work together. All Defendants' employees use a shared internal messaging system, Lark, where they can engage in chats and group chats with each other regardless of their formal company affiliation.²³ Defendants' employees use Lark to discuss specific features on TikTok. It also appears that employees from all Defendants contributed to internal documents discussing so-called "safety features" for young Americans on TikTok.

56. According to a 2023 report prepared for the Australian Select Committee on Foreign Interference through Social Media, one ByteDance Ltd. insider has described TikTok Inc. as "not developed enough to be a self-contained business unit. Therefore . . . TikTok draws on personnel, experience, and methods of ByteDance's Douyin app, software, and commercial model to achieve 'technology accumulation and business breakthroughs.'"²⁴

57. The report concluded that ByteDance Ltd. management considers the entities interchangeable.²⁵

58. Prominent leaders of TikTok Inc. even state on their public LinkedIn profiles that they are employed by "ByteDance/TikTok."²⁶

²² See Roger Chen & Rui Ma, *How ByteDance Became the World's Most Valuable Startup*, HARV. BUS. REV. (Feb. 24, 2022), <https://bit.ly/3zOLgyW>.

²³ Sapna Maheshwari & Ryan Mac, *Driver's Licenses, Addresses, Photos: Inside How TikTok Shares User Data*, N.Y. TIMES (May 24, 2023), <https://bit.ly/4eRcWCa>.

²⁴ Rachel Lee *et al.*, *TikTok, ByteDance, and Their Ties to the Chinese Communist Party*, at 42, SENATE SELECT COMM. ON FOREIGN INTERFERENCE THROUGH SOCIAL MEDIA (March 14, 2023).

²⁵ See *id.*

²⁶ See *id.*

59. TikTok Inc. CEO Shou Chew, who is also paid by ByteDance Ltd., stated to Congress on March 23, 2023, that employees of ByteDance Ltd. work on the TikTok Platform and that he personally uses Lark to communicate “with employees at ByteDance [Ltd.]”²⁷

60. Chew reports to the CEO of ByteDance Ltd.²⁸

61. ByteDance Ltd. and TikTok Ltd. are intimately involved in making decisions about the TikTok Platform, even though TikTok is unavailable in China. ByteDance Ltd. and TikTok Ltd. even retain authority to approve or deny implementation of TikTok’s “safety features.”

62. ByteDance Ltd. and TikTok Ltd. employees also routinely sign contracts on behalf of TikTok Inc.²⁹

63. Further, TikTok Ltd. is listed as the TikTok Platform’s developer, and TikTok Pte. Ltd. as the TikTok Platform’s seller, on the Apple App Store.³⁰ Similarly, the TikTok Platform’s listing on Google Play provides TikTok Pte. Ltd. as the entity responsible for the app.³¹

C. TikTok Deceives Consumers with Its Age ratings.

64. TikTok deceives South Carolina consumers about the content on its Platform and deceptively claims that its Platform is appropriate for young people. TikTok doggedly claims that its Platform is appropriately rated 12+ and T for Teen despite the extreme mature content on its Platform and the addictive and harmful qualities of the Platform.

²⁷ *TikTok: How Congress Can Safeguard American Data Privacy and Protect Children from Online Harms: Hearing Before the H. Comm. on Energy and Com.*, 118th Cong. 28, 36, 96 (2023) (statement of Shou Chew, Chief Executive Officer, TikTok Inc.).

²⁸ *See id.* at 24, 95–96.

²⁹ *See, e.g., Zhao Liu: Overview*, CRUNCHBASE, <https://bit.ly/4dBM9Zu> (last accessed Oct. 7, 2024) (indicating Mr. Liu is a ByteDance employee based in China).

³⁰ *TikTok*, APP STORE PREVIEW, <https://bit.ly/3zP35Ok> (last visited Oct. 7, 2024).

³¹ *TikTok*, GOOGLE PLAY STORE, <https://bit.ly/3YezMOC> (last visited Oct. 7, 2024).

1. TikTok’s Claims that the Mature Content on the App is “Infrequent/Mild” and Appropriate for Young People are False, Deceptive, and Misleading.

65. Apple, Inc. (“Apple”) requires developers like Defendants who submit an app for inclusion in Apple’s App Store to answer an age-rating questionnaire. Apple says that apps that host user-generated content (like TikTok) “should share the age rating of the highest age rated creator content available in the app.”³² Apple warns developers, “We have lots of kids downloading lots of apps,” and that app developers like Defendants “have to do your part” to keep kids safe.³³ Apple also tells developers to “[a]nswer the age rating questions in App Store Connect honestly so that your app aligns properly with parental controls.”³⁴ “If your app is mis-rated,” Apple warns, “customers might be surprised by what they get, or it could trigger an inquiry from government regulators.”³⁵ Apple also informs developers, “[Y]ou are responsible for complying with local requirements in each territory where your app is available.”³⁶

66. Apple’s age-rating questionnaire asks Defendants to describe the content available on the TikTok app in each of these categories: “Alcohol, Tobacco or Drug Use or References,” “Sexual Content or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor.” Based on the self-selected answers to these questions—“none,” “infrequent/mild,” or “frequent/intense”—Apple suggests an age-rating. Apple also offers every app developer (including Defendants) the option to self-select a higher age rating than the one Apple suggests.

67. TikTok self-selects the answer “infrequent/mild” for each of the described categories. By doing so, TikTok chooses to have the following statements displayed on its page in the App Store:

³² *App Review Guidelines*, APPLE, <https://apple.co/3syB5el> (last visited Oct. 7, 2023).

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

- a. “Infrequent/Mild Profanity or Crude Humor”
- b. “Infrequent/Mild Mature/Suggestive Themes”
- c. “Infrequent/Mild Sexual Content and Nudity”
- d. “Infrequent/Mild Alcohol, Tobacco, or Drug Use or References”

68. Defendants’ answers cause Apple to offer a “12+” age rating option. Apple defines apps with the “12+” age rating as apps that “may also contain infrequent mild language, frequent or intense cartoon, fantasy, or realistic violence, infrequent or mild mature or suggestive themes, and simulated gambling, which may not be suitable for children under the age of 12.” TikTok chooses to rate its app “12+.”

69. Apple defines apps with the next higher “17+” age rating as apps that “may also contain frequent and intense offensive language, frequent and intense cartoon, fantasy, or realistic violence, and frequent and intense mature, horror, and suggestive themes; plus, sexual content, nudity, alcohol, tobacco and drugs which may not be suitable for children under the age of 17.” Although Apple offers Defendants the option to choose this rating for TikTok, they have never done so.

70. TikTok is responsible for its age rating in the App Store. TikTok has told consumers on its website and in its “TikTok Guide for Parents,” published with the National PTA: “we’ve given the app a 12+ App Store rating.” [REDACTED]

[REDACTED]

71. [REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

72. [REDACTED]

73. TikTok agreed the content was not appropriate for young people. [REDACTED]

74. In response, and in recognition of the fact that TikTok had been improperly claiming a “12+” rating until that point, TikTok made changes to its content filtering methods.

[REDACTED]

75. [REDACTED]

[REDACTED], Defendants continue to improperly claim a “12+” rating for the TikTok app, because TikTok still contains frequent: profanity or crude humor; alcohol, tobacco, and drug use or references; sexual content or nudity; and mature/suggestive themes. TikTok also still contains: profanity or crude humor; alcohol, tobacco, and drug use or references; sexual content or nudity; and mature/suggestive themes, none of which is mild.

76. Young users are served this content in their algorithmically-driven For You Feed without having searched for it. Young users can also search for and find this content on the TikTok app. This content receives millions—even hundreds of millions—of views on the TikTok app. Young users who type only a few letters into the app’s search bar will be presented with search suggestions that lead to frequent and intense profanity; crude humor; alcohol, tobacco, and drugs use and references; sexual content or nudity; and mature or suggestive themes.

77. TikTok is aware of these problems because it created them. First, TikTok is not even trying to moderate content consistently with its age-rating representations. TikTok views the For You Feed only, *not* the app as a whole, as intended for a teen audience. [REDACTED]

[REDACTED] This company philosophy manifests itself in TikTok’s Playbook Rules. [REDACTED]

[REDACTED] This also means that, *by design*, a 13-year-old user can search for and find content on TikTok that violates every single one of the Apple age-rating categories described above.

78. Second, TikTok knows that significant “leakage” occurs under all TikTok’s content-moderation policies. Leakage refers to content that violates TikTok’s Playbook Rules but “leaks” through the content moderation process and is allowed to remain on the Platform. In other words, even when TikTok’s content moderation policies aim to remove mature content, TikTok’s filters and moderators often fail to catch it.

79. Together, those two factors mean that a substantial amount of content inconsistent with each of TikTok’s age-rating representations is available on the TikTok app to young users.

80. TikTok is also aware of these problems because it routinely measures and tracks them. [REDACTED]

[REDACTED]

81. [REDACTED]

[REDACTED] If even a small percentage of videos watched violate the Community Guidelines, TikTok is still feeding the average user a daily dose of mature content. And not every young user is average. Young users who seek out sexual and drug-related content that violates the Community Guidelines can find it in abundance.

82. Individual users may have sessions on TikTok in which the percentage of mature videos they view far exceeds the overall percentage of “badness” on the Platform. [REDACTED]

[REDACTED]

[REDACTED]

83. [REDACTED]

84. [REDACTED]

85. [REDACTED] TikTok releases Enforcement Reports to the public in which it only includes the number of *videos* it removes for *violating* the Community Guidelines. Nor does TikTok disclose any information about “leakage”—mature content it fails to catch. [REDACTED]

the percentage of minors’ views of violative or unapproved content—but it does not report that information publicly, either.

86. Furthermore, all of these metrics understate the level of risk to minors who use TikTok. Neither the [REDACTED] rate nor the metrics in the public enforcement reports attempt to capture all of the content that exists on the TikTok Platform but that is inconsistent with TikTok’s

age-rating representations. Nor do they capture harmful user-to-user interactions that regularly occur on the app.

87. TikTok knows it is lying and obfuscating about the content available to young users on the TikTok app, but TikTok does not care unless the lying could harm its reputation or bottom line. [REDACTED]

[REDACTED]

Profanity or Crude Humor

88. Profanity on TikTok is neither “infrequent” nor “mild.”

89. [REDACTED]

[REDACTED]

[REDACTED] Many videos on the TikTok app that are set to extremely profane language have hundreds of millions of views.

90. “Push notifications” are notifications that the TikTok app sends to users’ phones, usually inviting them to engage with content on the Platform. [REDACTED]

[REDACTED]

91. Content with heavy and even extreme profanity is readily available on the TikTok app, yet Defendants tell consumers in the App Store that “profanity or crude humor” is “infrequent/mild” on the Platform. That is false, deceptive, and misleading.

Alcohol, Tobacco, and Drug Use or References

92. Alcohol, tobacco, and drug use or references on the TikTok app are neither “infrequent” nor “mild.”

93. TikTok’s internal content-moderation policies related to alcohol, tobacco, and drugs do not correspond to what TikTok tells South Carolina consumers about the content on its Platform. In prior versions of TikTok’s Community Guidelines, TikTok told consumers, “We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs,” and “NOT allowed[:] . . . Showing or promoting adults consuming drugs or other regulated substances for a recreational purpose.”³⁷ [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

94. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

95. TikTok also permits alcohol and tobacco content wholly inconsistent with its age-rating representations. [REDACTED]

³⁷ *Community Guidelines*, TIKTOK (last updated Mar. 2023), <https://bit.ly/3TWTOus>.

