



West Virginia E-Filing Notice

CC-20-2026-C-1310

Judge: Richard D. Lindsay

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NOTICE OF FILING

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

Attorney General v. TikTok Inc.

CC-20-2026-C-1310

The following complaint was FILED on 10/29/2026 10:35:56 AM

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Kanawha County
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GENERAL INFORMATION

IN THE CIRCUIT COURT OF KANAWHA COUNTY WEST VIRGINIA

Attorney General v. TikTok Inc.

First Plaintiff:

☐ Business ☐ Individual
☒ Government ☐ Other

First Defendant:

☒ Business ☐ Individual
☐ Government ☐ Other

Judge:

Richard D. Lindsay

COMPLAINT INFORMATION

Case Type: Civil

Complaint Type: Tort

Origin: ☒ Initial Filing ☐ Appeal from Municipal Court ☐ Appeal from Magistrate Court

Jury Trial Requested: ☐ Yes ☒ No **Case will be ready for trial by:** _____

Mediation Requested: ☐ Yes ☒ No

Substantial Hardship Requested: ☐ Yes ☒ No

☐ Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- ☐ Wheelchair accessible hearing room and other facilities
- ☐ Interpreter or other auxiliary aid for the hearing impaired
- ☐ Reader or other auxiliary aid for the visually impaired
- ☐ Spokesperson or other auxiliary aid for the speech impaired
- ☐ Other: _____

☐ I am proceeding without an attorney

☒ I have an attorney: Abby Cunningham, 1901 KANAWHA BLVD E STE 401, CHARLESTON, WV 25305

SERVED PARTIES

Name: TikTok Inc.
Address: 5800 Bristol Parkway, Culver City CA 90230
Days to Answer: 30 **Type of Service:** Hold for Later Service

Name: TikTok Ltd.
Address: P.O. Box 309 Ugand House,
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: TikTok PTE. Ltd.
Address: Raffles Quay, #26-10 South Tower,
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: TikTok U.S. Data Security Inc.
Address: 5800 Bristol Parkway Suite 100, Culver City CA 90230
Days to Answer: 30 **Type of Service:** Hold for Later Service

Name: TikTok USDS Joint Venture LLC
Address: 5800 Bristol Parkway Suite 100, Culver City CA 90230
Days to Answer: 30 **Type of Service:** Hold for Later Service

Name: ByteDance Ltd.
Address: Room 503 5F Building 2,
Days to Answer: N/A **Type of Service:** Hold for Later Service

Name: ByteDance Inc.
Address: 250 Bryant Street, Mountain View CA 94041
Days to Answer: 30 **Type of Service:** Hold for Later Service

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**STATE OF WEST VIRGINIA ex rel.
JOHN B. MCCUSKEY, Attorney General,**

Plaintiff,

v.

**CIVIL ACTION NO. _____
JUDGE _____**

**TIKTOK INC., TIKTOK LTD., TIKTOK
PTE. LTD., TIKTOK U.S. DATA
SECURITY INC., TIKTOK USDS JOINT
VENTURE LLC, BYTEDANCE LTD., and
BYTEDANCE INC.,**

Defendants.

COMPLAINT

Respectfully submitted,

**JOHN B. MCCUSKEY,
ATTORNEY GENERAL OF WEST VIRGINIA**

By counsel

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

**STATE OF WEST VIRGINIA ex rel.
JOHN B. MCCUSKEY, Attorney General,**

Plaintiff,

v.

**CIVIL ACTION NO. _____
JUDGE _____**

**TIKTOK INC., TIKTOK LTD., TIKTOK
PTE. LTD., TIKTOK U.S. DATA
SECURITY INC., TIKTOK USDS JOINT
VENTURE LLC, BYTEDANCE LTD., and
BYTEDANCE INC.,**

Defendants.

COMPLAINT

Plaintiff, the State of West Virginia, by and through its Attorney General, John B. McCuskey, (“the State”) brings this action against Defendants TikTok Inc., TikTok Ltd., TikTok PTE LTD., TikTok U.S. Data Security Inc., TikTok USDS Joint Venture LLC, ByteDance Ltd., and ByteDance Inc. (collectively, “TikTok”) pursuant to the West Virginia Consumer Credit and Protection Act, W. Va. § 46A-1-101 *et seq.* (“WVCCPA”), and alleges as follows:

I. INTRODUCTION

1. West Virginia children and teenagers face an escalating crisis: widespread, compulsive use of social media. For many young people, these platforms have become a constant presence in their lives, commanding their attention; interfering with sleep, physical activity, schoolwork, family life, and in-person relationships; distorting how they view themselves and others; and exposing them to harmful content, dangerous challenges, bullying, harassment, abusive interactions, and potential exploitation. The companies operating these platforms shape those experiences through features that encourage prolonged use, recommendation systems that determine

what children see, and representations that influence whether parents permit their children to use them.

