SEAN D. REYES
UTAH ATTORNEY GENERAL
Douglas Crapo (14620)
Michael Gadd (13704)
Peishen Zhou (18596)
Assistant Attorneys General
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114
Tel: (801) 366-0310
crapo@agutah.gov
mgadd@agutah.gov
peishenzhou@agutah.gov

(Additional counsel on signature page)

*Attorneys for Plaintiff Utah Division of Consumer Protection*

> **If you do not respond to this document within applicable time limits, judgment could be entered against you as requested.**

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**IN THE THIRD JUDICIAL DISTRICT COURT
COUNTY OF SALT LAKE, STATE OF UTAH**

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| **UTAH DIVISION OF CONSUMER PROTECTION**, <br><br> *Plaintiff*, <br><br> v. <br><br> **META PLATFORMS, INC., and INSTAGRAM, LLC**, <br><br> *Defendants*. | **COMPLAINT AND JURY DEMAND** <br><br> Case No.: _____ <br><br> Judge: _____ <br><br> **Tier III** |

**COMPLAINT FOR VIOLATIONS OF THE
CONSUMER SALES PRACTICES ACT**

The Division of Consumer Protection ("Division"), acting through the Attorney General

of Utah, Sean D. Reyes, brings this action against Defendants Meta Platforms, Inc. and

Instagram, LLC (collectively "Meta") to stop the harms being suffered by Utah's children caused

by Meta's ongoing violations of the Utah Consumer Sales Practices Act ("UCSPA"), Utah Code §§ 13-11-1 through -24. In support of the Division's action, it states as follows:

## INTRODUCTION

1.      Over the past decade, Meta—itself and through its flagship social media products Facebook and Instagram (its "Social Media Platforms" or "Platforms")—has profoundly altered the psychological and social realities of a generation of young Americans, harnessing powerful and unprecedented technologies to ensnare youth to the detriment of their mental health. In the process, Meta has misled consumers and the public about the nature of its Social Media Platforms and has taken advantage of children all in the name of maximizing profit. Meta's strategic choice to exploit and manipulate children in this way, and to inflict upon them long-lasting harms to their well-being, is repugnant and unlawful.

2.      Although users can establish accounts on Meta's Social Media Platforms without paying a fee, Meta does not provide its products for free; Meta's business model allows it to turn attention into money. When users spend time on its Social Media Platforms, Meta harvests the personal data of these users—including their interests, their religion and beliefs, and what they like to watch or even buy. This mountain of private information about its users allows Meta to sell advertising space at premium rates because Meta can place targeted advertisements under the eyeballs of its billions of users. Meta uses this private user information to enable advertisers to target ads at the users Meta knows are most likely susceptible to each advertiser's message.

3.      Children are particularly vulnerable to Meta's addictive technologies because their developing brains lack a mature pre-frontal cortex that otherwise help impose limits to disengage from unhealthy use of Meta's Platforms. Meta targets children and incentivizes its

teams to increase engagement and time children spend on its Social Media Platforms by deploying design features that deliver "dopamine" hits. The strategy, and ultimate goal, is to make more money; as a result, Meta disregards children's health and well-being.

4.      To maximize engagement, Meta developed and continually refined deceptive and addictive features designed to hook users—particularly children—into spending more time on its Platforms. Aware that children's developing brains are more susceptible to certain influences, Meta exploits these neurological vulnerabilities through certain features—some of which mimic the psychological tactics employed by designers of slot machines—including: (a) dopamine-manipulating personalization algorithms; (b) audiovisual and haptic alerts (*i.e.* vibrating alerts) that incessantly recall children to Meta's Platforms while at school and during the night; and (c) content-presentation formats, like "infinite scroll," "autoplay," and short-form videos called "Reels," designed to discourage children's attempts to self-regulate and disengage with Meta's products.

5.      While refining these addictive features and marketing them to children, Meta deceptively misrepresents to Utah consumers that its Platforms are safe for children and that their features are not manipulative or not designed to maximize children's prolonged and unhealthy engagement. Meta makes these misrepresentations knowing that its Platforms are designed to ensnare children, that users are likely to be exposed to harmful content, and that its design features, like the availability of plastic-surgery camera filters to displaying "likes," are harmful to users in multiple and intense ways.

6.      As part of this deception, Meta routinely published misleading reports that purported to show impressively low rates of harmful experiences by its users. ▮▮▮▮▮▮

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By publishing the favorable data, which was from the Community Standards Enforcement

Reports ("CSER"), while concealing ███████████████████████████████

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misrepresented to consumers that its Platforms were far safer for children than they actually were

and still are today.

7.      There are strong and well-researched links between young peoples' excessive use

of social media and negative outcomes, including depression, anxiety, insomnia, and interference

with education and daily life. Meta knew of these harms, despite its contrary public statements.

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8.      Meta's Platforms are built to be irresistible even in the face of teenagers'

struggles: they are designed to ██████████████████████████████████

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9.      Meta's deceptive tactics have worked. In 2022, 62% of teens reported using

Instagram, and 32% reported using Facebook.[1] Almost half of teens reported checking Instagram

at least once a day; 27% report checking it several times a day; and 10% reported checking it

almost constantly.[2] Data has also shown that middle-school- and high-school-aged children are

averaging 3.5 hours a day on social media—with nearly 25% spending five or more hours a day

on social media.[3] Screen time has become a large problem in Utah, as nearly eighty percent

(79.8%) of Utah's high school students log more than two hours a day of screen time and 61.6%

are not getting the recommended eight or more hours of sleep a night.[4] For Utah's tenth and

twelfth grade students the number averaging two or more hours on screens is 85% and 86.9%,

respectively.[5] By the time Utah students reach their final year of high school, only 19.5% are

getting enough sleep.[6]

10.     The U.S. Surgeon General recently advised in 2023 that with this type of

unhealthy usage "there are ample indicators that social media can also have a profound risk of

harm to the mental health and well-being of children and adolescents." The Surgeon General

specifically warned that "[e]xcessive and problematic social media use, such as compulsive or

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[1]      Emily A. Vogels & Risa Gelles-Watnick, *Teens and social media: Key findings from Pew Research Center surveys*, PEW RSCH. CTR. (Apr. 24, 2023), https://www.pewresearch.org/short-reads/2023/04/24/teens-and-social-media-key-findings-from-pew-research-center-surveys/.
[2]      *Id.*
[3]      *Youth Behavior Risk Survey: Data Summary & Trends Report,* CTRS. FOR DISEASE CONTROL AND PREVENTION (2021), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.
[4]      UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 38 (2023), https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.
[5]      *Id.*
[6]      *Id.*

uncontrollable use, has been linked to sleep problems, attention problems, and feelings of exclusion among adolescents."[7]

11.     Meta is knowingly driving today's teenagers into record-high levels of anxiety and depression. Data from the Centers for Disease Control and Prevention show that most adolescent girls reported feeling "persistently sad or hopeless" in 2021.[8] Approximately one in four (24%) teenage girls reported having made a suicide plan in an attempt to end their lives, and forty percent (40%) of high school students described mental health challenges so dire that "they could not engage in their regular activities for at least two weeks during the previous year . . . ."[9]

12.     Utah has the largest percentage of children per capita in the nation: 27.6% of Utahns are eighteen or younger.[10] The mental health crisis has also reached Utah's children in alarming fashion. In 2023, over three quarters (76.7%) of all middle- and high-school-aged children reported symptoms of depression.[11] In 2023, 17.6% of Utah students in grades eight to twelve seriously considered attempting suicide; 19.8% reported instances of purposeful self-harm, including cutting or burning themselves.[12]

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[7]     *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory*, U.S. DEP'T OF HEALTH & HUM. SVCS., 10 (2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.
[8]     *Youth Behavior Risk Survey: Data Summary & Trends Report,* CTRS. FOR DISEASE CONTROL AND PREVENTION (2021), https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf.
[9]     *Id.*
[10]    U.S. CENSUS BUREAU, *Quick Facts: Utah*, https://www.census.gov/quickfacts/fact/table/UT/PST045222 (last visited Oct. 8, 2023).
[11]    UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2023) https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.
[12]    *Id.* at 27.