[REDACTED]

96. [REDACTED]

97. Even when TikTok’s content moderation policies seek to address drug-related content, there are high levels of leakage, meaning that mature drug-related content remains on the TikTok Platform and can appear on the For You Feed.

98. [REDACTED]

99. [REDACTED]

100. [REDACTED]

[REDACTED]

101. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

102. TikTok has never disclosed the significant leakage of drug content on the app, or its lax, or its behind-the-scenes drug content policies. Drug content that is neither infrequent nor mild is readily available on the app. Still, TikTok never changed its drug-related representations in the App Store. That is false, deceptive, and misleading.

Sexual Content and Nudity

103. Sexual content and nudity on the TikTok app are neither infrequent nor mild.

104. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

105. Despite what TikTok represents in its Community Guidelines, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

106. In addition, TikTok’s content moderation of sexualized content is [REDACTED]

[REDACTED]

107. TikTok also contains an in-app browser that allows users to click on a link and view an external website without exiting TikTok. Young users have been able to use this feature to link to a search engine, then search for and view hardcore pornography—all without leaving the TikTok app—and even if parental controls were enabled on their device that would have prevented the user from accessing this content on an ordinary web browser.

108. Defendants tell consumers in the App Store that “sexual content and nudity” is “infrequent/mild” on the Platform, even though such content is neither infrequent nor mild and is readily available on the TikTok app. That is false, deceptive, and misleading.

Mature/Suggestive Themes

109. “Mature/suggestive themes” include content related to the topics already described—alcohol, tobacco, drugs, sex, nudity, profanity, and crude humor—as well as other complex themes that are suitable only for adult audiences. [REDACTED]

[REDACTED]

110. Minors have been exposed at high rates to these types of psychologically damaging content. [REDACTED]

[REDACTED]

111. [REDACTED]

[REDACTED]

112. Mature content can pose even greater danger when the TikTok algorithm traps users in a “filter bubble,” which occurs when TikTok’s algorithm gives a user more and more of a single type of content. For example, [REDACTED]

[REDACTED]

113. [REDACTED]

[REDACTED]

[REDACTED]

114. Defendants tell consumers in the App Store that “mature/suggestive themes” are “infrequent/mild” on the Platform, even though such content is neither infrequent nor mild and is readily available on the TikTok app. That is false, deceptive, and misleading.

2. TikTok’s Interactive Features are Not Consistent with its Age Ratings.

115. TikTok’s interactive features pose an additional threat to South Carolina teens through exposure to adult content *and* harmful and even dangerous exchanges with other users—neither of which comport with a 12+ or “T” for “Teen” age rating.

TikTok Live

116. “TikTok Live” allows users to broadcast livestream videos. TikTok promotes some Live content through a feature called “TopLives,” which recommends Live video content to users. Violative content is more likely to appear in Live videos than on the rest of the Platform, and young users are more likely to see it. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

117. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

118. TikTok Live also facilitates user engagement in dangerous activities such as binge drinking in exchange for compensation.³⁸ The day after Christmas in 2022, one host who had been earning money by taking drinks “bought” for him by other users died of excessive alcohol consumption. Despite being reported to TikTok numerous times, the company failed to terminate the livestream, allowing users to listen in as paramedics arrived and the man passed away.

119. Despite the risks, TikTok has continued to tout a 12+ rating and failed to prioritize meaningful controls for young users. Until November 2022, TikTok permitted users as young as 16 to host livestreams.³⁹ [REDACTED]

[REDACTED]

³⁸ Jessica Lucas, *There’s A Deadly Drinking Problem On TikTok*, HUFFPOST (July 27, 2023), <https://bit.ly/3SE6EgK>.

³⁹ Aisha Malik, *TikTok is raising the age requirement for TikTok Live, adding adult-only livestreams*, TECHCRUNCH (Oct. 17, 2022), <https://tcrn.ch/47FelJm> (Starting on November 23, users will have to be 18 years old in order to go live on the platform.).

[REDACTED]

[REDACTED] But TikTok did not permit its creators to limit their audiences until after October 2022.⁴⁰ [REDACTED]

[REDACTED]

120. [REDACTED]

[REDACTED]

[REDACTED]

121. [REDACTED] As

TikTok told its Content Advisory Council (“CAC”) in December 2021, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

122. [REDACTED]

[REDACTED]

[REDACTED]

This is because livestreaming is a cash cow.

⁴⁰ *Id.*

123. TikTok takes a 50% cut of “earnings creators receive through TikTok Live gifts.”⁴¹

[REDACTED]

124. TikTok could have mitigated these risks at any time by being honest with consumers and raising its age rating, but it has never done so, because that would hurt its bottom line.

Messages and Comments

125. Other interactive features on TikTok, including but not limited to comments and direct messages, easily expose kids to inappropriate content and harmful exchanges with other users, none of which are consistent with a 12+ or “T” for “Teen” age rating.

126. [REDACTED]

127. [REDACTED]

⁴¹ *Id.*

128. Because access to Direct Messaging (“DM”) is determined only by the age gate, many minors can access this dangerous feature. So, while TikTok says, “Direct messaging on TikTok is available to [r]egistered account holders aged 16 and older,”⁴² [REDACTED]

[REDACTED]

129. TikTok has also rolled out group chats,⁴³ [REDACTED]

[REDACTED] Group chats easily facilitate bullying and harassment, and while teens must have at least one mutual follower in a group chat to join it, the other up to thirty people in the chat could be complete strangers. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

D. TikTok harms young users by leveraging young users’ personal data and a variety of Platform features to manipulate young users to spend more time on the Platform than they would otherwise choose.

130. While deceiving consumers about the content on TikTok through its misleading age rating, TikTok strategically designs and deploys exploitative and manipulative features to addict young users and maximize their time on its Platform. This is not an accidental byproduct of its efforts to grow its base of young users and increase its advertising revenues—addicting young

⁴² *Direct messages*, TIKTOK, <https://bit.ly/47yLaYC> (last visited Oct. 7, 2024).

⁴³ *Share your favorite TikTok moments with Direct Messaging*, TIKTOK NEWSROOM (Aug. 12, 2024), <https://bit.ly/4evnXsB>.

users is a central pillar in TikTok’s growth strategy—and one that TikTok has doggedly pursued notwithstanding the harm caused to those young users.

131. TikTok intentionally designed its Platform to capture as much of its users’ time and attention as possible and admits that [REDACTED]
[REDACTED] The more time users spend on the Platform, the more ads they watch, which increases TikTok’s ad revenue. TikTok has long prioritized maximizing the amount of time that teenagers spend on its Platform.

132. TikTok’s targeted focus on increasing young users’ time on its Platform is no accident: internal TikTok documents note that [REDACTED]
[REDACTED] and that
[REDACTED]
[REDACTED]

133. TikTok conducts [REDACTED] It found that [REDACTED]
[REDACTED]
[REDACTED]

134. TikTok’s efforts to maximize usage of its Platform by American young people have been extremely successful. As of 2022, the TikTok app was American teens’ “primary social app of choice.”⁴⁴

1. TikTok intentionally designed its Platform to promote excessive, compulsive, and addictive use.

135. TikTok knowingly created Platform features intended to cause excessive, compulsive, and addictive use, despite knowing that young people are more susceptible to—and

⁴⁴ See Andrew Hutchinson, *New Survey Underlines TikTok’s Popularity with Teen Users*, SOC. MED. TODAY (Nov. 7, 2022), <https://bit.ly/4eEz9nu>.

acutely harmed by—those features. For young users of the TikTok Platform, these harms are severe, and include increased levels of depression and anxiety disorders, reduced sleep, self-harm, suicidal ideation, and eating disorders.⁴⁵

136. TikTok’s algorithms and design decisions are intended to cause young users to compulsively spend increasing amounts of time on the Platform. TikTok outfitted the Platform with features that [REDACTED] that are particularly effective at enticing younger users, [REDACTED]

137. TikTok’s design choices exploit the neurotransmitter dopamine, which helps humans feel pleasure as part of the brain’s reward system to encourage reinforcement. Dopamine “rewards” can lead to addictive behavior, particularly when rewards are unpredictable.

138. Unpredictably delivered dopamine hits, known as “variable rewards,” are particularly effective at influencing human behavior. A report about persuasive design called *Disrupted Childhood* (which TikTok had in its research, and which was co-authored by Alexandra Evans, who subsequently became a lead executive at TikTok on child safety) explained how variable rewards produce dopamine rushes:

Variable rewards hold a special thrill, as the user anticipates a reward that they know could come but is tantalisingly just out of reach. A gambler waiting to see where the roulette wheel will stop or a viewer watching a presenter’s dramatic pause before they announce a winner. In both cases, the individuals experience a dopamine rush as they anticipate the unknown outcome.⁴⁶

⁴⁵ See *Global: TikTok’s ‘For You’ Feed Risks Pushing Children and Young People Towards Harmful Mental Health Content*, AMNESTY INT’L (Nov. 7, 2023), <https://bit.ly/4eT11oH>; see also Edward Herbert, *How TikTok Affects Children’s Mental Health*, CHILDREN’S SOC’Y (Apr. 5, 2023), <https://bit.ly/3Yehltl>; Vanessa Yurkevich, *Why Experts Worry TikTok Could Add to Mental Health Crisis Among US Teens*, CNN BUS. (Jan. 11, 2023), <https://bit.ly/3YfVj9u>.

⁴⁶ See Baroness Kidron, et al., *Disrupted Childhood: The Cost of Persuasive Design* at 20, 5RIGHTS FOUND. (June 2018).

139. TikTok intentionally and successfully harnesses this well-researched method to fuel excessive, compulsive, and addictive use of its Platform while knowing that the prospect of an *unpredictable* dopamine “reward”⁴⁷ is even more addicting than consistent dopamine “rewards.”

140. To that end, the Platform deploys variable rewards to its users. Some of the features that deliver these variable rewards, such as push notifications and the recommendation system, are described below. Younger users of the Platform find it [REDACTED]

[REDACTED]

141. TikTok knows that minors are particularly susceptible to compulsive use of its Platform. A TikTok-commissioned report corroborates that young developing brains are vulnerable to harmful addictive behaviors:

[I]f adapting to physical changes poses a new set of challenges to the developing young person, the rapid development of the brain brings additional and perhaps greater ones. In healthy development, the Limbic system of the brain (which regulates emotion and feelings of reward) undergoes dramatic changes between [the] ages of 10-12 years. These changes then interact with the pre-frontal cortex of the brain (the judgement centres) to promote novelty seeking behaviour, risk-taking and interactions with peers. In simple terms, this means there is a phase of intense emotion, whilst judgment can appear to be less acute, as those ‘judgement centres’ of the brain are being revised. . . . [UNICEF] describes early adolescence as a time of rapid learning and brain development, which facilitates increases in sensation-seeking, motivation for social relations and sensitivity to social evaluation[.]⁴⁸

142. As the *Disrupted Childhood* report found, “[c]hildren’s predilection to seek immediate gratification makes them particularly susceptible to habit-forming rewards”⁴⁹—a susceptibility that TikTok exploits for greater profits.⁵⁰

⁴⁷ See Stephanie Watson, *Dopamine: The Pathway to Pleasure*, HARV. MED. SCH. (July 20, 2021), <https://bit.ly/3ZPQmFO>.