2. These platforms are not passive communication tools. They are deliberately designed to capture child users’ attention, encourage habitual use, and keep them scrolling for as long as possible, exposing children and teens to serious risks to their mental and physical well-being.¹ The resulting risks arise from how the platforms operate, including how they select and repeatedly deliver content, draw users back to the platform again and again, and make it difficult to disengage. Parents deciding whether a platform is appropriate for their children depend on truthful information about those features.

3. Compulsive use can displace sleep, physical activity, schoolwork, family relationships, and in-person social development, while contributing to anxiety, depression, attention problems, low self-esteem, body dissatisfaction, eating disorders, self-harm, and suicide. Features designed to prolong usage sessions and pull users back to the platform can intensify that displacement. When a platform conceals those effects or presents ineffective measures as meaningful protections, families lack information necessary to understand and guard against risks.

4. Recommendation systems and interaction features also shape the risks children encounter on social media platforms. Children and teenagers may be exposed to sexual, violent, drug-related, and other age-inappropriate content; “challenges” daring children to record themselves performing dangerous or disturbing acts; bullying and harassment; and algorithms that repeatedly amplify material exploiting a young user’s interests, insecurities, or vulnerabilities. Repeated recommendations can turn an initial encounter with harmful material into a virtually endless stream of similar content. Platform features that make children discoverable—and reachable—

¹ U.S. Dep’t of Health & Hum. Servs., Off. of the Surgeon Gen., Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory 9–10, 13 (2023), <https://perma.cc/PP2A-6HLN>.

can expose children to predators. Predators can and do use social media to identify, contact, deceive, groom, threaten, and extort child users, including by coercing them to produce sexual images or videos. Information publicly available through a child's social media presence can enable a predator to impersonate a peer, manufacture familiarity, and gain the child's trust before a parent is even aware that contact has occurred. Parents rely on platforms' representations about age restrictions, privacy protections, and safeguards against unwanted contact when deciding whether their children can safely use them.

5. These harms and risks are not abstract. They are real. They are happening in West Virginia.

6. The WVCCPA is designed to protect consumers – including children – from these harms. It represents a “comprehensive attempt on the part of the West Virginia Legislature” to “protect consumers from unfair, illegal and deceptive business practices.” *Harper v. Jackson Hewitt, Inc.*, 227 W. Va. 142, 151, 706 S.E.2d 63, 72 (2010). The WVCCPA is “intended to deter deceptive practices” and its ultimate aim is to “protect the public as a whole” by “punish[ing] and deter[ing] . . . wrongdoer[s].” *State ex rel. Dodrill Heating & Cooling, LLC v. Akers*, 246 W. Va. 463, 471, 874 S.E.2d 265, 273 (2022).

7. This action concerns TikTok's² role in exposing West Virginia children to these same kinds of harm, its platform design and added features that intensify those risks, and its efforts to conceal those risks from parents, teens, and the public. TikTok controls the recommendation systems that select what content children see, the features that encourage prolonged use, and the

² Unless otherwise indicated, this Complaint refers to Defendants TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., TikTok U.S. Data Security Inc., TikTok USDS Joint Venture LLC, ByteDance Ltd., and ByteDance Inc. collectively as “TikTok.” When an allegation concerns a particular Defendant, the Complaint identifies that Defendant by name.

methods children can use to interact with others on the platform. TikTok also controls what it tells families about those systems and platform safeguards, and what it chooses to omit.

8. TikTok is a social media platform through which users create and share videos, and TikTok’s algorithms decide which of those videos each user sees. When users open the app, TikTok immediately places them in the “For You” feed: an effectively endless succession of videos selected and arranged for each user by TikTok’s recommendation system.³ Users advance from one video to the next with a simple upward swipe and can like, comment on, share, and create videos; follow other accounts; exchange messages; watch livestreams; and purchase products. Unlike a traditional social network organized principally around content from people a user chooses to follow, TikTok’s central experience is content that TikTok itself selects and delivers. Consumers provide TikTok with access to their personal data in exchange for access to the platform’s vast content library and its recommendation and other platform features.

9. TikTok is one of the world’s largest and most widely used social media platforms. Its Google Play listing reports more than one billion downloads worldwide and ranks TikTok as the top free application in the “Social” category.⁴ TikTok itself claims that more than 200 million Americans use its services.⁵ This enormous audience supplies TikTok with a continuous stream of information about what users watch, skip, search for, like, share, and revisit. TikTok uses this information to select and refine content fed to each user, and to keep that user engaged.

10. TikTok is especially popular and intensely used by American children, including children in West Virginia. According to a nationally representative 2025 Pew Research Center

³ TIKTOK3047MDL-072-LARK-011062915.

⁴ *TikTok, TikTok—Videos, Shop & LIVE*, Google Play, <https://perma.cc/9BCC-WWEM> (last visited Oct. 28, 2026).