13.     This steep increase occurred at the same time as the drastic growth of social

media use in the United States. *See* Figure 1 below, showing the rise of social media use between

2010 and 2019; *see also* Figure 2 below, showing concurrent rises in mental health among U.S.

girls between 2001 and 2018.



**Use of mobile devices, social media in U.S. rose sharply in 2010s**
*% of U.S. adults who say they own or use each technology*
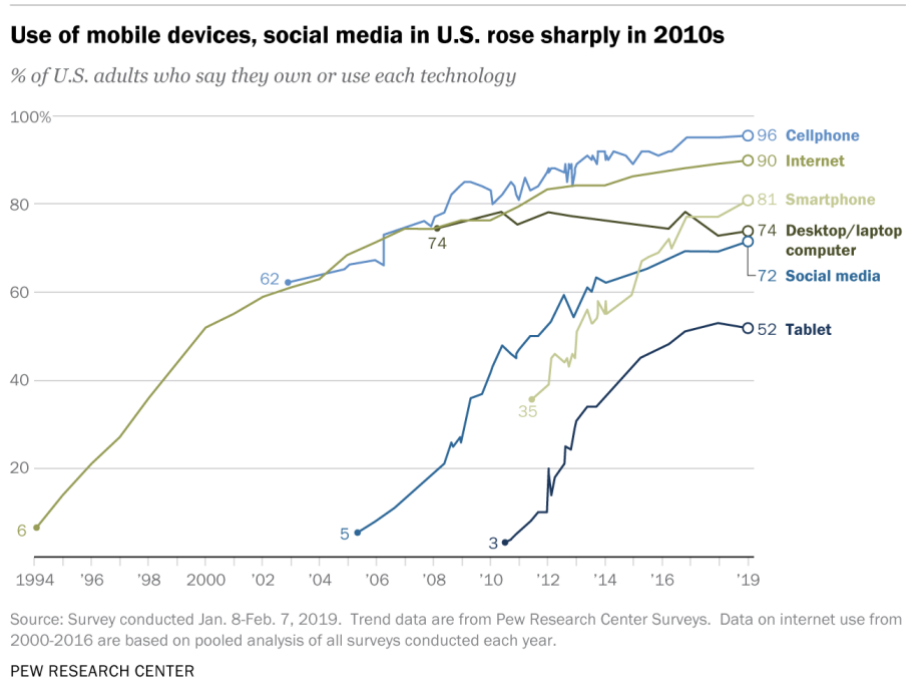
**(Figure 1.)**[13]

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[13]     Katherine Schaeffer, *U.S. has changed in key ways in the past decade, from tech use to demographics*, PEW RSCH. CTR (Dec. 20, 2019), https://www.pewresearch.org/short-reads/2019/12/20/key-ways-us-changed-in-past-decade.

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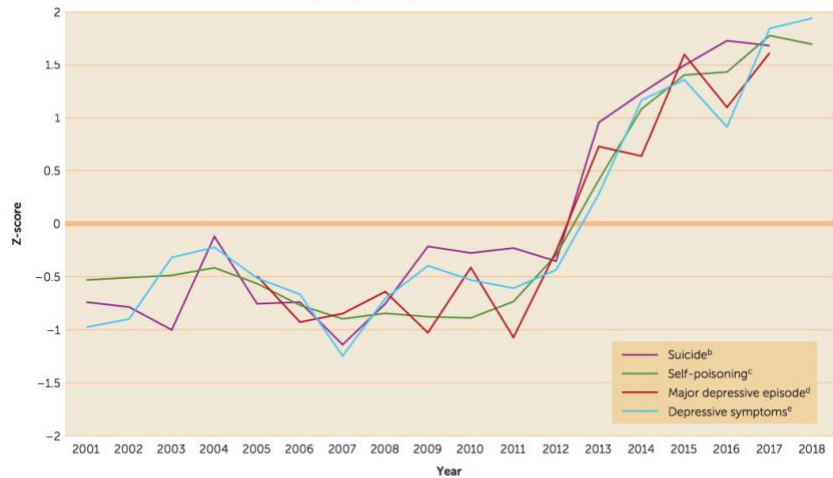


[a] Standard deviations are within means at the generational level, not at the individual level, and thus should not be used to calculate individual-level effect sizes.
[b] Source: Centers for Disease Control and Prevention. Suicide rates among 12- to 14-year-old girls.
[c] Source: Spiller et al. (14). Self-poisoning among 13- to 15-year-old girls.
[d] Source: Twenge et al. (11). Major depressive episode among 14- to 15-year-old girls.
[e] Sources: Keyes et al. (8) and Twenge et al. (9). Depressive symptoms among eighth-grade girls.

(Figure 2.)[14]

14.    The Division brings this litigation to stop Meta's exploitative scheme and to protect Utah youth and other consumers from Meta's unconscionable and deceptive conduct.

## PARTIES

15.    Plaintiff the Division of Consumer Protection is the authorized enforcer of the UCSPA and is authorized to conduct investigations into violations of the UCSPA and bring actions to enforce the same. The Division of Consumer Protection is one of nine divisions within the Utah Department of Commerce. Here it is represented by Utah's chief legal officer, Attorney General Sean D. Reyes.

16.    Defendant Meta Platforms, Inc. ("Meta Platforms") is a Delaware corporation with its principal place of business at 1601 Willow Road, Menlo Park, California 94025. As

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[14]    Jean M. Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2012 and Links to Technology Use: Possible Mechanisms*, 2:1 PSYCHIATRIC RSCH. AND CLINICAL PRAC. 19, 20 (2020), https://prcp.psychiatryonline.org/doi/10.1176/appi.prcp.20190015.

relevant here, Meta, through itself and/or its subsidiaries, develops, markets, and operates social media platforms and other internet-based platforms and products including Facebook and Instagram. Meta Platforms was formerly known as Facebook, Inc. until it changed its corporate name in October 2021.

17.     Defendant Meta Platforms owns and operates its social media platform Facebook and owns and operates its social media platform Instagram through its wholly-owned subsidiary Instagram, LLC. Facebook is a social network that allows users to share and view content including "statuses," photographs, and videos; join groups; buy and sell products; and message others.

18.     Defendant Instagram, LLC offers mobile and web-based access to an app known as "Instagram" where users share and view content like photographs, videos, and comments. Instagram, LLC is a limited liability company in Delaware with its principal place of business at 1601 Willow Road, Menlo Park, California 94025. Meta Platforms purchased Instagram, LLC in 2013 for over one billion dollars. Instagram, LLC remains a wholly-owned subsidiary of Meta Platforms. Meta Platforms asserts complete control over Instagram, LLC, and there is heavy overlap in the operations and personnel between Meta Platforms and Instagram, LLC.

19.     Meta Platforms acting on its own and through and/or in concert with other wholly-owned subsidiaries engaged in the unlawful conduct alleged herein. Meta Platforms is heavily involved in *and has final say over* the design and marketing of its Social Media Platforms. Defendants are collectively referred to throughout this Complaint as "Meta."

## JURISDICTION AND VENUE

20.     This Court has subject-matter jurisdiction over this case under Utah Code

§§ 13–2-6(4) and 78A-5-102(1) because Meta transacts business within, and the UCSPA

violations occurred in connection to, the State of Utah.

21.     Venue is appropriate in this Court under Utah Code § 78B-3-307(3).

22.     This Court has personal jurisdiction over Meta under Utah Code § 78B-3-205(1),

(2), (3), and (4) because Meta has transacted business in Utah, contracts to supply goods or

services in the State, has injured Utah's consumers and citizens, and owns real property within

Utah.

**META'S CONTACTS WITH THE STATE OF UTAH**

23.     Meta has significant contacts with the State of Utah, which include the following.

24.     Meta maintains ▬▬▬▬▬ in the State of Utah. ▬▬▬▬▬

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25.     The largest of these, Meta's Eagle Mountain Data Center, is in the process of

growing to nearly 4.5 million square feet. Since breaking ground in 2018, Meta has invested

$1.5 billion into the data center and the surrounding area. The already-massive data center, once

renovations are complete, will be one of Meta's fifteen largest data centers in the world. Meta

has stated that construction at the site will employ 1,750 workers. Once the site is complete, it

will employ 300 people.