⁴⁸ Zoe Hilton, et al., *Exploring effective prevention education responses to dangerous online challenges*, PRAESIDIO SAFEGUARDING (Nov. 2021), <https://bit.ly/3NhrPC3>.

⁴⁹ See Kidron, *supra* n.46, at 20.

⁵⁰ See Mansoor Iqbal, *TikTok Revenue and Usage Statistics (2024)*, BUS. OF APPS (last updated Apr. 18, 2024), <https://bit.ly/4gO9JVI> (showing TikTok generated an estimated \$9.4

143. The unpredictable “rewards” that the TikTok Platform provides—such as “Likes” (received when a user clicks a heart-shaped button on a video); “follows” (a user’s decision to “follow” another user’s account); and “comments” (user comments to posts on the Platform)—are social rewards. [REDACTED]

[REDACTED] TikTok leverages this sensitivity and doles out social rewards to keep young users on its Platform for longer periods of time.

144. Minors are susceptible to becoming addicted to the TikTok Platform because younger brains have not had as much time to develop as those of adults. TikTok knowingly takes advantage of this vulnerability, [REDACTED]

[REDACTED] And creating this addiction is TikTok’s intent. Internal presentations note that

[REDACTED]

[REDACTED]

[REDACTED] TikTok even sought to create a daily habit for minors. One of TikTok’s internal goals in 2020 was to [REDACTED]

- a. **TikTok intended its “recommendation system” to induce excessive, compulsive, and addictive use by recommending an endless stream of new content to users.**

145. The central feature of the TikTok Platform is its “recommendation system,” which is a complex series of algorithms that powers the “For You feed.” The For You feed provides users with a stream of videos that TikTok’s recommendation system predicts will keep them on the Platform. And it works. One internal document [REDACTED]

[REDACTED] notes, [REDACTED]

[REDACTED]

billion revenue in 2022 by increasing the time that young users spend on the app.).

146. TikTok’s recommendation system is, in large part, composed of the following: [REDACTED]

[REDACTED]

147. The recommendation system accomplishes this in part through the deployment of intermittent variable rewards. [REDACTED]

[REDACTED]

148. TikTok employees, including those working on the recommendation system, understand that the three greatest measures of the company’s success are: (1) attracting users, (2) retaining users, and (3) keeping them on the Platform for longer and longer.

b. TikTok uses multiple features to manipulate users into compulsive and excessive use.

149. TikTok has built features to encourage users to spend more time on the Platform, which—independently and together—create the compulsive use, excessive use, and addiction that harm TikTok’s young users. TikTok’s acts in creating and promoting these features increase users’ time on the Platform and promote unhealthy use regardless of what content is created by third parties.

(1) Effects

150. TikTok’s Platform contains filters, or “Effects,” which allow users to alter their appearance in photos and videos. As described *infra*, these Effects are deeply harmful to minor users. When combined with the Platform’s other features, they incentivize young users to alter their appearance in images and videos in ways that mimic cosmetic surgery and/or foster unrealistic beauty standards, among other body dysmorphic impacts that are known to harm self-esteem and induce negative body image.

151. Because TikTok knows these Effects features significantly increase usage of the Platform, particularly among minor users, it retains these features despite the harm to young users. Indeed, [REDACTED]

[REDACTED]

(2) Autoplay

152. When a user launches the TikTok Platform, a video automatically begins to play in the user’s For You feed. This feature, called “Autoplay,” is designed to immediately grab the user’s attention and immerse them into the Platform. TikTok internally [REDACTED] [REDACTED] To manipulate users into compulsively spending more time on the Platform, TikTok does not allow users to disable Autoplay.

153. TikTok deploys Autoplay to exploit young users’ novelty-seeking minds and especially strong desire to see new activity—vulnerabilities that TikTok has studied—by continuously playing new and only temporarily viewable image and video posts to keep young users on its Platform as long as possible.

154. Much like “Infinite Scroll” (described below), Autoplay encourages young users to continuously remain on the Platform because it does not require user intervention to choose to view the next video, eliminating user autonomy to make a choice.

(3) Endless or Infinite Scroll

155. Another feature of the TikTok Platform is endless scrolling, also referred to as “Infinite Scroll.” Wherever a user watches a video on TikTok—whether in the For You or Following feed, on another user’s profile, or in direct messages—the user endlessly and seamlessly moves from one video to the next simply by swiping up.

156. TikTok designed Infinite Scroll to endlessly load and/or offer new videos for the user to view as the user scrolls through their feed, removing any need to take action beyond a simple swipe to view more videos.

157. Endless scrolling compels young users to spend more time on the Platform by making it difficult to disengage.⁵¹ It strips away a natural stopping point or opportunity to turn to a new activity.⁵² This perpetual stream is designed to “keep [users] scrolling, and purposely eliminate any reason for [them] to pause, reconsider or leave.”⁵³ The user’s experience is a bottomless “flow state” that fully immerses users, distorts their perception of time, and has been shown to be associated with problematic use of social media platforms.⁵⁴ TikTok knows that

⁵¹ See *Why We Can’t Stop Scrolling*, GCFGLOB., <https://bit.ly/4gRtQIT> (last visited Oct. 7, 2024).

⁵² See *id.*

⁵³ See Von Tristan Harris, *The Slot Machine in Your Pocket*, SPIEGEL INT’L (July 27, 2016), <https://bit.ly/47ZdwM7>.

⁵⁴ See Nino Gugushvili, et al., *Facebook Use Intensity and Depressive Symptoms: A Moderated Mediation Model of Problematic Facebook Use, Age, Neuroticism, and Extraversion*, 10 BMC PSYCH. 1, 3 (2022); Christopher L. Heffner, *Doomscrolling: The Ultimate Negative Flow State and Four Ways to Counter It*, ALLPSYCH (Nov. 26, 2022), <https://bit.ly/3YdsMBu>; Hannah Jantos, *The Psychology of TikTok: Why You Can’t Stop Scrolling*, SOC. FIXATION (Sept. 20, 2022), <https://bit.ly/3zLopo3>.

[REDACTED] and it intentionally maintains those features.

(4) TikTok Stories and TikTok LIVE

158. The ephemeral aspects of TikTok Stories, content that vanishes twenty-four hours after being posted,⁵⁵ and TikTok LIVE, a livestreaming service within the Platform, are designed to encourage young users to compulsively return to the Platform by exploiting young users' uniquely sensitive "fear of missing out" (FOMO).

159. By design, this rapidly disappearing content presented in TikTok Stories pressures users to check the TikTok Platform more frequently. TikTok Stories are meant to "inspir[e] audiences to check on their favorite creators daily to never miss a thing."⁵⁶ [REDACTED]

160. TikTok similarly sought to leverage users' FOMO with the TikTok LIVE feature.⁵⁷ By default, LIVE content—livestreamed videos and real-time interaction with TikTok users—is available only once: while the creator livestreams.⁵⁸ Users must tune in immediately or lose the opportunity to interact.

161. TikTok compounds the urgency to immediately view LIVE videos with push notifications designed to get users back on the Platform to watch the livestreamed videos, even if they occur at inappropriate times, such as during school.

⁵⁵ See *Creator Academy*, TIKTOK, <https://bit.ly/3A18QbI> (last visited Oct. 7, 2024).

⁵⁶ *Id.*

⁵⁷ See Laura Marciano, et al., *The Developing Brain in the Digital Era: A Scoping Review of Structural and Functional Correlates of Screen Time in Adolescence*, 12 FRONTIERS PSYCH. 1 (2021).

⁵⁸ See *Creator Academy*, *supra* note 55.

(5) Push Notifications

162. Notifications are integral to TikTok’s business goal of prolonging youth time spent on its Platform. Notifications are TikTok-created signals displayed on a user’s device with TikTok-created messages that alert a user of activity on the Platform to prompt a return to or continued use of the app. These notifications contain messages crafted and sent by TikTok without third-party involvement. By default, TikTok enables a range of audio and visual “Push Notifications” when the app is installed on a smartphone.

163. The TikTok Platform’s push notifications alert users even when the TikTok Platform is not open, including when the device is not being used.

164. TikTok purposefully and carefully designed these notifications, including how they are “pushed” and displayed, to increase young users’ time spent on its Platform by taking advantage of well-understood neurological and psychological phenomena, including using sounds and vibrations to trigger sudden dopamine releases and preying on youth’s social sensitivity and fear of missing out on seeing new activity.⁵⁹ These notifications include buzzes, lights, sounds, and onscreen messages with the goal of drawing users’ attention to their phones and desktops, and ultimately to the TikTok Platform.

165. Push notifications are accompanied by a “badge,” a red circle sitting atop the TikTok application icon on the user’s smartphone, to further draw the user’s attention. The badge remains until the user opens the TikTok Platform.

166. [REDACTED]

⁵⁹ See Trevor Haynes, *Dopamine, Smartphones & You: A Battle for Your Time*, Harv. U. Graduate Sch. of Arts & Scis. Blog (May 1, 2018), <https://archive.ph/9MMhY>.

167. Yet another tactic TikTok uses to manipulate young users to prolong their time on or return to its Platform is deploying “Intermittent Variable Rewards” (IVRs)—the same psychological mechanism that underlies the addictive nature of slot machines.

168. IVRs provide positive stimuli at random, unpredictable intervals interspersed with neutral stimuli. When a positive stimuli is received (*e.g.*, a notification that someone “liked” your post), it creates a psychologically-pleasing dopamine release, keeping a user in a feedback loop to continually check the app for more rewarding stimuli.⁶⁰ Because the rewards are unpredictable and intermittent, users never know if their next notification will be the one that makes make them feel really good⁶¹—which keeps users returning to the Platform compulsively.⁶²

169. TikTok knows that its IVR schedule for delivering notifications [REDACTED]

170. TikTok has even used fictitious badge notifications to lure users onto the Platform. Badges are commonly used in smartphone applications to [REDACTED] and ordinary users would understand it as such. TikTok relied on this perception to manipulate users into opening its Platform. It designed a system to grab users’ attention by [REDACTED]

[REDACTED] TikTok employees [REDACTED]

⁶⁰ Rasan Burhan & Jalal Moradzadeh, *Neurotransmitter Dopamine (DA) and its Role in the Development of Social Media Addiction*, 11 J. NEUROLOGY & NEUROPHYSIOLOGY 1, 1–2 (2020), <https://bit.ly/40dPUI5>.

⁶¹ See Mark D. Griffiths, *Adolescent social networking: How do social media operators facilitate habitual use?*, 36 J. EDUC. & HEALTH 66, 66–67 (2018), <https://bit.ly/4eTNsnB>.

⁶² Haynes, *supra* n.59.

171. Notifications succeed at keeping users on the TikTok Platform as TikTok intends.

[REDACTED]

172. Notably, TikTok knows young users are directly harmed by receiving these incessant notifications, which operate to interfere with users' free choice to stop using the Platform and disrupts their sleep. For example, [REDACTED]

[REDACTED]

[REDACTED] Only recently did TikTok stop sending notifications during certain nighttime hours.