⁵ TikTok, *Announcement from the New TikTok USDS Joint Venture LLC* (Jan. 23, 2026), <https://perma.cc/NC9D-KJ6T>.

survey, 68% of U.S. teenagers use TikTok. Sixty-one percent reported using the platform every day, and 21% say they use it “almost constantly.”⁶ TikTok is therefore not merely familiar to or occasionally used by American youth; it is woven into the daily lives of tens of millions of children, including a substantial number in West Virginia, and many of whom return to the platform repeatedly throughout the day.

11. TikTok cultivated this enormous youth audience while concealing the dangers its platform poses to children. TikTok deliberately designed its platform to encourage compulsive use by child users despite knowing the risks to their health and well-being.⁷⁸ At the same time, TikTok misrepresented the nature and severity of the sexual, violent, drug-related, profane, and other mature content available on its platform; downplayed the prevalence and amplification of eating-disorder, self-harm, suicide, and harmful body image content as well as the risks of social comparison and other mental health harms; minimized the risks of dangerous challenges, bullying, harassment, and sexual exploitation; misrepresented or concealed risks from parents and the public; and continued to market TikTok as safe and age-appropriate for children as young as 13.

12. TikTok’s mental health risks reach West Virginia children. In a study involving West Virginia youth, researchers at West Virginia University examined the association between use of specific social media platforms and depressive symptoms. The researchers found that more frequent TikTok use was associated with more depressive symptoms, particularly among teens who described feeling worse about themselves when they saw their friends’ lives portrayed on

⁶ Michelle Faverio & Olivia Sidoti, *Teens, Social Media and AI Chatbots 2025*, Pew Research Center (Dec. 9, 2025), <https://perma.cc/FS58-53DU>.

⁷ Citations to documents with the prefix TIKTOK3047MDL refer to unsealed materials disclosed in other litigation. See <https://www.motleyrice.com/social-media-lawsuits/evidence-library>.

⁸ TIKTOK3047MDL-153-LARK-07389166.

social media.⁹ These findings underscore TikTok’s failure to accurately disclose information about the mental health risks it knew child users encountered on the platform. The finding is especially concerning in West Virginia, which had the nation’s highest estimated rate of children affected by opioid use in 2017.¹⁰ National research links adverse childhood experiences, including household substance use, to persistent sadness or hopelessness and suicide risk among teenagers.¹¹ The feelings of exclusion and unfavorable comparisons measured in the WVU study can be especially painful for a child living with the fallout from a parent’s opioid use.

13. Viral challenges on TikTok have inspired children to cause harm in West Virginia’s communities. TikTok owns and operates the recommendation system that can allow challenge videos to reach new viewers, gain more interaction, and encourage others to record themselves imitating the same conduct in order to seek attention. Students participating in one such challenge stole or damaged school property in Monongalia, Harrison, and Wayne Counties.¹² Students in McDowell County attempted to damage school issued computers after viewing videos concerning a separate viral challenge on the platform.¹³ Local police departments investigated multiple vehicle break-ins, including a completed vehicle theft, associated with a challenge originating from

⁹ Amy L. Gentzler et al., *Which Social Media Platforms Matter and for Whom? Examining Moderators of Links Between Adolescents’ Social Media Use and Depressive Symptoms*, 95 *Journal of Adolescence* 1725, (2023); West Virginia University, *WVU Research Reveals Possible Link Between Teen Personalities, Social Media Preferences and Depressive Symptoms* (Jan. 16, 2024), <https://perma.cc/H4DW-ZXAN>.

¹⁰ Johns Hopkins Bloomberg School of Public Health, *The Opioid Epidemic’s Toll on Children* (Dec. 10, 2019), <https://perma.cc/ST72-5QHR>.

¹¹ Elizabeth A. Swedo et al., *Adverse Childhood Experiences and Health Conditions and Risk Behaviors Among High School Students—Youth Risk Behavior Survey, United States, 2023*, 73 *MMWR Supplements* 39, 39–49 (2024), <https://perma.cc/KLG9-JRSZ>.

¹² “Devious Licks Have Arrived,” *Morgantown Magazine* (Sept. 29, 2021), <https://perma.cc/97WQ-CJRQ>; Jasmin Adous, “‘Devious Licks’ TikTok Challenge Put Harrison County Officials on Watch,” *WDTV* (Oct. 7, 2021), <https://perma.cc/8FQK-VQ7Y>; WSAZ News Staff, “Spring Valley High School Reports Damage Connected to Viral Social Media Challenge,” *WSAZ* (Sept. 16, 2021), <https://perma.cc/KVF5-5S8M>.

¹³ Charlie Boothe, *McDowell County Schools See Incidents of TikTok “Chromebook Challenge”*, *WVVA* (May 12, 2025) <https://perma.cc/H88G-BPJK>.

TikTok.¹⁴ A Ritchie County teen was accused of participating in a frightening TikTok hoax involving videos of unsettling computer-generated images of costumed individuals lurking outside specific homes and schools.¹⁵ School officials in Wood County warned parents about the trend.¹⁶ These consequences call into question the platform’s representations about its ability to identify, restrict, and prevent the spread of videos depicting dangerous activities.