26.     Utah and localities offered Meta a package of tax incentives as part of a bid for

Meta to build this data center in Eagle Mountain that could be worth as much as $750 million in

taxpayer subsidies, including 100% tax relief on personal property taxes and 80% relief on real property taxes, lasting forty years, for four of five taxing entities.

27.     Meta enters into contracts with each of its Utah users to provide them with online social networking services, including through Facebook and Instagram. Meta provides Utah users with mobile applications, readily available on smartphone devices, throughout the entire State.

28.     As of June 2023, Instagram alone has a total of ▮▮▮▮▮▮ monthly active users in Utah, including ▮▮▮▮▮ monthly active users under the age of eighteen.

29.     Meta encourages children, including hundreds of thousands of teenagers in Utah, to use its products by viewing, liking, commenting on, and uploading videos, photos, and posts on Meta's Platforms.

30.     Meta sells advertising to companies and allows them to tailor their advertisements to specific audiences via features such as Meta's "audience ad targeting." These custom audience offerings allow marketers to target new audiences and consumers by refining their audience to specific categories like location, demographics, interests, and behaviors.

31.     Meta allows advertisers to target their ads in "designated market areas," target markets which, according to Meta's Business Help Center, specifically include Salt Lake City. These features have allowed marketers to hone in on Utah's children, aged thirteen to seventeen, with immense granularity. Up until February 2023, Meta allowed marketers to target teenagers by gender and zip code, and up until August 2021, Meta even allowed them to target teens using details like their specific interests, behaviors, and even their online activity, like their presence on other apps and websites.

32.     Meta currently employs ███ Utah residents. ████████████████

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34.     Meta knows it has Utah users. Meta's misrepresentations of material facts in violation of the UCSPA have been made to Utah consumers.

## FACTUAL ALLEGATIONS

### I.     Meta makes money from children using its apps.

35.     Meta's core business model across all its Social Media Platforms rests on monetizing users' time and data through increasing engagement (a metric known as time spent) on its Platforms. ████████████████████████████████████████████████

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36.     Meta's content-personalization algorithms were designed solely with profit-making in mind: to hook users' attention and keep them on the line. These algorithms do not promote any specific message. Rather, the algorithms function on a user-by-user basis, operating to detect the types of content with which each individual is likely to engage and then displaying more of those types of content continuously to maximize time spent (and user data collected). █

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37.     The longer a consumer stays on the platform, the more ads the user sees. ███

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result is a very lucrative scheme of turning users' attention and data into sales of highly targeted

and invasive advertising.

39.     Only recently, since April 2023, did Meta stop allowing targeting ads to users

under eighteen based on granular level data such as gender, zip code, and locations smaller than

cities. To date, Meta still allows ad targeting to teens by age and broad location. Meta still

utilizes the same strategies to collect personal data and keep children engaged through its

personalization algorithm.

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45.    Externally, Meta has deceptively denied that it places a monetary value on children. In 2021, Senator Amy Klobuchar asked Antigone Davis (Meta's Global Head of Safety) what Meta believed to be the lifetime monetary value of children who use Meta products; Davis responded "that's just not the way we think about it." Davis also denied that Meta "considered the profit value of developing products when [Meta] make[s] their decisions of how those products look," testifying that this would be a "terrible business model."

46.    In 2013, shortly after it acquired Instagram, Meta introduced the ability to create "sponsored posts." This transformed Instagram from a pure social network into an advertising platform: advertisers could pay to put their advertisements in front of Instagram users' eyes. But many advertisers looked beyond paying Meta to advertise, and instead went directly to "content

creators," including children, paying these Instagram users to promote their products in their regular posts on the platform. Even what looked like an ordinary post could be a commercial that capitalized off of the Instagram user's existing base of followers, in an attempt to sell them a product. Instagram advertising soon became pervasive.

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48.     Both Facebook and Instagram have consumed the time and attention of a large percentage of the population nationally and in Utah specifically. ████████████

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49.     Instagram is similarly popular, but with higher engagement with users under eighteen. ██████████████████████████████████████

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50.     In 2022, 62% of teens reported using Instagram.[15] This rate is higher for teen girls, with 69% reporting using Instagram.[16] Almost half of teens reported checking Instagram at

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[15]     Emily A. Vogels & Risa Gelles-Watnick, *Teens and social media: Key findings from Pew Research Center surveys*, PEW RSCH. CTR. (Apr. 24, 2023), https://www.pewresearch.org/short-reads/2023/04/24/teens-and-social-media-key-findings-from-pew-research-center-surveys/.
[16]     *Id.*

least once a day, with 27% reporting checking it several times a day, and 10% reporting checking it almost constantly.[17]

51.     The same carries through in Utah. In June 2023, Instagram had ▇▇▇▇ monthly active teen users in Utah. When compared against the population of minors in Utah, these numbers show striking rates of use among Utah's children. Utah has 551,146 children between the ages of ten and nineteen, meaning that ▇▇▇▇ of all Utah children ages ten through nineteen use Instagram at least monthly.

**II.     Meta contributed to Utah's teen mental health epidemic by designing its Platforms to trap children.**

52.     This section explains (1) the features of Meta's Platforms that harm and ensnare children; (2) the science behind how these features harm children; and (3) that Meta is, and has been, well aware of the harm it causes to children.

**A.  <u>Meta has developed addictive features and algorithms that endlessly capture the time and attention of teenagers.</u>**

53.     Meta develops and implements features intended to trick children into spending as much time as possible on its Social Media Platforms ▇▇▇▇▇▇▇▇▇▇. Some examples of these manipulative design features are Meta's personalization algorithms, alerts, infinite scroll, autoplay, and short-form videos known as "Reels."

*i.       <u>Personalization algorithms are designed to trap users in rabbit holes.</u>*

54.     Meta employs personalization algorithms universally across its Social Media Platforms, including in the Instagram platform's Main Feed (the scrolling presentation of content immediately visible upon opening the app) and Explore Feed (another scrolling presentation of

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[17]     *Id.*

algorithmically-curated content that can be optionally guided by a user's text input in a search field).

55.     Meta changed Instagram's user feeds in 2016 to incorporate this personalization algorithm. Before 2016, Instagram user feeds were simply in reverse chronological order.

56.     Meta's goal is to engage the user with its personalization algorithms. To achieve that goal, Meta's personalization algorithms serve children categories of content based on a sequencing method referred to by psychologists as "variable reinforcement schedules" or "variable reward schedules."

57.     These variable reward schedules work by periodically—but not always, and not in a predictable pattern—delivering types of content that trigger a release of dopamine, a neurotransmitter released by the brain in response to certain stimuli. Dopamine, commonly seen to be the "pleasure chemical," is released in anticipation of a potential reward. However, dopamine neurons fire for only a relatively short period of time, and after dopamine is released, an "individual can become disheartened and disengaged."

58.     By algorithmically serving content to children according to variable reward schedules, Meta manipulates dopamine releases in children, inducing them to engage repeatedly with its products—much like a gambler at a slot machine. The gambler pulls the lever repeatedly, receiving pleasure from anticipating that this pull might lead to a reward—or the next one, or the next one.

59.     But while a slot machine delivers rewards randomly, Meta induces the same pleasure by intentionally creating a randomized schedule for "rewarding" the user. In this way, it is more insidious than a slot machine. A slot machine is truly random, indifferent to the

gambler's profile or previous conduct, but Meta's personalization algorithms are optimized to withhold and provide rewards according to a schedule tailored to ensure that the user craves more content and continues using the platform. Each new post or notification stirs up pleasure in the user as they anticipate receiving a reward.

60.     This is particularly effective on and dangerous for adolescents, given the incomplete aspects of their brain maturation, including lack of impulse control and reduced executive functions. After all, children are not permitted to gamble at slot machines.