173. TikTok employs these coercive, deceptive, and relentless notifications because they are effective at keeping young users on its Platform—irrespective of their harmful health effects.

(6) “Likes,” Comments, and Other Interactions

174. “Likes,” comments, and other interactions are classified as types of variable rewards since they are [REDACTED]

175. TikTok encourages users to respond to videos that have few Likes by automatically showing a TikTok-created prompt suggesting that the viewer should hit the Like button. TikTok's reasoning behind this is that [REDACTED]

[REDACTED]

176. TikTok designs and engineers its Platform to show Creators a [REDACTED] of Likes, comments, and view counts when they watch their own videos. This inundation of rewards encourages users to post even more videos.

177. TikTok recognizes that the ways its Platform quantifies interactions, such as the number of Likes or comments, are of particular importance to teenagers. These interactions contribute to young users' FOMO, addictive use, and social comparison.

178. TikTok's own research shows that [REDACTED]

[REDACTED] Despite being aware of the psychological harms caused by Likes and similar social interactions, TikTok continues to purposely use various methods to display, quantify, package, and notify young users of these social validation metrics to exploit their social sensitivities and coerces young users to spend an unhealthy amount of time on the Platform.

179. [REDACTED] a report explaining how coercive design impacts teenagers:

Persuasive design strategies exploit the natural human desire to be social and popular, by taking advantage of an individual's fear of not being social and popular in order to extend their online use. For young people, identity requires constant attention, curation and renewal. At key development states it can be overwhelmingly important to be accepted by your peer group.

180. A 2022 study found that use of the TikTok Platform was indirectly related to body dissatisfaction through more upward appearance comparison (users comparing their appearances to those of individuals they deem more attractive than themselves) and body surveillance (users scrutinizing and monitoring their own bodies), which results in greater body dissatisfaction.⁶³ The researchers also found that being exposed to a high number of positive body image media actually has a negative effect and results in an increase in appearance comparisons.⁶⁴

⁶³ See Danielle Bissonette Mink & Dawn M. Szymanski, *TikTok Use and Body Dissatisfaction: Examining direct, indirect, and moderated relations*, 43 *BODY IMAGE* 205, 205–08 (2022).

⁶⁴ See *id.*

181. Accordingly, TikTok's features encourage unhealthy, negative social comparisons, which in turn cause body image issues and related mental and physical disorders.

2. TikTok designs and provides beauty filters that it knows harm its young users.

182. In addition to TikTok's features causing compulsive and addictive use, TikTok's features also cause harm to young users in other ways.

183. TikTok's Platform causes harm through its filters (also known as "Effects" and discussed briefly in paragraphs 150 and 151) that allow users to alter their appearance in photos and videos before posting them onto the Platform. Unrealistic filter changes are especially dangerous to young users because they can cause negative self-obsession or self-hatred of their appearance.⁶⁵ Plastic surgeons have reported an increase in patients seeking procedures to look better on-screen and remark that TikTok's advanced Effects "blurr[ed] the line between fantasy and reality."⁶⁶ TikTok knows its Effects can harm users but chose to keep them and failed to disclose information about their known dangers in its representations to users, including parents and youth.

184. One such filter is the "RETOUCH" feature, formerly called "Beauty" mode. TikTok places the RETOUCH feature on the right-hand side of the screen when a user prepares to take video. The RETOUCH feature incorporates [REDACTED] to artificially augment the appearance of a person who applies the filter. Once selected, TikTok allows this feature to apply to all the user's videos.

⁶⁵ See Tara Well, *The Hidden Danger of Online Beauty Filters*, PSYCH. TODAY (Mar. 25, 2023), <https://archive.ph/DHvVc>.

⁶⁶ Press Release, Am. Acad. of Facial Plastic & Reconstructive Surgery, Inc., 'TikTok Face' Impact on Facial Plastic Surgery - AAFPRS President Weighs In, <https://archive.ph/TMDXA> (last visited Oct. 7, 2024).

185. Based on the success of these filters, TikTok’s internal research indicated that the [REDACTED] This spurred TikTok to develop enhanced beauty filters. In the spring of 2023, TikTok created, designed, and published the “Bold Glamour” filter. This extremely advanced filter is a sophisticated face filter that dramatically alters the user’s image to mimic the effects of makeup and cosmetic surgery.⁶⁷ Like the RETOUCH feature, it is very difficult for viewers to know that an image filter was applied to a video,⁶⁸ which may encourage unrealistic comparisons and foster body dysmorphia. The Bold Glamour Effect has been wildly successful by TikTok’s measures. It has been used in over 224 million posts.

186. Upon information and belief, TikTok will pay someone who customizes TikTok’s filters in EffectHouse \$700 if their product is used in 500,000 unique videos within the first 90 days of its release and \$140 for every additional 100,000 unique uses.⁶⁹

187. TikTok deploys these filters despite knowing they could harm young users.

188. Beauty filters, including TikTok’s RETOUCH tool, are so integrated into the TikTok Platform that, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

⁶⁷ *Id.*

⁶⁸ See Bruce Y. Lee, *TikTok Has A New ‘Bold Glamour’ AI-Powered Filter, Here Are The Risks*, FORBES (Mar. 12, 2023), <https://archive.ph/Ae2lF>.

⁶⁹ See Kalhan Rosenblatt, *TikTok Will Pay Content Creators Who Make Popular Effects and Filters*, NBC NEWS (May 16, 2023), <https://archive.ph/SZa43>.

189. In March 2023, the Dove personal care brand launched a campaign for users to #TurnYourBack on the Bold Glamour filter,⁷⁰ citing studies that 52% of girls said they use image filters every day, and 80% used a social media platform to change their appearance before the age of 13.⁷¹ Studies also show that 50% of girls believed they did not look good without editing and 77% reported trying to change or hide at least one part of their body using these filters.⁷²

190. TikTok's decision to design and deploy these beauty filters, especially in combination with other TikTok product features, has caused harm to young users such as: body image issues, including through perpetuating certain beauty stereotypes, such as structural facial features and skin color, that favor Caucasian or European features; eating disorders; body dysmorphia; and related problems.⁷³

191. In a recent study, even users reporting a higher initial level of self-esteem felt they looked 44% worse before their image was edited using a filter. In a follow-up survey, "when the AR [augmented reality] filter increased the gap between how participants wanted to look and how they felt they actually looked, it reduced their self-compassion and tolerance for their own physical flaws."⁷⁴

⁷⁰ See Dove, *Dove Invites You to Take a Stand and #TurnYourBack to Digital Distortion*, PR NEWSWIRE (Mar. 8, 2023), <https://archive.ph/EO7Nk>.

⁷¹ See *id.*

⁷² See *id.*

⁷³ See Scott Griffiths et al., *The Contribution of Social Media to Body Dissatisfaction, Eating Disorder Symptoms, and Anabolic Steroid Use Among Sexual Minority Men*, 21 CYBERPSYCHOLOGY, BEHAV. & SOC. NETWORKING 149, 149 (Mar. 1, 2018), <https://bit.ly/3ZWI8vK>; Siân McLean et al., *Photoshopping the Selfie: Self Photo Editing and Photo Investment Are Associated with Body Dissatisfaction in Adolescent Girls*, 48 INT'L J. OF EATING DISORDERS 1132, 1133 (Aug. 27, 2015); Jing Yang et al., *Selfie-Viewing and Facial Dissatisfaction among Emerging Adults: A Moderated Mediation Model of Appearance Comparisons and Self-Objectification*, 17 INT'L J. ENV'T RSCH. & PUB. HEALTH 672, 672 (Jan. 20, 2020).

⁷⁴ See Ana Javornik et al., *Research: How AR Filters Impact People's Self-Image*, HARV. BUS. REV. (Dec. 22, 2021), <https://bit.ly/3XXCMO1>.

192. A TikTok employee [REDACTED] that [REDACTED]

193. The press reported how the automatic application of beauty filters drew striking criticism from concerned parties who claimed these changes had significant impacts on the mental health and well-being of TikTok's users.⁷⁵

194. TikTok knows that these beauty filters cause significant harm to users. For example, internal documents report [REDACTED]

3. Through its addictive and harmful design features, TikTok knowingly harms South Carolina youth for profit.

195. Compulsive use of TikTok is harmful, especially for younger users. Compulsive use correlates with many negative mental health effects, such as loss of analytical skills, memory formation, contextual thinking, conversational depth, and empathy, as well as increased anxiety. It also interferes with essential personal responsibilities like sufficient sleep, work and school responsibilities, and connecting with loved ones. Among the harms suffered by TikTok's younger users are abnormal neurological changes, insufficient sleep, inadequate socialization with others, and increased risk of mood disorders such as depression and anxiety.⁷⁶

⁷⁵ Abby Ohlheiser, *TikTok changed the shape of some people's faces without asking*, MIT TECH. REV. (June 10, 2021), <https://archive.ph/5LrYb>.

⁷⁶ See, e.g., *Health Advisory on Social Media Use in Adolescence*, AM. PSYCH. ASS'N, (May 2023), <https://archive.ph/Hsm1e>; see also Megan A. Moreno & Anna F. Jolliff, *Handbook of Adolescent Digital Media Use and Mental Health*, 217–41 (2022); Hugues Sampasa-Kanyinga et al., *Use of Social Media Is Associated with Short Sleep Duration in a Dose-response Manner in Students Aged 11 to 20 years*, 107 ACTA PAEDIATRICA 694, 694–700 (2018); Eti B. Simon & Matthew P. Walker, *Sleep loss causes social withdrawal and loneliness*, 9 NATURE COMM'NS 1, 4 (2018), <https://bit.ly/3NgvtvX>; Els van der Helm et al., *Sleep Deprivation Impairs the Accurate*

196. Internal TikTok documents [REDACTED]

[REDACTED]

[REDACTED]

197. Compulsive use of TikTok causes many of the same harmful effects to minors as substance use disorders.

198. Further, [REDACTED]

[REDACTED]

[REDACTED]

199. Internally, [REDACTED]

[REDACTED]

[REDACTED]

200. Internal documents confirm that [REDACTED]

[REDACTED]

[REDACTED]

201. Internal documents also confirm [REDACTED] that:

a. [REDACTED]

[REDACTED]

[REDACTED]

Recognition of Human Emotions, 33 SLEEP 335, 335–42 (2010), <https://bit.ly/4eUdy9Y>.

- b. [REDACTED]
- c. [REDACTED]
- d. [REDACTED]
- e. [REDACTED]

202. Academic researchers corroborate [REDACTED] that social media addiction, including TikTok usage, is harmful to minors. For example:

- a. Research shows that experiencing puberty while being a heavy social media user interferes with a crucial developmental period for social learning and friendship formation. Heavy users may emerge from puberty stunted or otherwise harmed, perhaps permanently.⁷⁷
- b. Research also shows that “[a]t the individual level, many [young people] have pointed to negative correlations between intensive social media use and both subjective well-being and mental health.”⁷⁸

⁷⁷ See, e.g., Amy Orben et al., *Windows of developmental sensitivity to social media*, 13 NATURE COMMUNICATIONS 1, 2–3 (2022), <https://go.nature.com/4dxyWkB>.

⁷⁸ See Hunt Allcott et al., *The Welfare Effects of Social Media*, 110 AM. ECON. REV. 629, 630 (2020), <https://bit.ly/4dIITwC>.