14. Alarmingly, child predators are present on TikTok in West Virginia. News reports have identified at least five registered sex offenders who maintained TikTok accounts, including men previously convicted of soliciting children online and showing sexual material to children. Several failed to disclose their TikTok accounts to the West Virginia State Police as required by sex offender registration laws. One maintained an unregistered account for approximately three years and posted videos throughout that period.¹⁷ Their presence makes account controls and features governing how children can interact with others on the platform central to child safety. Parents are unable to assess those protections when TikTok overstates their effectiveness, conceals their limitations, or fails to deploy protections at all.

15. The presence of child predators on TikTok is one manifestation of a much larger problem: the widespread sexual exploitation of children online, including through social media

¹⁴ Joseph DiCristofaro, “Charleston Police Investigate Spree of Kia Thefts Linked to Social Media Trend,” WCHS (Mar. 26, 2025), updated Mar. 27, 2025, <https://perma.cc/A3A5-XF7L>.

¹⁵ WDTV News Staff, “Petition Filed Against Juvenile in Ritchie County for ‘Cat in the Hat’ TikTok Trend,” WDTV (Sept. 1, 2026), <https://perma.cc/QX9K-WWHK>.

¹⁶ Cassidy Fury, “Wood County Schools Warns Parents of Scary ‘Cat in the Hat’ TikTok Trend,” WTAP (Sept. 2, 2026), <https://perma.cc/QM56-N5NR>.

¹⁷ See WDTV News Staff, *Fairmont Man Accused of Soliciting Teen* (Apr. 5, 2022), <https://perma.cc/LS2J-97PA>; Matt Harvey, *Sex Offender Jailed on Nearly \$300,000 Bond on Harrison (West Virginia), Marion Charges*, WV News (Feb. 2, 2024), <https://perma.cc/Q2GS-V38X>; Nicki Skinner, *Grafton, West Virginia Man Sentenced to Probation for Failing to Register Social Media Account as Sex Offender*, WV News (Aug. 25, 2025), <https://perma.cc/X54A-4U76>; Lootpress News Staff, *Unreported TikTok Account Leads to Arrest During Sex Offender Check in Fayetteville* (Jan. 7, 2026), <https://perma.cc/D56C-2542>; Matt Harvey, *Meigs County, Ohio, Sex Offender Faces 6 Sex Registry Charges in Harrison County, West Virginia*, WV News (Feb. 6, 2026), <https://perma.cc/YG7J-67XW>.

platforms like TikTok. A 2025 systematic review and meta-analysis of 123 studies from 57 countries estimated that, during a single year, approximately one in eight children experienced online sexual solicitation and a similar proportion experienced the nonconsensual taking, sharing, or exposure to sexual images or videos. The study also estimated that 3.5% of children experienced sexual extortion during the preceding year.¹⁸ West Virginia children are not immune. Cases arising in the State document offenders using online services to groom and sexually solicit children; induce, coerce, or pay them to produce sexual images and videos; threaten them when they resist; and distribute or trade the resulting material. Some offenders arranged in-person meetings or traveled to West Virginia to reach their victims.¹⁹ The consequences of online child exploitation have included suicide.

16. The State brings this action to hold TikTok accountable for designing and operating a platform that endangers child users while misleading parents and the public about its safety. TikTok cannot be permitted to continue profiting from the time, attention, and personal information of West Virginia's children while concealing the risks its own conduct creates. The State brings this action to restrain TikTok's unfair and deceptive conduct and seeks all available relief.

II. PARTIES

17. Plaintiff John B. McCuskey is the Attorney General of the State of West Virginia and is empowered to enforce the provisions of the WVCCPA. He brings this action in

¹⁸ Deborah Fry et al., *Prevalence Estimates and Nature of Online Child Sexual Exploitation and Abuse: A Systematic Review and Meta-Analysis*, 9 *Lancet Child & Adolescent Health* 184, 184 (2025).

¹⁹ U.S. Attorney's Office for the Southern District of West Virginia, *Former Pinch Elementary Counselor Pleads Guilty to Child Exploitation Crimes* (June 13, 2022), <https://perma.cc/Q668-U864>; U.S. Attorney's Office for the Southern District of West Virginia, *Missouri Man Pleads Guilty to Child Pornography Crime* (Oct. 18, 2023), <https://perma.cc/6QB9-SKQ8>; U.S. Attorney's Office for the Southern District of West Virginia, *Beckley Man Sentenced to 30 Years in Federal Prison for Child Pornography Offense* (Sept. 10, 2021), <https://perma.cc/7YW9-TA96>; U.S. Attorney's Office for the Southern District of West Virginia, *Registered Sex Offender Sentenced to 37 Years in Prison for Child Exploitation Crimes* (Apr. 28, 2025), <https://perma.cc/U6AX-TD4N>.

the public interest pursuant to the authority granted by W. Va. Code § 46A-7-108 upon the grounds that TikTok has engaged in unfair or deceptive acts and practices in or affecting trade or commerce, which is declared unlawful by W. Va. Code § 46A-6-104.