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████████████ It fixates on a particular interest that user has, and the interest shows up in all their recommendation feeds and Reels—becoming more and more extreme and isolating the user from other thoughts or opinions. A user interested in healthy eating, for example, may fall into a rabbit hole of photos and videos so intensely focused on fad diets or restrictive eating that the user develops an obsessive, disordered focus on food.

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64.     Meta purposefully designs its personalization algorithm to trick users into passively consuming more content in search of their next dopamine hit. Meta does so fully aware that as a consequence of this design, the algorithm pushes users into more extreme content in order to keep them engaged longer.

### ii.     *Alerts pull users back in.*

65.     Instagram, by default, employs a range of haptic alerts when the application is installed on a smartphone. ███████████████████████████████

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████████████████████████ Researchers have documented how these notifications impact the brain similarly to stimulating drugs.

68.     By default, Meta notifies users when other users they follow take any of the following actions:

- follows the user,
- goes "live" (*i.e.*, starting a live broadcast),
- likes or comments on the user's posts,

- mentions the user in a comment or tagging the user in a post, and
- sends the user a message.

69.     Researchers have documented how the impact of these notifications on the brain is similar to the effect of taking stimulating drugs. ████████████████████

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71.     These notifications prompt users to develop a compulsion to re-open and re-engage with Instagram and other Platforms repeatedly throughout the day and at night when prompted.

72.     These notifications are extremely effective. A recent study showed teens checked their phones on average fifty-one times per day, with some teens checking their phone over 400 times a day. During that same period, the teens in the study received a median of 237 notifications on their smart phones per day, with some users receiving as many as 4,500 in a single day. On average 23% of those notifications arrived during school hours and 5% during sleeping hours on school nights. As the study concluded, smartphone app developers have the ability to and could do a better job of eliminating notifications during times of day that are more disruptive to young people, but have chosen not to.

73.     While users can technically disable notifications, the addictive elements of these Platforms are a substantial barrier for children taking the steps needed to disable them. By designing its default settings with notifications on, Meta has taken advantage of this reality, creating a significant barrier to them turning off notifications and leading many users to spend more time on its Social Media Platforms such as Instagram than they otherwise would.

### iii.    *Infinite scroll and autoplay make it hard for users to turn away.*

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"Infinite scroll" is characterized by the partial display of additional content at the bottom of the user's screen, such that the user is typically unable to look at a single post in isolation (without seeing the top portion of the next post in their feed). The "teasing" of yet-to-be-viewed content continues indefinitely; as the user scrolls down the feed, new content is automatically loaded and "teased."

75.     The "infinite scroll" format makes it difficult for children to disengage, because there is no natural end point for the display of new information. The Platforms do not stop displaying new information when a user has viewed all new posts from their peers. Instead, the Platforms display new social content and suggest relevant information that has yet to be viewed, provoking the children's fear of missing out, commonly referred to by its acronym, "FOMO."

76.     Meta does not allow users to turn off infinite scroll; so long as they choose to use Facebook or Instagram, they are stuck with it.

77.     Meta also deploys the "autoplay" feature to keep children on its Platforms. Much like "infinite scroll," the "autoplay" feature of Instagram's and Facebook's "Stories" encourages

children to continuously engage on the platform because once one Story is complete, the user is automatically moved to the next Story. The default programing keeps the user watching unless the user takes affirmative action to disengage.

78.     While Facebook allows users to turn off autoplay, the setting is "on" by default. Autoplay is also on by default on Instagram, and the setting to disable the feature is difficult for users to locate.

79.     Meta is keenly aware that teens are particularly susceptible to the infinite scroll and autoplay features. ███████████████████████████████

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#### iv.     *Ephemeral content draws children back onto the Platforms.*

80.     In 2016, Meta also started implementing "ephemeral content" features in its Social Media Platforms to further induce a sense of FOMO in children and keep them checking the Platforms. Ephemeral content is made only temporarily available to users with notifications and visual design cues indicating that the content will soon disappear forever—encouraging users to frequently check their social media accounts.

81.     One example of ephemeral content is the "Stories" feature, ███████████████

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82.     The "Stories" feature was designed to show content for only a short amount of time before disappearing from the feed. This causes children to frequently open Meta's Social Media Platforms so they do not "miss out" on any new content.

83.     Another example of ephemeral content is Instagram Live (or simply "Live"), also introduced in 2016, where content creators can live-stream content that users can watch and react to in real time. Unlike content delivery systems, which permit a user to view existing posts on a schedule convenient for the user, content released through "Live" is only available in real time, so a young user's failure to quickly join the live stream when it begins means that the user will miss out on the chance to view the content forever.

84.     Meta makes sure that its users are notified of the potential to miss new Live content, sending a push notification to interested users that reads, "[@user] started a live video. Watch it before it ends!"

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86.     But it does not have to make these videos disappear. Rather, Meta chooses to use ephemeral content to induce a sense of urgency in children so they feel a need to return to the Platform—or miss out forever.

### v.     *Short-form "Reels" were designed to capture children with videos.*

87.     In 2020 and 2021, Meta upped the addictive design of its Social Media Platforms with the introduction of Reels. Reels uses Meta's algorithms to present short-form videos based on data collected from each user to gauge level of engagement. Reels then spoon-feeds users an infinite stream of short videos perfectly suited to monopolize the shorter attention spans of adolescents.

88.     Like infinite scrolling, Reels automatically and perpetually play as the user swipes

the screen up to the next video. The short-form nature of Reels (between fifteen to ninety

seconds, as of April 2023) and the frameless way the Reels fill a user's screen ensure that the

user will not get bored and navigate away or close the app.

89.     Meta deployed Reels to compete with competitors, like TikTok, which offer

similar features and were growing in popularity. ███████████████████████████

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90.     As the inventor of the infinite scroll feature, Aza Raskin, retrospectively reasoned

in 2018:

> It's as if they're taking behavioural cocaine and just sprinkling it all over your
> interface . . . [b]ehind every screen on your phone, there are generally like literally
> a thousand engineers that have worked on this thing to try to make it maximally
> addicting . . . . In order to get the next round of funding, in order to get your stock
> price up, the amount of time that people spend on your app has to go up . . . [s]o,
> when you put that much pressure on that one number, you're going to start trying
> to invent new ways of getting people to stay hooked.

91.     Meta designed and implemented the foregoing features and algorithms while

acutely aware that children were particularly susceptible to these types of manipulations and

knew that a foreseeable result was increases in compulsive, excessive, and harmful use. But

Meta implemented those features and algorithms anyway.

**B.  Compulsive and excessive use of Meta's Social Media Platforms harms children.**

92.     Social media use among children, teens, and young adults began a dramatic

increase in the United States in 2012, when Meta acquired Instagram. Instagram went from 50

million users in 2012 to over 600 million users by 2016.

93.     Increased use of social media platforms, including those operated by Meta, results in psychological and health harms among children, including increased rates of major depressive episodes, anxiety, sleep disturbances, suicide, and other mental health concerns. *See* Figure 3 below, showing the proportion of adolescents with depression or low psychological well-being, by hours a day of social media or smartphone use.
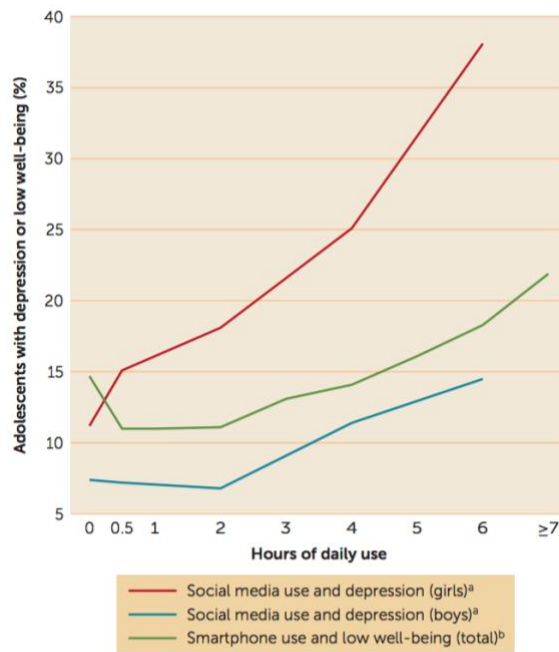


**(Figure 3.)**[18]

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[18]     *See, e.g.*, Jean M. Twenge, *Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2012 and Links to Technology Use: Possible Mechanisms*, 2:1 PSYCHIATRIC RSCH. AND CLINICAL PRAC. 19, 22 (2020), https://prcp.psychiatryonline.org/doi/10.1176/appi.prcp.20190015.