203. There is also a study that demonstrates that deactivating social media leads to “significant improvements in well-being, and in particular in self-reported happiness, life satisfaction, depression, and anxiety.”⁷⁹ [REDACTED]

[REDACTED] as its internal research [REDACTED]:

- a. [REDACTED]
[REDACTED]
- b. [REDACTED]
[REDACTED]
[REDACTED]
- c. [REDACTED]
[REDACTED]
[REDACTED]
- d. [REDACTED]
[REDACTED]

204. [REDACTED] use of the Platform impairs young users’ sleep, [REDACTED]
[REDACTED] which TikTok’s internal documents [REDACTED]

205. [REDACTED]
[REDACTED]
[REDACTED]

⁷⁹ See *id.*

E. TikTok knows its Platform harms young users but has not made the Platform safer because doing so would disrupt its business model, which depends on users remaining on the Platform for a long time.

206. [REDACTED] the Platform harms mental health and [REDACTED]

[REDACTED] But those safety improvements have been stymied by TikTok's leadership's pursuit of profits. For example:

- a. A comment on one internal document notes that [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- b. One internal strategy document suggested [REDACTED]
[REDACTED]
[REDACTED]
- c. TikTok knows that young people use the Platform at night, causing sleeplessness. However, TikTok's own former global head of minor safety
[REDACTED]
[REDACTED]
[REDACTED]

1. TikTok pays content creators and uses shadow accounts to post more content to keep users on the Platform for longer periods.

207. Many posts that young users see on the Platform are paid for, or otherwise created or developed in whole or in part by, TikTok to give users on the Platform more material likely to manipulate them into staying online for longer periods.

208. [REDACTED]

209. Building on its efforts to purchase content that would addict its users, TikTok launched its Creator Fund in 2020.

210. The Creator Fund was open to users who are allegedly over 18 and who have at least 10,000 followers and 100,000 video views within the previous 30 days. The amount TikTok pays those users is based on several factors including, but not limited to, engagement and views.⁸⁰ In other words, TikTok paid for content to increase user engagement and retention on the Platform.

211. [REDACTED]

[REDACTED] For instance, [REDACTED]

212. The current iteration of the Creator Fund is TikTok's Creator Rewards Program, which, TikTok claims, offers up to 20 times greater rewards (payouts) than the Creator Fund.⁸¹ The Creator Rewards Program provides payouts based on how engaging the posts are, including "Play Duration," "Audience Engagement" and "Search Value."⁸² TikTok not only directed the creators to post certain material intended to keep users on the Platform,⁸³ it also gave personalized "suggestions based on your existing content, your followers' search interests, and potential earnings from the Creator Rewards Program."⁸⁴

⁸⁰ See *Creator Fund*, TIKTOK, <https://bit.ly/4gOhjzE> (last visited Oct. 7, 2024).

⁸¹ See *Creator Rewards Program*, TIKTOK (last updated Apr. 26, 2024), <https://bit.ly/4gU2Fae>.

⁸² See *id.*

⁸³ See *id.*

⁸⁴ See *id.*

213. The gambit worked: [REDACTED]

2. TikTok’s coercive and unfair tactics to compel young users to spend more time on its Platform are key to TikTok’s business model.

214. TikTok’s business model is based on maximizing users’ engagement with the TikTok Platform. This is because TikTok’s primary source of income is advertising revenue, earned by showing third-party advertisements to users on its Platform.⁸⁵ The advertisements take many forms, including full-screen ads that play when users first open the Platform, in-feed ads that appear intermittently between non-advertisements, branded hashtag challenges (i.e., challenges promoted by Creators that call for viewers to perform certain tasks), branded filters, and video-editing effects.⁸⁶

215. The more user data TikTok collects, the better targeted advertising space it can sell, which increases its revenue.⁸⁷

216. TikTok has thus designed a business model in which it is incentivized to increase user engagement, with young users as a key target in part because they become a pipeline of life-long users.

217. TikTok’s business model has been extremely profitable. In 2019, TikTok Inc.’s revenue was [REDACTED] By 2022, it was over [REDACTED] TikTok has been described as an “ads

⁸⁵ See Lydia Kibit, *How Does TikTok Make Money*, GOBANKINGRATES (Apr. 23, 2021), <https://archive.ph/PzQEt>.

⁸⁶ See Abi Travis, *TikTok Is a Free App, So How Does It Make Money?*, DISTRACTIFY (Aug. 5, 2020), <https://archive.ph/FoVqe>; *Branded Effect: Place your brand center stage*, TIKTOK (July 13, 2021), <https://bit.ly/3U0xWOT>.

⁸⁷ See Zheping Huang, *TikTok Has a Few Main Ingredients for Making Money*, BLOOMBERG (June 28, 2022), <https://archive.ph/CyFlh> (noting that TikTok’s algorithm helps it serve “more appealing ads and triple its ad revenue”).

juggernaut” by *The New York Times*⁸⁸ and *The Wall Street Journal* has noted TikTok’s massive rise, even while other platforms have stumbled.⁸⁹

218. *The New York Times* reported that TikTok’s success largely comes from the significant amount of time users spend on the Platform: “TikTok’s users spend an average of 96 minutes a day on the app—nearly five times what they spend on Snapchat, triple their time on Twitter, and almost twice as much as their time on Facebook and Instagram.”⁹⁰ Rich Greenfield, a technology analyst quoted in the article, stated: “TikTok is eating the world. The only thing that matters in the world of entertainment is time spent.”⁹¹

219. TikTok’s internal documents [REDACTED]
[REDACTED] A
report from “TikTank,” an internal TikTok research group, [REDACTED]
[REDACTED]
[REDACTED] The
report also [REDACTED]
[REDACTED]

3. TikTok rejected internal recommendations to enhance user safety and reduce compulsive use.

220. In 2022, a subset of TikTok employees [REDACTED]
[REDACTED]
[REDACTED] However, even though a non-personalized feed could have reduced

⁸⁸ See Kalley Huang et al., *TikTok Builds Itself Into an Ads Juggernaut*, N.Y. TIMES (Nov. 14, 2022), <https://archive.ph/Z70r6>.

⁸⁹ See Patience Haggin, *Google and Meta’s Advertising Dominance Fades as TikTok, Streamers Emerge*, WALL STREET J. (Jan. 4, 2023), <https://archive.ph/xPRC9>.

⁹⁰ See Huang, *TikTok Builds Itself Into an Ads Juggernaut*, *supra* n.88.

⁹¹ See *id.*

many of the harms the recommendation system wreaks on minors by reducing compulsive use of the Platform, TikTok CEO Shou Chew [REDACTED]

221. TikTok also considered but failed to implement other alternate design features related to screentime management and anti-addiction measures intended to help curb its users' compulsive use of the Platform. For example:

- a. TikTok decided [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- b. Notwithstanding TikTok's [REDACTED]
[REDACTED]
[REDACTED] it took years for the company to roll out a feature allowing users to mute notifications. TikTok delayed making this easy fix [REDACTED]
[REDACTED] Even when TikTok finally implemented this feature, it did so in a substantially weakened form, by requiring minors to affirmatively opt into some aspects of the feature—which it knew minors rarely did.⁹²

⁹² See *Notifications*, TIKTOK, <https://bit.ly/3NhzYq7> (last visited Oct. 7, 2024).

F. TikTok deceives users about its beauty filters.

222. In addition to omitting and misrepresenting critical information about the extreme mature content and compulsive design of its Platform, and despite the known dangers caused by TikTok’s beauty filters and similar features, TikTok fails to provide any warning to its users (nor to their parents, when users are underage) that using the filters on its Platform can be dangerous.

223. TikTok did not disclose that it knew Effects can harm its young users and [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

224. TikTok knows that its beauty filters, other beautifying Effects, and Effects that rate physical attractiveness are dangerous to young users. Nonetheless, TikTok actively promotes them. By failing to disclose the dangers of these features, TikTok actively conceals the features’ known dangers from its users and their parents. Instead of a page warning about the harm caused by beauty features, TikTok has an entire webpage devoted to “Youth Safety and Well-Being” where it claims the company is “deeply committed to ensuring TikTok is a safe and positive experience for people under the age of 18.”⁹³ It goes on to proclaim that youth safety is a “priority,” and that TikTok creates a “developmentally appropriate” experience that is a “safe space” for “self-exploration.”⁹⁴

⁹³ *Youth Safety and Well Being*, TIKTOK (last updated Mar. 2023), <https://bit.ly/3TYTKKE>.

⁹⁴ *Id.*

G. TikTok deceives users about the efficacy of its so-called time management and other safety tools.

225. TikTok also deceives consumers about its purported “safety features.” The TikTok app has several so-called screentime management functions, including: (1) a screentime limit: a purported feature to “limit” teen users to 60 minutes on the Platform by default; (2) a screentime dashboard: a page where users can “get a summary of your time spent on TikTok”; (3) family safety mode: a feature that “links a parent’s TikTok account to their teen’s” to allow parents to control teens’ daily screen time, ability to send direct messages on the app, and types of content teens may view; and (4) take a break videos: videos that are pushed at periodic intervals to encourage users to take a break from the Platform. TikTok advertises these features as tools to aid youth wellbeing, but the functions are designed to *appear* to reduce compulsive use without making meaningful changes.

226. TikTok couches its screentime management features as tools to help users manage their time on TikTok. For example, TikTok has promoted its screentime dashboard as a tool to help minors in press releases posted to its website in 2019 and 2020, external newsletters, such as its June 2022 Creator Newsletter, and posts on TikTok’s website.⁹⁵

227. TikTok also promotes its screentime management tools to parents and guardians through partnership with the National PTA and in press releases on its website.⁹⁶ For instance, in February 2020, TikTok published an article on its website entitled “Introducing Family Safety Mode and Screentime Management in Feed,” writing: “As part of our commitment to safety, the wellbeing of our users is incredibly important to us. We want people to have fun on TikTok, but

⁹⁵ See **New* TikTok Creator Newsletter Goes Live!*, TIKTOK (July 20, 2020), <https://bit.ly/47VPph0>; *Screen time*, TIKTOK, <https://bit.ly/4dBgZ4y> (last visited Oct. 7, 2024).

⁹⁶ See Jordan Furlong, *Investing in our community’s digital well-being*, TIKTOK (June 9, 2022), <https://bit.ly/4eEOm7R>.

it's also important for our community to look after their wellbeing which means having a healthy relationship with online apps and services.”⁹⁷

228. While TikTok publicizes its safety features ostensibly intended to reduce compulsive use, internal analyses show that [REDACTED]

[REDACTED]

229. Rather, [REDACTED]

[REDACTED] In other words, [REDACTED]

[REDACTED]

[REDACTED] More specifically, according to an internal [REDACTED] document [REDACTED]

[REDACTED]

[REDACTED]

230. In an internal document [REDACTED]

[REDACTED]

[REDACTED]

231. TikTok also touts its so-called 60 minute “daily screen time limit” for users under 18.⁹⁸ But this feature is no limit at all. Rather, it is an easily avoidable checkpoint because users can disable the screen or enter a passcode.⁹⁹ [REDACTED]

⁹⁷ Cormac Keenan, *Introducing Family Safety Mode and Screentime Management in Feed, TIKTOK* (Feb. 19, 2020), <https://bit.ly/4eBsUAE>.