18. Defendant TikTok Inc. is a for-profit entity incorporated in California. It operates a social media application and platform known as “TikTok.” TikTok Inc. is headquartered at 5800 Bristol Parkway, Culver City, CA 90230.

19. Defendant TikTok Ltd. is a wholly owned subsidiary of ByteDance Ltd. and is incorporated in the Cayman Islands. TikTok Ltd. wholly owns TikTok Pte. Ltd. and TikTok LLC, which in turn wholly owns TikTok Inc. Apple’s App Store lists TikTok Ltd. as the developer of the TikTok app.

20. Defendant TikTok PTE. Ltd. is an entity headquartered at 1 Raffles Quay, #26-10, South Tower, Singapore 048583. Apple’s App Store lists TikTok PTE. Ltd. as the “seller” of the TikTok App. The Microsoft Store lists TikTok PTE. Ltd. as the publisher of the TikTok app. The Google Play Store identifies TikTok PTE. Ltd. as the developer and provider of the app.

21. Defendant ByteDance Inc. is a for-profit entity incorporated in Delaware and wholly owned by ByteDance Ltd. ByteDance Inc. is headquartered at 250 Bryant Street, Mountain View, California 94041.

22. Defendant ByteDance Ltd. is a multinational internet technology holding company and parent company of TikTok Ltd., TikTok PTE. Ltd., TikTok Inc., and ByteDance Inc. ByteDance Ltd. is headquartered in China in Room 503 5F, Building 2, 43 North Third Ring West Road, Beijing 100086 China and maintains a registered address in the Cayman Islands at P.O. Box 309, Ugand House, South Church Street, George Town, KY1-1104, Cayman Islands.

23. Defendant TikTok U.S. Data Security Inc. is a Delaware corporation with its principal place of business at 5800 Bristol Parkway, Suite 100, Culver City, California 90230. TikTok Inc. wholly owns TikTok U.S. Data Security Inc. TikTok created the entity in 2022 to control access to protected U.S. user data and TikTok's content recommendation and moderation systems for users in the United States.

24. Defendant TikTok USDS Joint Venture LLC is a Delaware limited liability company formed in January 2026 to assume responsibility for portions of TikTok's operations in the United States following the required divestiture of ByteDance Ltd.'s interests in those operations. ByteDance Ltd. retains a 19.9% ownership interest in the joint venture. TikTok has represented that TikTok USDS Joint Venture LLC will continue operating TikTok in the United States, retrain and update the content recommendation algorithm using U.S. user data, protect the U.S. content ecosystem, and exercise decision making authority over content moderation and trust and safety policies.

25. TikTok USDS Joint Venture LLC continues TikTok's U.S. operations with substantially the same business, employees, customers, and purpose. TikTok transferred portions of its U.S. workforce to the joint venture; TikTok CEO Shou Zi Chew serves on its board; and its CEO, Adam Presser, previously held executive positions at TikTok and TikTok U.S. Data Security Inc.

26. ByteDance Ltd. Has participated in selecting TikTok's key personnel. Senior employees have held simultaneous positions within ByteDance and TikTok. When Shou Zi Chew was appointed TikTok's CEO in April 2021, for example, he was also serving as ByteDance Ltd.'s Chief Financial Officer, and he reports to ByteDance Ltd.'s CEO. Former TikTok and ByteDance

employees have likewise described ByteDance Ltd.’s functional control over TikTok entities and their personnel.²⁰

27. Despite their separate corporate forms, the ByteDance and TikTok Defendant entities have functioned as components of a single, integrated enterprise, with each performing part of the work necessary to provide and monetize the TikTok platform in the United States. ByteDance Ltd. controlled TikTok Inc., TikTok Ltd., TikTok Pte. Ltd., and ByteDance Inc. ByteDance Ltd. created portions of the platform’s source code and also TikTok’s algorithm, which it still owns.²¹ Following the 2026 restructuring, ByteDance Ltd. retained an ownership interest in TikTok USDS Joint Venture LLC, which continues TikTok’s U.S. operations. The entities’ formal corporate separation does not reflect the practical reality of their operations

28. At all relevant times, and in connection with the allegations described in this Complaint, each of which is stated upon information and belief, the Defendants above and each of their agents and officers engaged in the alleged conduct in the course of trade or commerce, as outlined below, in violation of W. Va. Code § 46A-6-104, as defined by W. Va. Code § 46A-6-102(7)(M).

III. JURISDICTION AND VENUE

29. This court has jurisdiction to hear this matter pursuant to Article VIII, Section 6 of the West Virginia Constitution, W. Va. Code § 51-2-2, W. Va. Code § 53-5-3, and W. Va. Code § 56-3-33.