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95.     These harms are particularly acute in children.

96.     During adolescence, risk-taking behavior is at its peak and self-esteem is at its most vulnerable. Brain regions associated with a desire for risk-taking, attention, peer feedback, and reinforcement become particularly sensitive in adolescence, while the regions associated with maturity and impulse control are not fully developed until adulthood. Because identities and sense of self are not yet fully formed, teens are more susceptible than anyone else to the danger, misinformation, peer pressure, and false images that abound on social media.

97.     The brain goes through massive changes during adolescence, both maturing and even changing its actual structure. These changes are what help teenagers turn—eventually—into functioning adults—self-motivated, emotionally mature, less impulsive, and able to manage their own needs, and eventually those of a household. But, at the same time that the brain is still developing its impulse control and emotional stability, the area of the brain that feels pleasure in response to rewards is at peak activity. This is the system that controls dopamine, a chemical the brain releases in response to "rewards," emitting a feeling of pleasure. In other words, the exact area that reward patterns like Meta's stimulate. This mismatch in brain maturation means that adolescents are highly susceptible to risky behaviors and temptations that can prove damaging to their development and well-being.

98.     As the 2023 U.S. Surgeon General's Advisory recognized, "the current body of evidence indicates that while social media may have benefits for some children and adolescents, there are ample indicators that social media can also have a profound risk of harm to the mental

health and well-being of children and adolescents."[19] The Advisory warned that "[e]xcessive and problematic social media use, such as compulsive or uncontrollable use, has been linked to sleep problems, attention problems, and feelings of exclusion among adolescents"[20] and further noted that, "[p]oor sleep has been linked to altered neurological development in adolescent brains, depressive symptoms, and suicidal thoughts and behaviors."[21]

99.     Moreover, any benefits of the Platforms could be maintained without the manipulative features it utilizes to drive up engagement. ███████████████

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100.    Children who use social media for at least five hours per day are many times more likely to have clinically relevant symptoms of depression than non-users. Heavy users of social media, who scroll for four or more hours a day, may emerge from puberty stunted or otherwise damaged, perhaps permanently. Indeed, frequently checking social media has been associated with distinct changes in the developing brain in the amygdala, which is vitally important for impulse control and emotional regulation, and could increase adolescent sensitivity to reward and punishment.

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[19]     *Social Media and Youth Mental Health: The U.S. Surgeon General's Advisory*, U.S. DEP'T OF HEALTH & HUM. SVCS., 4 (2023), https://www.hhs.gov/sites/default/files/sg-youth-mental-health-social-media-advisory.pdf.
[20]     *Id.* at 10.
[21]     *Id.*

101.     Making matters worse, social media use interferes with sleep, which in turn causes or exacerbates symptoms of depression and anxiety. Lack of sleep also has negative physical effects, including interfering with the antibody response to vaccines.

102.     Young people can be particularly attuned to developing a fear of missing events or experiences when they are not online and may feel an extra need to be connected at night and to check social media. Unsurprisingly, many teens frequently wake up at night specifically to check social media notifications.

103.     ███████████████████████████████████████████████ ████████████████████████████████████ Yet Meta still continues to use notifications and other practices that disrupt sleep.

104.     A recent study showed that teens received a median of 237 notifications on their smartphones per day, with some users receiving as many as 4,500 in a single day. On average 23% of those notifications arrived during school hours and 5% during sleeping hours on school nights. As the study concluded, app developers, such as Meta, could do a better job of eliminating notifications during times of day that are more disruptive to young people.

105.     In 2023, more than two thirds (61.6%) of Utah teens reported getting fewer than eight hours of sleep on an average school night.[22] During that same period, nearly four fifths (79.8%) of Utah's students reported two hours or more of screen time on an average school day.[23] As middle schoolers increasingly feel this strain, their screen time goes up and their sleep

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[22]     UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2023) https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.
[23]     *Id.* at 38.

goes down over time. In sixth grade, 67.8% of Utah's students spend two or more hours on screen time per day and 59.6% report getting eight or more hours of sleep on an average night.[24] By eighth grade, 79% of Utah students spend two or more hours on screen time per day and under half (46.5%) are sleeping for eight or more hours.[25] By the time Utah's students reach their final year of high school, nearly 90% of them spend two or more hours on screen time, and only 19.5% of Utah's seventeen- to eighteen-year-olds are getting enough sleep.[26]

106. Habitual social media use also affects how children's brains mature, and habitual social media users' brains develop differently than non-habitual users' in many key areas.

107. Researchers have identified a feedback loop: those who use social media habitually are less able to regulate their behavior. That habitual use, in turn, can lead back to more social media use. And, restarting the cycle, that additional use makes it even harder to regulate the problematic behavior.

108. The harms associated with habitual or prolonged use are not hypothetical. Young people in the United States are in a mental-health crisis. During the same time period in which social media use increased, many young people also began suffering severe mental-health harms.[27] Data from the Centers for Disease Control and Prevention shows that the percentage of

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[24] *Id.*
[25] *Id.*
[26] *Id.*
[27] Jean Twenge*, Increases in Depression, Self-Harm, and Suicide Among U.S. Adolescents After 2012 and Links to Technology Use: Possible Mechanisms*, 2 PSYCH. RES. CLIN. PRACT., 20 (2020), https://doi.org/10.1176/appi.prcp.20190015.

high school students "who experienced persistent feelings of sadness or hopelessness"

skyrocketed between 2011 and 2021.[28]

109.    The mental health crisis is also heavily impacting children here in Utah, which

has experienced a similar worsening of mental health. *See* Figure 4, showing the percent of Utah

students (Grades 8, 10, and 12) who felt sad or hopeless every day for two weeks or more in a

row; *see also* Figure 5, showing aggregate data of both national and Utah rates of reported

feelings of sadness and hopelessness among high schoolers between 2011-2021.[29]
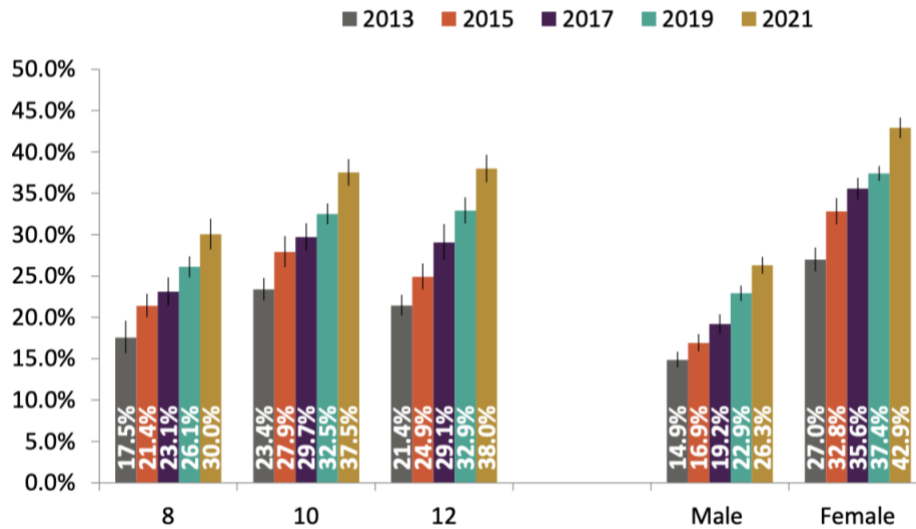


**(Figure 4.)**[30]

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[28]    *Youth Risk Behavior Survey, Data Summary & Trends Report: 2011-2021*, CTRS. FOR DISEASE CONTROL AND PREVENTION, 62 (2023), https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf.