⁹⁸ Cormac Keenan, *New features for teens and families on TikTok*, TIKTOK (Mar. 1, 2023), <https://bit.ly/4eLvBiY>.

⁹⁹ See Rachel Lerman, *TikTok adds 60-minute limit for teens, but leaves big loopholes*, WASH. POST (Mar. 1, 2023), <https://archive.ph/m3baW>; Sadia Israr, *How to Turn Off TikTok Screen Time Without Password*, LOGMEONCE, <https://archive.ph/EiJtl> (last visited Oct. 7, 2024).

[REDACTED]

232. TikTok promotes these screentime management tools for minors despite knowing they are ineffective. For example, [REDACTED]

[REDACTED]

233. [REDACTED]

234. TikTok also [REDACTED]

[REDACTED] Similarly, TikTok [REDACTED]

235. TikTok also touts its “Take a Break” videos that ostensibly encourage users to stop using the TikTok Platform after long sessions. TikTok CEO Shou Chew even referenced the videos in an interview with Andrew Ross Sorkin of *The New York Times* at the 2022 DealBook summit.

[REDACTED]

236. Another feature that TikTok heavily promotes to parents and parent groups is Family Pairing,¹⁰⁰ which, according to TikTok, “allows parents and teens to customize their safety

¹⁰⁰ See *TikTok Guide for Parents* at 13–14, NAT’L PTA & TIKTOK, <https://bit.ly/4eWc7I7> (last accessed Oct. 7, 2024); Jeff Collins, *TikTok introduces Family Pairing*, TIKTOK (Apr. 15,

settings based on individual needs.”¹⁰¹ Yet TikTok knows the feature does not fix the problems its Platform causes. As an internal document notes, [REDACTED]

[REDACTED] Moreover, teens can easily bypass Family Pairing. The function works only on TikTok’s mobile application, so teens can avoid parent-imposed restrictions simply by using their phone or desktop browser.¹⁰²

237. Not only are these features ineffective, TikTok makes them hard to find. Many of the features are hidden behind multiple screens, reducing their use and effectiveness. Internal documents [REDACTED]

238. TikTok unfairly compounded the addictiveness of the TikTok Platform for young users through their faulty and deceptive implementation of these features. TikTok touts these time management and other safety tools as if they are legitimate interventions designed to promote young users’ healthy usage of the Platform. But TikTok withholds material information about the effectiveness of these tools and does not provide consumers crucial information to assess the safety of the Platform.

H. TikTok deceives users about the efficacy of its “Refresh” and “Restricted Mode” features.

239. In addition to omitting and misrepresenting critical information about the Platform’s compulsive design features, TikTok deceives consumers by promoting features

2020), <https://bit.ly/3TXRzal>; *see also* Written Testimony of Shou Chew, Chief Executive Officer, TikTok Inc., Before the U.S. House Comm. on Energy & Com., 118th Cong., 1st Session (March 23, 2023), <https://bit.ly/3zDn1E0> (“Chew Written Testimony”).

¹⁰¹ *See User safety*, TIKTOK, <https://bit.ly/3BzmtPT> (last accessed Oct. 7, 2024).

¹⁰² *Id.*

purportedly designed to help users manage the content the recommendation system feeds them, including the “Refresh” feature, which allegedly allows users to “reset” their For You feed, and “Restricted Mode,” which allegedly limits the appearance of content that may not be appropriate for all audiences.

a. TikTok falsely represents users’ ability to “Refresh” their feed and escape harmful rabbit holes.

240. A TikTok user experiences a “rabbit hole” (also known as a “filter bubble”) when they encounter a high percentage of sequential videos on the same or similar topics. TikTok knows that rabbit holes harm their young users—particularly when these rabbit holes feed young users videos that trigger anxiety or depression, or provoke other harmful effects (for example, by feeding users videos that trigger FOMO, harmful social comparison, self-harm or disordered eating).

241. The recommendation system creates rabbit holes by quickly evaluating users’ interests and then repeatedly pushing videos about those interests regardless of content.¹⁰³

242. In internal documents, [REDACTED]

243. Even rabbit holes that could be innocuous to some can be harmful to specific individuals. One internal document [REDACTED]

¹⁰³ See Tawnell D. Hobbs et al., *‘The Corpse Bride Diet’: How TikTok Inundates Teens With Eating-Disorder Videos*, WALL ST. J. (Dec. 17, 2021), <https://archive.ph/bTvIb>.

244. Years after *The Wall Street Journal* exposé on TikTok’s algorithm and the harm caused to users stuck in rabbit holes, TikTok made changes to its Platform that it calls “Algo Refresh.”

245. The Algo Refresh feature purportedly allows users suffering from rabbit holes—or who are otherwise dissatisfied with the videos TikTok feeds them—to “reset” their For You feed. According to an internal [REDACTED] document, [REDACTED]

246. After much [REDACTED] and external pressure, on March 16, 2023, TikTok announced the new “Refresh your For You feed” feature.¹⁰⁴

247. [REDACTED]

248. TikTok billed the Refresh feature on its website as “[t]he option to start fresh on TikTok.”¹⁰⁵ It further explained that: “When enabled, this feature allows someone to view content on their For You feed as if they just signed up for TikTok. Our recommendation system will then begin to surface more content based on new interactions.”¹⁰⁶

249. TikTok makes similar statements to users who access the Refresh feature on the TikTok Platform. When users open the “Refresh your For You feed” page in the Platform’s settings, they are asked: “Want a fresh start?” The Platform informs users that activating the Refresh feature will allow them to “launch your new feed.”¹⁰⁷

¹⁰⁴ Sandeep Grover & Mabel Wang, *Introducing a way to refresh your For You feed on TikTok*, TIKTOK (Mar. 16, 2023), <https://bit.ly/4eKYhZg>.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *See* Video, TIKTOK, <https://archive.ph/hmcXU> (last accessed Oct. 7, 2024) (hereinafter “Refresh Video”).

250. Spokespeople for TikTok repeated these claims to reporters. For instance, the news outlet *TechCrunch* reported in February 2023:

With the new refresh button, which will be available in account settings, users will be able to force the app to bring “new, diversified content not based on previous activity or interactions” to their For You feed. After hitting the button, users will then begin to see content that’s based on their new interactions, a TikTok spokesperson told *TechCrunch*. In addition to providing a refreshed feed, the company noted that the feature could serve as a way to support potentially vulnerable users who want to distance themselves from their current content experience.¹⁰⁸

251. These public statements led consumers to reasonably believe that resetting the For You feed would result in a completely new feed as if they were new users, and that they would be able to escape rabbit holes of harmful content.

252. However, the Refresh feature was never expected to succeed. First, this feature is hidden behind a complex series of settings. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

253. Not only did TikTok design the Refresh feature not to be used, but it did not even make the feature work. [REDACTED]

[REDACTED]

[REDACTED]

¹⁰⁸ See Sarah Perez, *TikTok introduces a strike system for violations, tests a feature to ‘refresh’ the For You feed*, TECHCRUNCH (Feb. 2, 2023), <https://archive.ph/jadQb>.

[REDACTED]

254. For users previously stuck in rabbit holes, the recommendation system quickly reintroduces videos based on the same engagement data that led them into the rabbit hole in the first place.

255. The Refresh feature also fails to reset presentation of personalized ads. [REDACTED]

[REDACTED]

[REDACTED]

256. TikTok did not even make the Refresh feature available for some users. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

257. TikTok has not disclosed these material facts to users or the public. Rather, TikTok has falsely stated and represented to users considering the Refresh feature that “[t]he more you interact, the more personalized your feed will be, including your ads (if relevant).”¹⁰⁹ But this statement fails to disclose that [REDACTED]

[REDACTED]

258. Contrary to TikTok’s representations, users may find that they are quickly back in the same rabbit hole again even after using the Refresh feature.

b. TikTok deceives users about Restricted Mode’s ability to filter inappropriate content for minors.

259. TikTok offers “Restricted Mode” to South Carolina consumers:

If you’d like to limit content with a broader brush stroke, you can turn on Restricted Mode. Restricted Mode is an option at the account settings level that limits the appearance of

¹⁰⁹ See Refresh Video, *supra* n.107.

content that may not be appropriate for all audiences. Restricted Mode can always be turned off, so if you find yourself missing videos you want to see, you can switch it back whenever you like. Restricted Mode is also one of the features that a parent or caregiver can turn on when Family Pairing is enabled.¹¹⁰

260. [REDACTED]

261. For the few users who opt into Restricted Mode, it does not work and has never worked the way TikTok claims it does. When Restricted Mode is enabled, users—even users logged in as 13-year olds—can see mature content (sexual content, nudity, mature and suggestive themes, profanity, and content related to alcohol, tobacco and drugs) on the TikTok app, including content served in the algorithmically-driven For You Feed where users have not explicitly requested it.

262. [REDACTED]

¹¹⁰ Content controls, TIKTOK SAFETY CTR. (last updated Sept. 10, 2024), <https://bit.ly/3QWyVyp> (emphasis omitted).

263. In a 2021 Good Morning America segment about Restricted Mode, the host rhetorically asked, “My eyeballs are bleeding . . . if that’s Restricted Mode, what’s not restricted?”

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

264. In a deposition in Indiana, a corporate representative of TikTok testified that she “remember[ed] taking a look at [R]estricted [M]ode and saying if this was a space that we would specifically package and present to users as—like a specific family, you know, [a] very family friendly space, but that it was not meeting expectations that families would expect.”¹¹¹

265. Yet TikTok has advertised Restricted Mode as a safety feature and parental control tool without warning parents that Restricted Mode does not meaningfully restrict the visibility of mature content on the TikTok app. [REDACTED]

[REDACTED] TikTok published a blog post on its website touting the app’s family safety features, including Restricted Mode.¹¹²

266. TikTok currently tells users that “[y]ou shouldn’t see mature or complex themes” on the TikTok app with Restricted Mode enabled, including “[p]rofanity, [s]exually suggestive content, [r]ealistic violence or threatening imagery, [f]irearms or weapons in an environment that

¹¹¹ Tracy Elizabeth Dep. 208:1-7, *Indiana v. TikTok*, No. 02D02-2212-PL-000400 (Sup. Ct. Allen Cnty. Mar. 18, 2024).

¹¹² See Tracy Elizabeth, *Supporting youth and families on TikTok*, TIKTOK (Nov. 17, 2020), <https://bit.ly/3Qy179i>.

isn't appropriate, [i]llegal or controlled substances/drugs, [and] [e]xplicit references to mature or complex themes that may reflect personal experiences or real-world events that are intended for older audiences.”¹¹³ This is false, deceptive, and misleading.

267. Mature content is readily available when Restricted Mode is enabled, and TikTok knows it.

I. TikTok deceives users, their parents, and their guardians about the application and enforcement of its Community Guidelines.

268. TikTok misrepresents and omits critical information about the application and enforcement of its “Community Guidelines.” Specifically, TikTok misrepresents how effectively the Guidelines are applied, to whom and what they apply, and the role of experts in forming the Community Guidelines.

269. TikTok’s Community Guidelines are referenced and accessible by hyperlink in TikTok’s Terms of Service, to which all users must agree when downloading and using TikTok. TikTok’s pages in the various app stores, where consumers download the TikTok app, also reference and provide links to the Terms of Service.