²⁰ Drew Harwell & Elizabeth Dwoskin, *As Washington Wavers on TikTok, Beijing Exerts Control*, Wash. Post (Oct. 30, 2022), <https://perma.cc/NRT6-3P3E>; *TikTok Names CEO and COO*, TikTok (Apr. 30, 2021) (announcing that ByteDance CFO Shou Zi Chew would simultaneously serve as TikTok’s CEO), <https://perma.cc/63SE-G9WT>.

²¹ *TikTok Inc. v. Garland*, 604 U.S. 56, 65 (2025) (per curiam) (“ByteDance Ltd. owns TikTok’s proprietary algorithm, which is developed and maintained in China.”); Letter from Shou Zi Chew, Chief Executive Officer, TikTok, to U.S. Senators at 4 (June 30, 2022), <https://perma.cc/C96W-V5JH>; Zhou Xin & Tracy Qu, *TikTok’s Algorithm Not for Sale, ByteDance Tells US*, S. China Morning Post (Sept. 13, 2020), <https://perma.cc/7A7P-GDK9>.

30. This court has personal jurisdiction over TikTok because TikTok maintains the kind of continuous and systematic general business contacts with West Virginia that approximate physical presence. TikTok engages in the course of trade or commerce within West Virginia by soliciting or engaging in business within the state.

31. Venue is proper in this court pursuant to W. Va. Code § 46A-7-114 and W. Va. Code § 56-1-1(a)(6) because TikTok's conduct as alleged herein took place in throughout the State of West Virginia, including in Kanawha County.

IV. FACTUAL ALLEGATIONS

32. TikTok is a social media platform centered on short-form videos created and uploaded by users, often accompanied by music available through TikTok's music library. Most users access TikTok through its application for smartphones and tablets, which is distributed through the Apple App Store, Google Play Store, and Microsoft Store. TikTok was the most downloaded application worldwide in 2022.

33. TikTok's central feature is its "For You" feed, a continuously scrolling stream of videos selected for each user by TikTok's recommendation system.²² The For You feed is the first feed users see when they open the app and, according to TikTok, is where most users spend their time.²³ Unlike a traditional social-media feed consisting principally of content posted by accounts a user has chosen to follow, the For You feed recommends videos from across the platform based on TikTok's prediction of what will interest and engage each particular user. TikTok makes those predictions using signals including the videos a user watches and how long the user watches them,

²² TikTok, *What Is For You on TikTok?*, TikTok Support, <https://perma.cc/3326-ZHER> (last visited Oct. 6, 2026).

²³ TIKTOK3047MDL-010-00329069.

as well as the user’s likes, shares, comments, searches, and followed accounts.²⁴ As users interact with TikTok, the recommendation system continually learns from those interactions and adjusts the content it delivers.

34. The For You feed differs from TikTok’s Following feed, which principally displays content from accounts a user has chosen to follow. The For You feed instead introduces users to videos and creators they have not selected and may never have encountered before. TikTok deliberately recommends some content outside a user’s demonstrated interests, exposing users to new categories of content and observing their interactions to further refine what TikTok recommends.²⁵ Thus, a user need not search for, follow an account associated with, or otherwise affirmatively seek out a particular category of content before TikTok introduces that content into the user’s personalized feed. TikTok views this as an “important and intentional component” of its recommendation system designed to expose users to “new content categories” and “new creators.”²⁶

35. Users can separately discover content through TikTok’s search function, including searches for videos, creators, sounds, and hashtags, and their searches and resulting interactions provide additional signals TikTok can use to personalize future recommendations.²⁷

36. TikTok also offers LIVE, which allows users to broadcast and view video in real time and interact with hosts and other viewers as the broadcast occurs.²⁸ Like prerecorded videos,

²⁴ TikTok, *How TikTok Recommends Videos #ForYou*, TikTok Newsroom (June 18, 2020), <https://perma.cc/Q3UW-EY5Z>.

²⁵ *Id.* (“To keep your For You feed interesting and varied, our recommendation system works to intersperse diverse types of content along with those you already know you love.”).

²⁶ *Id.*

²⁷ TikTok, *Discover and Search*, TikTok Support, <https://perma.cc/L6L4-KZLH> (last visited Oct. 6, 2026).

²⁸ TikTok, *What Is TikTok LIVE?*, TikTok Support, <https://perma.cc/5T9U-XRMJ> (last visited Oct. 6, 2026).

LIVE content may be recommended to users through TikTok's personalized feeds and other discovery features.

37. Although TikTok permits limited viewing through its app without an account, the platform is structured to move viewers toward registration. TikTok repeatedly interrupts guest viewing with prompts to create an account or log in and withholds core features from unregistered users, such as liking, commenting on, and saving videos; following creators; exchanging messages; and making purchases. Registration provides users with access to the platform's core features and allows TikTok to associate a user's activity and preferences with an account and use that information to personalize the videos delivered over time.