[29]    *Id.*; *see also* UTAH DEP'T OF HEALTH AND HUMAN SVCS., *Public Health Indicator Based Information System (IBSIS)*, https://ibis.health.utah.gov/ibisph-view/indicator/complete_profile/SuicDth.html#:~:text=The%202021%20Utah%20age%2Dadjus ted,females%20in%20every%20age%20group.

[30]    *2021 Utah Adolescent Health Report* 26, UTAH DEP'T OF HEALTH BUREAU OF HEALTH PROMOTION (2021), https://health.utah.gov/wp-content/uploads/2021-Utah-Adolescent-Health-Report.pdf.

Percentage of High Schoolers Feeling Sad or Hopeless (2011-2021)
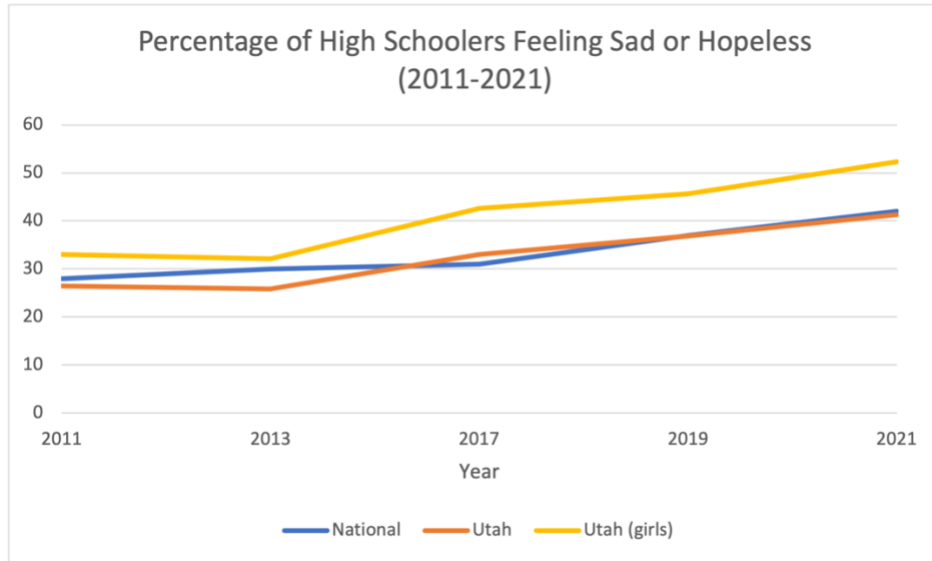
**(Figure 5.)**

110.    Recently released State data shows a similar trend for the worse. In 2023, 76.7% of all middle- and high-school-aged children reported symptoms of depression overall, and 32.3% reported feeling sad or hopeless for two weeks or more in a row.[31] In 2007, that number of students reporting depressive symptoms was closer to a third (34.7%),[32] representing a 121.0% increase in children who felt persistently sad or hopeless. The percentage of students reporting "high" depressive symptoms is also on the rise, increasing from 6.3% in 2017 to 9.9% in 2023.[33]

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[31]    UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2023) https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.
[32]    UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2011 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 21 (2011) https://dsamh.utah.gov/pdf/sharp/2011/2011_State%20of%20Utah%20Profile%20Report.pdf.
[33]    UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2019), https://dsamh.utah.gov/pdf/sharp/2019/State%20of%20Utah%20Report.pdf; *see also* UTAH DEP'T OF HUMAN SVCS., DIV. OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health*

111.    The risk of suicide is also worsening. In 2011, nineteen percent (19%) of high school girls seriously considered attempting suicide. By 2021, that figure reached thirty percent (30%). Adolescents aged twelve to seventeen, and girls particularly, saw the greatest increases in suicidal ideation and attempts in the same time period. Indeed, in 2013 alone, the suicide rate for thirteen-year-old girls jumped by fifty percent (50%).

112.    Suicidal ideation and risk have also risen during this period in Utah and follow similar trends nationally.[34] In 2023, 17.6% of all Utah students seriously considered attempting suicide, 19.8% reported purposeful self-harm, 13.2% made a suicide plan, and 7.3% of students made one or more suicide attempts.[35] For some of the State's most youngest and most vulnerable students in middle school, the rate of purposeful self-harm is now over 20%.[36]

113.    Notwithstanding Meta's knowledge of the harms excessive and compulsive use of its Social Media Platforms cause children, it continues to implement addictive features to induce prolonged use for its own profit.

C. **Meta's internal research confirms that children's use is excessive and compulsive.**

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*and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2023) https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.

[34]    UTAH DEP'T OF HEALTH AND HUMAN SVCS., *Public Health Indicator Based Information System (IBSIS)*, https://ibis.health.utah.gov/ibisph-view/indicator/complete_profile/SuicDth.html#:~:text=The%202021%20Utah%20age%2Dadjusted,females%20in%20every%20age%20group.

[35]    UTAH DEP'T OF HUMAN SVCS., DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH, *2023 Student Health and Risk Prevention: Prevention Needs and Risk Assessment* 26 (2023) https://dsamh-training.utah.gov/_documents/SHARPreports/2023/StateOfUtahProfileReport.pdf.

[36]    *Id.* at 27.

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117.    Meta is well aware that ████████████████████████████

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124.  Meta designs its Platforms to increase engagement by manipulating children's

dopamine levels. ████████████████████████████████████████

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131.    Instead of the ineffective time-management tools it touted, Meta could have—but

refused to—take steps that its own research shows could have actually limited its Platforms'

harm to children. █████████████████████████████████

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132.    Since 2018 Meta has touted so-called "time-management tools" on its Social

Media Platforms as a way to help users control their experience on the Platforms, ████████

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133.    Had Meta been serious about taking effective action to limit its Platforms' harm

to children—rather than merely creating the appearance of doing so—there were clear steps the

company could have taken. For example, Meta simply could have removed the addictive design

features and algorithms it implemented. █████████████████████████

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II.     **Meta misrepresents that its Social Media Platforms are safe and are not designed to induce children into compulsive and extended use.**

134.    While Meta constantly reassures parents, lawmakers, and users that its Social Media Platforms are suitable for children and designed to promote their well-being, it continues to develop and implement features that induce children's extended and compulsive social media use—and ultimately harm those children.

135.    For years, Meta has publicly claimed that its top priority is well-being and that its Platforms are safe and age-appropriate for children. However, Meta knew these claims were misleading and that it continually chose to maximize profits without limits over the health and safety of children when making decisions regarding the design and management of its Social Media Platforms.

136.    Ultimately, due to Meta's leadership (including founder and CEO Mark Zuckerberg) having final decision-making authority over changes to Meta's Social Media Platforms, ███████████████████████████████████████████████████████ ████████████████████████████████████████████

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A.  **Meta misrepresents that its Social Media Platforms are not designed to hook children.**

138.    One of Meta's key goals is to induce children to spend ever-increasing amounts of time on its Social Media Platforms, although the Company has vehemently denied this. Instead,

Meta represents its Platforms are safe and age appropriate for children, despite using tactics known to harm them.

139.    Meta's 2023 Responsible Business Report represented that it actively protects mental health on its Platforms: "At Meta, protecting and supporting digital well-being is always a top priority. We want people to connect with others in a safe, positive and supportive environment and leave our apps feeling good about the time they spend on them."[37]

140.    In 2018, when asked whether Meta studied dopamine feedback loops to keep users trapped on its Platforms, Zuckerberg responded: "No . . . that's not how we talk about this or how we set up our product teams. We want our products to be valuable to people, and if they're valuable, then people choose to use them."[38]

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142.    As just one other example, in October 2019, Mark Zuckerberg publicly stated that Meta does not allow Meta "teams [to] set goals around increasing time spent on [Meta's] services."

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[37]    *2023 Responsible Business Practices Report* 77, META (July 12, 2023), https://scontent-ord5-2.xx.fbcdn.net/v/t39.8562-6/10000000_1974692352892843_2880908794103790486_n.pdf?_nc_cat=107&ccb=1-7&_nc_sid=e280be&_nc_ohc=MtAD9xN692sAX_pgWbG&_nc_ht=scontent-ord5-2.xx&oh=00_AfDwYsMrH0EH-qc9bK-dbi2Ag8jjVvMebykTG-SfwOkbRg&oe=653A6845.