270. TikTok’s Community Guidelines have been updated several times. At all times, however, the guidelines have contained false, deceptive, and misleading representations and omissions that are material to consumers, particularly parents.

271. TikTok’s Community Guidelines purport to inform users about what content TikTok permits on the app. TikTok says the Community Guidelines “apply to everyone and

¹¹³ *Restricted Mode*, TIKTOK, <https://bit.ly/3N8fNvh> (last visited Oct. 7, 2024).

everything on our platform.”¹¹⁴ As TikTok’s CEO recently stated publicly, “[T]he community guidelines are comprehensive in covering what we think is OK or not OK.”¹¹⁵

272. In its Community Guidelines, TikTok claims that it “[r]emove[s] violative content from the platform that breaks our rules.”¹¹⁶ TikTok’s Community Guidelines set out a number of rules as to different types of topics, including not allowing any “violent threats, incitement to violence, or promotion of criminal activities that may harm people, animals, or property,” “hateful behavior, hate speech, or promotion of hateful ideologies,” “youth sexual or physical abuse or exploitation,” “showing, promoting, or sharing plans for suicide or self-harm,” “showing or promoting disordered eating or any dangerous weight loss behaviors,” and “showing or promoting dangerous activities and challenges,” among other rules.

273. The Community Guidelines also have claimed, among other deceptions and misrepresentations:

- a. “Our Community Guidelines establish a set of norms and common code of conduct that provide for a safe and welcoming space for everyone.”
- b. “We will remove any content—including video, audio, livestream, images, comments, links, or other text—that violates our Community Guidelines.”
- c. “We do not allow the depiction, promotion, or trade of drugs or other controlled substances.”
- d. “We do not allow showing or promoting recreational drug use, or the trade of alcohol, tobacco products, and drugs,” and “[w]e do not allow showing or

¹¹⁴ *Community Guidelines: Overview*, TIKTOK (last updated Apr. 17, 2024), <https://bit.ly/4eyg4Dj>; see also *Community Guidelines*, *supra*, n.76; TT-MT-AG-000254027 (previous versions of Community Guidelines).

¹¹⁵ Dexter Thomas, ‘Over Time the Trust Will Come’: An Exclusive Interview with TikTok’s CEO, WIRED (Feb. 1, 2024), <http://tinyurl.com/bp9r7ad5>.

¹¹⁶ See *Community Guidelines*, *supra*, n.37 (emphasis omitted).

promoting young people possessing or consuming alcohol, tobacco products, and drugs.”

- e. “Do not post, upload, stream, or share: ... [c]ontent that depicts or promotes drugs, drug consumption, or encourages others to make, use, or trade drugs or other controlled substances,” or “[c]ontent that depicts or promotes the misuse of legal substances, or instruction[s] on how to make homemade substances, in an effort to become intoxicated.”
- f. “We do not allow the depiction, including digitally created or manipulated content, of nudity or sexual activity.”
- g. “We do not allow sexual activity or services,” including “sex, sexual arousal, fetish and kink behavior, and seeking or offering sexual services.” Also “[n]ot allowed” are “sexual chats, imagery, and pornography” and “[s]exual services, including offering or asking for sexual services (solicitation), sexual chats, imagery, pornography, member exclusive content, and streaming of adult content through a webcam.”
- h. “Do not post, upload, stream, or share: ... [c]ontent that depicts a sexual fetish,” or “[c]ontent that depicts genitals, buttocks, the pubic region, or female nipples,” or “[c]ontent that contains sexually explicit language for sexual gratification.”
- i. “We do not allow seductive performances or allusions to sexual activity by young people.”

- j. “We do not allow semi-nudity or significant body exposure of young people. Content is ineligible for the FYF if it shows body exposure of a young person that may present a risk of uninvited sexualization.”
- k. “We do not allow content by young people that intends to be sexually suggestive. This includes intimate kissing, sexualized framing, or sexualized behavior. We also do not allow sexually explicit language by anyone.”
- l. “We do not allow content that may put young people at risk of exploitation, or psychological, physical, or developmental harm.”
- m. “Seductive performances,” “[s]exualized posing,” and “[a]llusions to sexual activity” by adults are allowed, but TikTok claims to restrict such content to those 18 years and older. And TikTok claims that “[c]ontent is age-restricted if it shows significant body exposure of an adult,” where “significant body exposure” includes “uncovered genitals and buttocks, as well as nipples and areolas of women and girls.”
- n. “We restrict content that may not be suitable so that it is only viewed by adults (18 years and older).”
- o. “We allow a range of content on our platform, but some of it is only made available to adults.”

274. TikTok further claims its Community Guidelines are comprehensive and strongly enforced. TikTok has long made such statements, including when speaking to reporters, parents, and government regulators.

275. For instance, Shou Chew testified to Congress on March 23, 2023, that “anything that is violative and harmful we remove [from the Platform].”¹¹⁷ Similarly, when he testified to Congress on January 31, 2024, Chew claimed that TikTok’s “robust Community Guidelines strictly prohibit content or behavior that puts teenagers at risk of exploitation or other harm -- and we vigorously enforce them.”¹¹⁸ TikTok repeated that latter statement on its website.¹¹⁹

276. But all of these representations, in and about the Community Guidelines, are misleading and deceptive. They create an overall impression that mature and harmful content are unavailable on TikTok and, in particular, that they are unavailable to minors. However, TikTok’s actual internal policies and practices have long differed substantially from its Community Guidelines and other public statements, with respect to both user-generated content and advertisements on the Platform.

277. Even though TikTok’s Community Guidelines claim that content about seductive performances by minors, drugs, and other problematic behavior is removed or not allowed under its terms of service, in many circumstances, TikTok knowingly and intentionally permits such content to remain on the Platform. Instead of actually removing harmful content from the Platform, as it claims it does, TikTok often simply moves certain videos out of users’ For You feed. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

¹¹⁷ See Chew Written Testimony, *supra* n.100, at 76.

¹¹⁸ See *Senate Hearing with CEOs of Meta, TikTok, X, Snap and Discord About Child Safety 1/31/24 Transcript* at 1:04:02, REV (Feb. 1, 2024), <https://archive.ph/jumPM>; Clare Duffy et al., *Mark Zuckerberg apologizes to families over social media harms in contentious Senate hearing*, CNN (Jan. 31, 2024), <https://cnn.it/3NidFAM>; *TikTok CEO Shou Chew’s Opening Statement - Senate Judiciary Committee Hearing on Online Child Sexual Exploitation Crisis - January 31, 2024*, TIKTOK (Jan. 31, 2024), <https://bit.ly/3NBTGND> (hereinafter “Chew Opening Statement”).

¹¹⁹ *Id.*

278. When content is [REDACTED] or made [REDACTED] (or the like), it remains visible and available on the Platform.

279. For example, despite the Guidelines' purported prohibition of sexualized content involving minors, internal rules allow this content. The Guidelines define "[s]eductive performances" as "involve[ing] certain body movements that are intended to be sexually arousing, such as undressing (stripteases), pelvic thrusting, breast shaking, and fondling." TikTok does not actually enforce this provision of the Community Guidelines. Rather, videos [REDACTED]

[REDACTED] are not prohibited on the Platform in the United States. Instead, such a video is merely [REDACTED]

280. Contrary to TikTok's representation in the Community Guidelines that TikTok does not allow the promotion of drugs or other controlled substances, videos involving illegal drugs have always remained on TikTok's Platform by design. [REDACTED]

[REDACTED] may remain on the Platform.

281. [REDACTED]

282. This pattern applies to other parts of the Platform too. For instance, the Community Guidelines, until August 16, 2024, claimed that "[o]ur guidelines listed above also apply to comments and messages." But direct messages have an even less restrictive set of rules, including for problematic content posted by young people.

283. TikTok also misleads the public as to the diligence of its content moderation. To reassure the public of its commitment to content moderation, TikTok publishes metrics such as “proactive removal” rate, but this metric simply captures how fast TikTok removes content that it manages to catch, not how much content it manages to catch overall. Internally, TikTok notes that

[REDACTED]

[REDACTED] Although TikTok boasts thorough content review processes, it does not disclose significant “leakage” rates, measuring the percentage of violative content that is not moderated or removed. [REDACTED]

[REDACTED] TikTok also knows the rate at which certain categories of content leak through its moderation processes, including: [REDACTED]

[REDACTED]

[REDACTED]

284. While TikTok touts its moderators, internally it knows that [REDACTED]

[REDACTED] This ineffective system results in much of the Platform not being meaningfully moderated. For example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] In another example, [REDACTED]

[REDACTED]

[REDACTED]

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

286. TikTok also misrepresents who is subject to its Community Guidelines. On its website, TikTok states that it applies its Community Guidelines “to everyone and everything on our platform.” Despite this representation, TikTok treats some users differently.

287. TikTok intentionally permits popular Creators’ violating videos to stay on the Platform. One [REDACTED] noted that [REDACTED]

[REDACTED] Upon information and belief, after being urged by creator management teams—which work with popular Creators to produce content for the Platform—TikTok allowed otherwise violative content to remain on its Platform.

288. Even when TikTok’s moderation team wanted to enforce the Community Guidelines, certain groups of users [REDACTED]

[REDACTED]

289. For accounts that TikTok [REDACTED] an internal analysis [REDACTED] found that [REDACTED]

[REDACTED] To appear to comply with its own Community Guidelines, TikTok misled consumers by stating it removed harmful material but left much of that material on its Platform.

J. TikTok’s representations are relevant and material.

290. Defendants’ misrepresentations and omissions related to TikTok’s age ratings, Community Guidelines, available safety tools, and the Platform’s addictive nature are material to the decisions that parents and other consumers make about whether and how to use TikTok.

291. TikTok knows that parents care about what young people are exposed to on the app. For example, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

292. Moreover, as TikTok’s own corporate witness acknowledged in another case, it is “reasonable for parents to rely on what TikTok says about the content on its platform when deciding whether to let teens use the app,” and “to assume that some parents are taking the age rating into account when they decide.”¹²⁰ Parents may supervise their kids’ devices to see which apps their kids are downloading or use parental controls to prevent their kids from downloading apps with particular age ratings.

293. TikTok’s misrepresentations about the appropriateness of its app for young people are particularly material to South Carolina parents and users because once a TikTok user sees harmful content on the app, it cannot be “unseen.” Similarly, once a young person experiences a harmful or dangerous interaction, the effects can be long lasting and difficult to overcome.

¹²⁰ Tracy Elizabeth Dep. 268:17-269:5, *Indiana v. TikTok*, No. 02D02-2212-PL-000400 (Sup. Ct. Allen Cnty. Mar. 18, 2024).

294. Parents also care about the parental and safety controls available on different apps, and they research and review these features when they decide whether to allow their kids to download and use them. TikTok's misrepresentations about its safety and content controls seek to convince parents they are effective and that TikTok is safe for their kids, so they will download TikTok and allow their kids to do so.

295. Consumers, particularly parents, also care whether an app is addictive and could lead to compulsive, excessive, or otherwise harmful use, particularly where such use immerses kids in content and interactions that can lead to or worsen mental health concerns, disordered eating, and other harmful conditions and behaviors.