38. Registration is very simple; users need only provide an active email address and a birth date. Users are required to be at least 13 years old at the time of registration, based on the birth date supplied, to access the full TikTok experience.

39. Once registered, TikTok can connect a registered user's viewing and search history, interactions, profile information, followed accounts, messages, purchases, and off-platform activity to develop a more complete individual profile. That profile increases the user's value to TikTok by improving content personalization, encouraging continued engagement, enabling more precise advertising and audience targeting, and allowing TikTok and its advertisers to measure whether advertisements produce engagement or purchases.²⁹

40. For registered child users, the same information has consequences beyond increasing their advertising value. A user's birthdate tells TikTok that the user claims to be a child, while the account's continuing history allows TikTok to identify that child's interests, habits, relationships, and potential vulnerabilities. TikTok can use that information to personalize and repeatedly

²⁹ See TIKTOK3047MDL-072-LARK-01062915.

amplify content, deliver prompts designed to bring the child back to the platform, and observe patterns indicating excessive or compulsive use.³⁰ The account also enables TikTok to map the child's contacts and interactions, creating additional opportunities for bullying, harassment, grooming, and exploitation.

41. Importantly, TikTok does not require verification of parental consent in order for a child to create and use an account.

42. TikTok's reliance on a user's stated birth date extended beyond determining whether the user could create an account. TikTok also used age information to determine the experience and protections assigned to the user. In a 2023 internal roadmap, TikTok described age assurance as "the foundation for every Minor Safety & Privacy strategy" and acknowledged that, without a comprehensive age-assurance system, its other safety strategies "fall down." TikTok therefore knew that protections described as age appropriate could not reliably protect children unless TikTok first determined which users were children.³¹

43. TikTok knew, however, that the birth date supplied during registration did not reliably identify which accounts actually belonged to children. Its internal roadmap identified "hidden minors" who misrepresented their age to appear older, as well as underage users who returned to the platform after TikTok removed their accounts. TikTok treated both upward age misrepresentation and recidivism as continuing problems that its existing systems had not solved.³² An earlier internal plan estimated that improved detection could require TikTok to remove "millions if not tens of millions" of underage users each year.³³ As such, TikTok knew that a substantial number

³⁰ *Id.*

³¹ TIKTOK3047MDL-1143-LARK-07067386.

³² *Id.*

³³ TIKTOK3047MDL-099-LARK-04568048.

of children were using accounts that did not accurately reflect their age, placing those children outside even the limited age dependent restrictions TikTok had adopted, which consisted of discrete settings and restrictions governing particular content, communications, and features rather than a separate experience insulated from mature content or adult users. As discussed below, many of those measures were themselves incomplete, ineffective, or easily circumvented.

44. TikTok also recognized that meaningfully improving age assurance could have an adverse impact on its business goals. The company’s 2023 roadmap described a stronger verification process as difficult to “sell” internally because it could negatively affect growth metrics. TikTok continued to base youth protections on age information despite operating a system it knew children could evade and treating stronger age assurance measures as obstacles to growth.³⁴

A. TikTok Deceives West Virginians About Content on its Platform

1. TikTok Represents its Platform is Appropriate for Child users

a. Apple App Store, Google Play, Microsoft Store

45. Apple requires app developers to complete an age-rating questionnaire describing the app’s content and features. For applications like TikTok that host user-generated content, Apple instructs developers to base their age rating on the most mature content users can access through using the app.³⁵ Apple’s reasoning for this requirement is well founded—many children and teens download apps, and app developers “have to do [their] part” to keep kids safe.³⁶ Apple also tells developers to answer the age-rating questions honestly. Doing so helps parental controls

³⁴ TIKTOK3047MDL-1143-LARK-07067386.

³⁵ Apple, Inc., *App Store Review Guidelines* § 1.2.1, “Creator Content,” <https://perma.cc/27QU-SD83> (last visited Oct. 6, 2026).

³⁶ *Id.* at “Before You Submit,” <https://perma.cc/27QU-SD83> (last visited Oct. 6, 2026).

work correctly and warns users about an app’s content. Apple cautions that an incorrect age rating could surprise consumers or attract regulatory attention.³⁷

46. Apple’s age-rating questionnaire is a self-reporting process. It requires the developer to identify the app’s features and controls and to disclose the frequency of potentially objectionable content, including profanity or crude humor, mature or suggestive themes, sexual content or nudity, and alcohol, tobacco, or drug use or references. The developer selects the response that describes how often each type of content appears in the app, and Apple uses those answers to calculate the app’s age rating.³⁸ Importantly, if the developer believes that Apple’s assigned age rating is too low, the developer can override Apple’s calculation and select a higher age rating.³⁹

47. Historically, TikTok reported that its app contained only “infrequent/mild” profanity or crude humor, mature or suggestive themes, sexual content or nudity, and references to or use of alcohol, tobacco, or drugs. Those descriptions appeared on TikTok’s App Store listing.⁴⁰

48. Based on its answers, TikTok was assigned a “12+” rating. Among other things, Apple described that rating as permitting infrequent or mild language and mature or suggestive themes. The next and highest available rating was “17+,” which covered frequent or intense offensive language, violence, mature or suggestive themes, sexual content or nudity, and alcohol, tobacco, or drugs.⁴¹ TikTok could have selected the higher rating. It failed to do so.