[38]    Facebook, Social Media Privacy, and the Use and Abuse of Data: Hearing Before the S. Comm. on Commerce, Sci., and Transp. and H. Comm's on the Judiciary and Commerce, Sci., and Transp., 115th Cong. (Apr. 10, 2018), available at https://www.commerce.senate.gov/2018/4/facebook-social-media-privacy-and-the-use-and-abuse-of-data.

143. ████████████████████████████████████████

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144.     The reality is that Meta closely tracks several data points related to its teen users,

including daily average use and number of sessions for daily users. ████████████████

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145.     Meta's focus on increasing time spent by teens goes back many years; ████

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146.     As discussed in detail above, ████████████████████████

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147.     Sean Parker, founding president of Meta Platforms, explicitly acknowledged that

the purpose behind Meta's Social Media Platforms was consuming children's time:

> The thought process that went into building these applications, Facebook being
> the first of them . . . was all about: **"How do we consume as much of your time
> and conscious attention as possible?"** . . . . **And that means that we need to
> sort of give you a little dopamine hit every once in a while**, because someone
> liked or commented on a photo or a post or whatever. And that's going to get you
> to contribute more content and that's going to get you . . . more likes and

comments. . . . . It's a social-validation feedback loop . . . exactly the kind of thing that a hacker like myself would come up with, because you're exploiting a vulnerability in human psychology. The inventors, creators—me, Mark [Zuckerberg], Kevin Systrom on Instagram, all of these people—understood this consciously. And we did it anyway.

(Emphasis added.)

**B.** **Meta misrepresents the appropriateness of its Platforms for children and obscures known risks of children being exposed to extreme and harmful content.**

148.     Despite its public representations about prioritizing user safety and shielding children from inappropriate content, ████████████████████████████████ ████████████████████. Yet Meta does not disclose this information to users or their parents. Externally, Meta leadership claims that it "age-gates" inappropriate content for children. "Age-gating" refers to the act of controlling or limiting access based on a user's age.

149.     In 2021, Meta's Global Head of Safety Antigone Davis went as far as to say, "we don't allow young people to see certain types of content. And we have age gating around certain types of content." Davis also testified: "When it comes to those between 13 and 17, [w]e consult with experts to ensure that our policies properly account for their presence, for example, by age-gating content."

150.     That same year, Meta's ████████████████████████████████ ████████████████████████████████████████ ████████████████████████████████ ██████████████████████████████ ██████████████████████████

151.     Meta's public communications about whether its personalization algorithms suggest and amplify distressing and problematic content are also false and misleading. ████████

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152.    However, Meta in fact does the opposite. ████████████████████████

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157.    Meta has the means to remove or, at the very least, not actively promote content that it knows is harmful for children. ████████████████████

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158.    ████████████████████████████████████████

██████ Meta externally characterizes Instagram as a source of support for teens struggling with thoughts of suicide and self-injury and mental health issues generally.

159.    Meta's deception regarding its personalization algorithms' promotion and amplification of harmful content deprives users (and the parents of children who use the Platform) of informed decision-making regarding whether and how to engage with Meta's products and Social Media Platforms.

## C. Meta fails to disclose the existence and prevalence of adult predators contacting children via its Platforms.

160.    Meta has been aware for years that adult-predatory contact is an issue on its Social Media Platforms, and it has failed to effectively counteract the problem. Because it fails to disclose these known risks to children and their parents, Meta's representations users are safe on their Platforms are deceptive.

161.    Meta also fails to disclose known adult-predatory contact with children on its Social Media Platforms.

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167.     Despite this knowledge, Meta staunchly refuses to address this issue by making

children unreachable through direct messaging because of the potential negative impact on teen

engagement. ████████████████████████████████████████

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**D.  Meta misleads parents and consumers about features it knows promote body dysmorphia and eating disorders in children and does not act to improve it.**

168.     Meta also deceives the public by representing that its Social Media Platforms do

not allow content that promotes or encourages eating disorders—all while actively choosing to

retain platform features known by Meta to promote those very problems.

169.     Meta tells parents that it takes steps to combat body dissatisfaction and eating

disorder content on its Platforms. Meta claimed in its "Parent's Guide" that it published on its

website for "parents with teens who use Instagram" that it "work[s] with experts to help inform

our product and policies" around eating disorders. Similarly, in 2021, Meta's Global Head of

Safety testified before Congress that Meta removes content promoting eating disorders from its

Platforms, including by using AI.

170.     In testimony before Congress, Antigone Davis denied that Meta promotes harmful

content to youth, such as content promoting eating disorders: "we do not direct people towards

content that promotes eating disorders. That actually violates our policies, and we remove that content when we become aware of it. We actually use AI to find content like that and remove it."

171. However, Meta deploys and makes available visual selfie camera filters that simulate facial plastic surgery available on its Social Media Platforms that it ██████████ ████████████████████████████████

172. After public backlash in 2019, Meta's initial response was to institute a temporary ban on the camera filters. ████████████████████████████████████ ████████████████████████████████████

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[REDACTED]

177.    [REDACTED]

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

178.    [REDACTED]

[REDACTED] As of October 2023, these filters remain available on Instagram, and Meta has continued to promote these type of beauty-enhancing filters across its Platforms.

**E.    Meta misleads consumers and the public about the harms children face from social comparison and does not act to improve it.**

179.    For years, Meta has publicly claimed that its top priority is well-being, and that Instagram is a safe and age-appropriate platform for children. However, Meta knows these claims are misleading. Meta continually chooses profits over the health and safety of its users when making decisions regarding the design and management of its Social Media Platforms.

180.    Contrary to its public statements, [REDACTED]

[REDACTED]

[REDACTED]

181.    Meta's Social Media Platforms contain design features that exacerbate teenagers' comparisons of themselves to others based on popularity or appearance, such as "likes," a quick way for users to select other users' photos and express validation or approval by clicking or

tapping a heart icon, or the iconic thumbs-up icon. ███████████████████████

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████████████████████████████ Meta's public statements create the deceptive

impression that, when faced with a choice between features that promote addictive user

engagement and features that promote user well-being, ███████████████████████████

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186. ████████████████████████████████████████

187. In 2020, Meta ran a test program called "Project Daisy," where the "like" counts

on Instagram posts were hidden. ████████████████████████████████████

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188. While the pilot project was underway, Meta publicly touted the program as an

example of the company's priority of user well-being. ███████████████████████

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████████████████████ Throughout 2019 and 2020, Instagram publicly promoted Project Daisy

as Instagram's move to address the "potentially corrosive impact of social media" and using it as

an example of how Instagram is "[w]illing to make changes that will reduce the amount of time

people spend on Instagram if it makes them safer."

**(Figure 6.)**[39]

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individual user to opt in if they wished to hide "like" counts from their feed.

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[39]    Amy Chozick, *This Is the Guy Who's Taking Away the Likes*, N.Y. TIMES (Jan. 21, 2020), https://www.nytimes.com/2020/01/17/business/instagram-likes.html.

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192. When releasing the new "opt-in" version of Daisy, Instagram downplayed its failure to launch Daisy as promised, instead touting the new version of Daisy as a way Meta was giving users "more control on Instagram and Facebook." Meta told consumers: "What we heard from people and experts was that not seeing like counts was beneficial for some, and annoying to others, particularly because people use like counts to get a sense for what's trending or popular, so we're giving you the choice."

193. Rather than own its decision to not implement Daisy, Meta chose ████████

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195. Even though Meta knew that the opt-in version of Project Daisy was ineffective, Meta leadership publicly touted it as an example of how Meta was making Instagram safer.