VII. CAUSES OF ACTION

Count I

South Carolina Unfair Trade Practices Act

S.C. Code Ann. § 39-5-10, *et seq.*

Unfair and Deceptive Acts: Addictiveness and Features

296. The State repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

297. Defendants have engaged and are engaged in unfair acts and practices by designing the TikTok app with features that harm the mental and physical health of South Carolina's youth in violation of S.C. Code Ann. § 39-5-20(a).

298. Defendants targeted its Platform to young users while knowingly designing it to include features that Defendants knew to be uniquely psychologically and physically harmful to young users—including features known to promote compulsive, prolonged, and unhealthy use by young users.

299. Defendants purposely created, designed, and deployed features that unfairly harm young users independently of any actions taken by third-party users of TikTok's Platform. These

features include Infinite Scroll, ephemeral content features, Autoplay, quantification and display of Likes, disruptive notifications and alerts, dopamine-inducing intermittent variable reward systems, and other filters and effects, all of which were and continue to be unfairly utilized by TikTok to extract more time and attention from young users than they would otherwise choose to give and override their ability to self-regulate where their developing brains are not equipped to resist TikTok's manipulative tactics.

300. Defendants designed, developed, and deployed disruptive audiovisual and vibration notifications and alerts and ephemeral content features in a way that unfairly exploits young users' psychological vulnerabilities and cultivated a sense of "fear of missing out" in order to induce young users to spend more time than they would otherwise choose on TikTok's Platform.

301. Defendants algorithmically served content to young users, according to "variable reinforcement schedules," thereby manipulating dopamine releases in young users, unfairly inducing them to engage repeatedly with its products—much like a gambler at a slot machine.

302. Defendants' deployment of manipulative, exploitive, and harmful features, both on their own and especially in combination, for use by young users constitute unfair acts or practices.

303. TikTok's algorithm, customized For You Page, beauty filters, notifications, "likes," rabbit holes, and other features cause users to experience depression, anxiety, sleeplessness, body dysmorphia, eating disorders, and in some cases, suicide.

304. At all relevant times, Defendants maintained a thorough understanding of the mental and physical harms and addiction suffered by young users of its Platform. Instead of taking adequate measures to mitigate these damaging effects, Defendants persisted in exploiting young users' psychological vulnerabilities. Defendants' acts and practices alleged herein are immoral, unethical, oppressive, and unscrupulous, including because they constitute knowing decisions

causing substantial, unnecessary, and unjustified harm to young users for Defendants' financial gain.

305. Defendants' acts and practices alleged herein, including TikTok's actions taken to encourage young users' compulsive and unhealthy use of and addiction to its Platform, are offensive to public policy, as defined by statute and common law. The protection of minors from the harms of addiction and related afflictions are well-established objectives underlying public policy; Defendants' acts and practices alleged herein, including TikTok's actions taken to encourage young users' compulsive and unhealthy use of and addiction to its Platform, are therefore offensive to public policy.

306. Defendants' unfair and deceptive acts are material to South Carolina consumers, and particularly South Carolina parents, because TikTok users and parents care about whether TikTok will cause them or their kids to suffer negative health effects.

307. Defendants have also engaged and are engaged in misleading, and deceptive acts and practices by misrepresenting, and otherwise failing to disclose, material information about these harmful design features and by making public statements about the safety of its app.

308. Defendants misrepresented, expressly or by implication, that its Platform is not psychologically or physically harmful for young users and is not designed to induce young users' compulsive and extended use, when it is in fact so designed.

309. Defendants misrepresented, expressly or by implication, that its Platform is less addictive and/or less likely to result in psychological and physical harm for young users than its Platform is in reality.

310. Defendants deliberately designed TikTok to be addictive and know that it causes a range of mental health problems in young users. Defendants employ numerous coercive, addictive,

and harmful features that draw users, especially teens, to the app and keep them on the app as long as possible to increase Defendants' revenue and profits and the expense of the well-being of users.

311. Defendants know that younger users especially are susceptible to TikTok's addictive and other harmful features, such as beauty filters. Each of those features discussed in this Petition manipulate and prey upon young users' developing brains and inability to effectively self-regulate their app use. Defendants know that these features, and excessive and compulsive use of the TikTok app, cause harm to teens' health and wellbeing.

312. Defendants have chosen not to implement measures that would meaningfully mitigate TikTok's addictive and harmful features or empower users to do so.

313. Defendants have not informed consumers at any time that TikTok or any of its features are addictive, harmful, and cause a range of mental health problems. Neither have Defendants informed consumers that TikTok was designed to be addictive, or that young users are particularly susceptible to these features and qualities.

314. Defendants' deceptive practices are material to the decisions of users to download TikTok and the decisions of parents to let their kids use TikTok, and are intended to induce these behaviors, because TikTok users and parents care whether the app is addictive and harms their kids' health and wellbeing. Had South Carolina consumers, particularly South Carolina parents, known the true nature and extent of TikTok's addictive and harmful design, qualities, and features, they would not have downloaded the app or permitted their kids to do so.

Count II
South Carolina Unfair Trade Practices Act
S.C. Code Ann. § 39-5-10, *et seq.*
Unfair and Deceptive Acts: Age Ratings

315. The State repeats and incorporates by reference each allegation contained in the proceeding paragraphs as if fully set forth herein.

316. Defendants have engaged in and continue to engage in false, misleading, and deceptive acts and practices in their representations and advertisements regarding the content available on TikTok and its suitability for minors in violation of S.C. Code Ann. § 39-5-20(a).

317. Defendants inaccurately and deceptively report to the Apple App Store and Google Play and Microsoft Stores that the TikTok Platform contains either “none” or only “infrequent/mild” “Alcohol, Tobacco, or Drug Use or References,” “Sexual Content or Nudity,” “Mature/Suggestive Themes,” and “Profanity or Crude Humor.” Defendants know when making these misrepresentations that they will also appear on TikTok’s page on these application stores for consumers to see when deciding whether to download TikTok (or permit their kids to do so). Defendants also advertise the app’s 12+ or “T” for “Teen” rating to consumers in other public statements.

318. However, such content is abundant on TikTok and cannot reasonably be considered either “infrequent” or “mild.” This content includes, but is not limited to, harmful interactions facilitated by TikTok features such as Livestreaming, Comments, and Direct Messaging, as well as material that Defendants deliberately permit and have permitted and known amounts of “leakage” of these types of content.

319. Defendants have engaged and are engaged in deceptive acts or practices by selecting a 12+ rating in the Apple App Store or a “T” age rating in the Google Play and Microsoft Stores when the app is not suitable for ages 12 and over, even though the App Store permits Defendants to self-select the appropriate rating of 17+, and even though Defendants permit and have permitted adult-only content on the TikTok app that Defendants know is accessible to minors.

320. Defendants have engaged and are engaged in false, misleading, and deceptive acts and practices by failing to disclose material information about the content available on TikTok and

its suitability for minors, to induce users to download and use TikTok or allow their children to do so.

321. Defendants have inaccurately and deceptively omitted material facts to both the Apple App Store to the Google Play Store and Microsoft Store about the content available on the TikTok app to enable Defendants to select and advertise a 12+ age rating and “T” for “Teen” age rating respectively. Specifically, Defendants have failed to disclose that the TikTok platform contains abundant “Alcohol, Tobacco, or Drug Use or References,” “Sexual Content and Nudity,” “Suggestive and Mature Themes,” and “Profanity or Crude Humor,” (collectively “Explicit Adult Content”), that this Explicit Adult Content is neither “infrequent” nor “mild,” and that in some cases TikTok permits or promotes content of these various types. These omissions allowed Defendants to select and advertise a 12+ age rating and “T” for “Teen” age rating for the TikTok app, knowing that these age ratings and the associated “infrequent/mild” mature content descriptors would appear to consumers on TikTok’s app store pages. Defendants also failed to inform consumers about the Explicit Adult Content available on TikTok when it advertised the app’s 12+ age rating and “T” for “Teen” age rating to consumers in other public statements.

322. Defendants have made other public statements about the safety of the TikTok application for young users without disclosing the nature and extent of Explicit Adult Content on TikTok.

323. Defendants either knew of the extent of Explicit Adult Content on the TikTok platform when they self-reported to the App Store, Google Store, and Microsoft Store, and when they otherwise advertised the app’s age rating or safety to consumers, or Defendants became aware of the extent of Explicit Adult Content and failed to edit these statements.

324. Each of these representations are false, misleading, and deceptive on their own, and also cumulatively.

Count III
South Carolina Unfair Trade Practices Act
S.C. Code Ann. § 39-5-10, *et seq.*
Unfair and Deceptive Acts: Community Guidelines

325. The State repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

326. Defendants deceptively represent and have represented to consumers that the TikTok Community Guidelines prohibit certain content, when its internal policies permit that content to remain on the Platform. Defendants represent and have represented to consumers that the Guidelines are comprehensively and rigorously enforced, when substantial amounts of harmful content “leaks” onto the Platform and is frequently viewed. Defendants also represent and have represented that its Guidelines apply equally to all users and all content on the Platform, when it has permitted high value users to get away with posting problematic content.

327. TikTok’s misleading and deceptive practices are material to the decisions of users to download TikTok and the decisions of parents to let their kids use TikTok, because TikTok users and their parents care about the type of content available on TikTok when deciding whether to use, or let their kids use, the TikTok app.

328. Defendants have engaged and are engaged in false, misleading, and deceptive acts and practices in their representations and advertisements regarding various “safety” features on TikTok, such as TikTok’s Restricted Mode, Family Pairing, “screen time management” tools, and the algorithm “refresh” in violation of S.C. Code Ann. § 39-5-20(a).

329. TikTok has falsely and deceptively offered and promoted “safety” features as tools for users, including specifically parents, to do things like limit mature content on the app and help manage time spent on the app.

330. In fact, these features and tools do not do this at all. For example, Restricted Mode restricts virtually no content available on TikTok and makes mature content widely available to users with Restricted Mode enabled. TikTok’s “Screen Time Management” tools and Family Pairing are inadequate and easily bypassed or ignored. Despite TikTok’s representations about its algorithm “refresh” button, this feature is only temporary and does not allow users to start “fresh” like new TikTok users.

331. TikTok’s deceptive statements about these features and tools are material to the decisions of users to download TikTok and the decisions of parents to let their kids use TikTok, because TikTok users and parents consider available controls and safety features when deciding whether to use, or let their kids use, the TikTok Platform.

PRAYER FOR RELIEF

332. Permanently enjoin Defendants, pursuant to section 39-5-50(a) of the South Carolina Code from engaging in any acts that violate SCUTPA, including, but not limited to, the unfair or deceptive acts or practices alleged herein;

333. Order Defendants to restore to all persons and entities all ascertainable losses suffered as a result of Defendants’ violations of SCUTPA;

334. Order Defendants to pay civil penalties in the amount of \$5,000.00, pursuant to section 39-5-110(a) of the South Carolina Code, for each and every willful violation of SCUTPA;

335. Order Defendants to pay attorneys’ fees and costs pursuant to section 1-7-85 of the South Carolina Code for violations of SCUTPA;

336. Pre- and post-judgment interest; and

337. Lastly, the State of South Carolina respectfully requests that the Court grant any other general, equitable, and/or further relief that this Court deems just and proper.

Respectfully submitted,

s/ Alan M. Wilson

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October 8, 2024