196. Meta also made misleading statements regarding why Daisy was not implemented, stating falsely that Daisy was not as effective as Meta hoped it would be, and hiding the true reason why Meta abandoned Daisy ████████████████████████████

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**F. Meta misleads consumers and the public regarding the safety of its Social Media Platforms for children by hiding, misrepresenting, and obscuring its internal research findings.**

199. Meta has also taken steps to ████████████████████████

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201. As part of the effort to conceal its ██████████████████

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208. [REDACTED]

209. [REDACTED]

210. [REDACTED]

### G. **Meta publishes safety data it knows is misleading.**

211.    Meta regularly publishes public Community Standard Enforcement Reports ("the

Reports" or "CSER") that boast very low rates of its community standards being violated, while

omitting from those reports ███████████████████████████████████████

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213.    The Reports, published quarterly, describe the percentage of content posted on

Instagram that Meta removes for violating Instagram's community standards. Meta often refers

to that percentage as its "Prevalence" metric. ████████████████████████

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214.    Meta has publicly represented that the "Prevalence" statistics in the Reports are a

reliable measure of the safety of its Social Media Platforms, even going so far as to assert that

the CSER "Prevalence" numbers were "the internet's equivalent" of scientific measurements

utilized by environmental regulators to assess the levels of harmful pollutants in the air.

215.    The Reports are used by Meta to imply that, because Meta aggressively enforces

its community standards—thereby reducing the "Prevalence" of community-standards-violating

content—Meta's Social Media Platforms are safe products that only rarely expose users

(including children) to harmful content and harmful experiences. However, that representation is false.

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222.    Despite the purported importance and centrality of "Prevalence" to Meta, ████

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██████████ This representation created the impression that it was very rare for users to

experience bullying or harassment on Instagram.

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228.

COUNT I
**Unconscionable Acts or Practices Concerning Underage Consumers**
**Violation of Utah Consumer Sales Practices Act, Utah Code § 13-11-5**

229.     The Division realleges and incorporates by reference all other paragraphs, as if fully set forth herein.

230.     The UCSPA is a remedial statute intended "to be construed liberally . . . to protect consumers from suppliers who commit deceptive and unconscionable sales practices." Utah Code § 13-11-2.

231.     The services Meta provides are disposed to users for personal, family, and household purposes, and therefore are consumer transactions.

232. Meta regularly and in the ordinary course of business provides these services for consumers, and therefore are suppliers under the UCSPA.

233. The UCSPA prohibits unconscionable acts and practices by a supplier in connection with a consumer transaction, whether before, during, or after the transaction takes place.

234. By engaging in the acts and practices alleged herein, Meta engages in unconscionable trade practices affecting Utah consumers in violation of the UCSPA, Utah Code § 13-11-5.

235. As described in detail in the Complaint, Meta has, and at all relevant times had, a thorough understanding of the harms suffered by children who use their Platforms and the role their Platforms play in exacerbating existing harms. Instead of taking measures to mitigate these damaging effects, Meta turned a blind eye to them and persisted in exploiting children's psychological vulnerabilities. Meta caused unnecessary and unjustified harm to children through these acts and omissions for Meta's own financial gain.

236. Meta's unconscionable acts and practices include its choice to target its Social Media Platforms to children while knowingly designing its Platforms to include features that Meta knew to be psychologically and physically harmful to children—including features known to promote compulsive, prolonged, and unhealthy use by children.

237. Meta's unconscionable design choices include deploying features on its Platforms that unfairly harm children independently of any actions taken by third-party users of Meta's Platforms. For example, features like infinite scroll, Reels, ephemeral content, autoplay, and

disruptive alerts were unconscionably utilized to extract additional time and attention from children whose developing brains were not equipped to resist those manipulative tactics.

238.    Meta designed, developed, and deployed disruptive audiovisual and vibrating notifications, alerts, and ephemeral content features in a way that exploited children's psychological vulnerabilities and cultivated a sense of "fear of missing out" in order to induce children to spend more time on Meta's Platforms than they would otherwise.

239.    By algorithmically serving content to children, according to "variable reward schedules," Meta manipulated dopamine releases in children who use their Platforms, unconscionably inducing them to engage repeatedly with their products—much like a child gambling at a slot machine.

240.    Meta continues to cash in on the addictive nature of their apps despite knowing the harm it causes to Utah's children.

241.    Meta's violations present a continuing harm, and the unlawful acts and practices complained of here affect the public interest.

**COUNT II**
**Deceptive Acts or Practices**
**Violation of Utah Consumer Sales Practices Act, Utah Code § 13-11-4**

242.    The Division realleges and incorporates by reference all other allegations contained in the preceding paragraphs as if set forth fully herein.

243.    The services Meta provides are disposed to users for personal, family, and household purposes, and therefore are consumer transactions.

244.    Meta regularly and in the ordinary course of business provides these services for consumers, and therefore are suppliers under the UCSPA.

245.     The UCSPA prohibits deceptive acts and practices by a supplier in connection with a consumer transaction, whether before, during, or after the transaction takes place.

246.     Meta engaged in deceptive acts or practices affecting Utah consumers, including by making or causing to be made to Utah consumers, directly or indirectly, explicitly or by implication, misrepresentations or omissions of material facts in violation of the UCSPA. Utah Code § 13-11-4(1).

247.     In numerous instances in connection with the advertising, marketing, promotion, and other representations regarding their products, including through the actions described herein, Meta made deceptive representations, directly or indirectly, expressly or by implication, with the intent that consumers rely on the deceptive representations, including but not limited to the following: (a) misrepresenting that Meta's Social Media Platforms are not designed to hook children; (b) misrepresenting the appropriateness of its Platforms for children and obscuring or hiding known risks children will be exposed to extreme and harmful content, including suicide and self-harm; (c) misleading parents and consumers about features it knows promote body dysmorphia and eating disorders in children; (d) misleading consumers about the harms children face from social comparison on its Social Media Platforms; and (e) misrepresenting and downplaying its internal research findings about children and mental health.

248.     In addition to Meta's misleading statements, Meta's omissions, which are false and misleading in their own right, rendered even seemingly truthful statements about Meta's Social Media Platforms false and misleading.

249.     Meta made the above misrepresentations and engaged in deceptive practices in violation of the UCSPA.

250.    Meta's unlawful acts and practices targeted and affected Utah residents.

251.    Meta's violations present a continuing harm, and the unlawful acts and practices

complained of here affect the public interest.

## PRAYER FOR RELIEF

**WHEREFORE**, the Division respectfully requests this Court enter a judgment in its

favor and grant relief against Defendants as follows:

    a.    Preliminarily or permanently enjoin Defendants, in accordance with Utah Code § 13-11-17(1)(b), from violating the UCSPA;

    b.    Order Defendants to pay restitution and damages jointly and severally well in excess of $300,000 in accordance with Utah Code § 13-11-17(1)(c);

    c.    Order the payment of civil penalties well in excess of $300,000, as permitted by statute in accordance with Utah Code §§ 13-11-17(1)(d), (4) and (6) for Defendants' violations of the UCSPA;

    d.    Award the Division the costs of this action, its investigation, and reasonable attorney's fees in accordance with Utah Code § 13-11-17.5; and

    e.    Grant such further relief as the Court deems just and proper.

## JURY DEMAND

The Division demands a trial by jury by the maximum number of jurors permitted by law

for all claims and issues triable by jury.

Respectfully Submitted,

Dated: October 24, 2023             By:_____

**SEAN D. REYES**
UTAH ATTORNEY GENERAL
Douglas Crapo (USB No. 14620)
crapo@agutah.gov
Michael Gadd (USB No. 13704)
mgadd@agutah.gov

Peishen Zhou (USB No. 18596)
peishenzhou@agutah.gov
Assistant Attorneys General
UTAH OFFICE OF THE ATTORNEY GENERAL
160 East 300 South, 5th Floor
Salt Lake City, Utah 84114
Tel: (801) 366-0310

Jimmy R. Rock*
jrock@edelson.com
EDELSON PC
1255 Union Street NE, 7th Floor
Washington, D.C. 20002
Tel: (202) 987-6302

Theo Benjamin*
tbenjamin@edelson.com
Emily Penkowski Perez*
epenkowski@edelson.com
Shantel Chapple Knowlton*
schappleknowlton@edelson.com
EDELSON PC
350 North LaSalle Street, Suite 1400
Chicago, Illinois 60654
Tel: (312) 589-6370

*Attorneys for Plaintiff*

*\*Pro Hac Vice* applications forthcoming