³⁷ *Id.* at § 2.3.6, “Accurate Metadata,” <https://perma.cc/27QU-SD83> (last visited Oct. 6, 2026).

³⁸ Apple, Inc., *Set an App Age Rating*, App Store Connect Help, <https://perma.cc/BPT9-9CP7> (last visited Oct. 6, 2026).

³⁹ *Id.*

⁴⁰ TikTok, *musical.ly and TikTok Unite to Debut New Worldwide Short-Form Video Platform* (Aug. 2, 2018), <https://perma.cc/686N-FCK6>; Apple Inc., *App Store Preview: TikTok—Videos, Music & LIVE*, <https://perma.cc/9Y47-JXCU>.

⁴¹ Apple Inc., *Age Ratings Values and Definitions*, “Age Ratings on OS Versions Earlier than 26,” App Store Connect Help, <https://perma.cc/2TMV-QFYE> (last visited Oct. 6, 2026).

49. Apple revised its rating system in 2025 to provide ratings of 4+, 9+, 13+, 16+, and 18+. Under that system, TikTok again reported only “infrequent” profanity or crude humor, mature or suggestive themes, sexual content or nudity, and alcohol, tobacco, or drug use or references, in order to support a “13+” app store rating. Apple’s 13+ category permits infrequent instances of drug-related content, sexual content or nudity, and realistic violence, along with frequent profanity or crude humor and certain other content. Apple’s 16+ category includes frequent mature or suggestive content, while its 18+ category includes frequent content related to alcohol, tobacco, or drugs, sexual content or nudity, and realistic violence.⁴²

50. Like Apple’s age-rating process, the age-rating processes used by the Google Play Store and the Microsoft Store depend substantially upon information supplied by the app developer. Both Stores participate in the International Age Rating Coalition (“IARC”), which provides a common rating system for participating in digital storefronts. The developer must complete a questionnaire describing the application’s content and functionality, which IARC then uses to generate ratings under the standards applicable in different jurisdictions. In the United States, the developer’s responses generate ratings based on standards promulgated by the Entertainment Software Rating Board (“ESRB”), such as Everyone, Teen, or Mature 17+.⁴³

51. Both Google and Microsoft require developers to provide accurate responses to the IARC questionnaire.⁴⁴ Google explains that content ratings are intended to inform consumers, “especially parents,” about potentially objectionable content in an application and may be used to

⁴² Apple Inc., *TikTok—Videos, Shop & LIVE*, App Store, <https://perma.cc/DC3X-M5V2> (last visited Oct. 6, 2026) (displaying a 13+ rating and identifying the specified content categories as “Infrequent”); Apple Inc., *Age Ratings Values and Definitions*, App Store Connect Help, <https://perma.cc/K2XS-QWEM> (last visited Oct. 6, 2026).

⁴³ International Age Rating Coalition, *How IARC Works*, <https://perma.cc/HRA9-LQ2A>, (last visited Oct. 6, 2026); Entertainment Software Rating Board, *Ratings Guide*, <https://perma.cc/7HZZ-D32W>, (last visited Oct. 6, 2026).

⁴⁴ Google LLC, *Content Ratings*, Play Console Help (“You must accurately complete the Play Console questionnaire for every app”; “Misrepresentation of your app’s content may result in removal or suspension”),

filter or block applications from particular users. Google warns that misrepresenting an application's content may result in its removal or suspension and requires a developer to submit a new questionnaire when changes to an app's content or features affect the developer's prior responses.⁴⁵

52. Microsoft similarly explains that age ratings identify the audience for which an application's content is suitable and uses the IARC-generated rating information when displaying applications to consumers in different markets.⁴⁶ Like Google, Microsoft also makes developers responsible for accurately completing the IARC questionnaire to obtain the appropriate rating.⁴⁷ That accuracy requirement is part of Microsoft's Store Policies, and Microsoft warns that applications that violate those policies may fail certification or be removed from the Microsoft Store.⁴⁸

53. TikTok is rated "Teen" on the Google Play Store and Microsoft Store in the United States. Under the ESRB standards used by IARC in the United States, a Teen rating is generally suitable for users age 13 and older and may contain violence, suggestive themes, crude humor, minimal blood, simulated gambling, or infrequent use of strong language. By contrast, the next higher ESRB rating, Mature 17+, is generally suitable for users age 17 and older and may contain

<https://perma.cc/RQ22-PHB7>, (last visited Oct. 6, 2026); Microsoft Corp., *Microsoft Store Policies* § 11.11 ("You are responsible for accurately completing the International Age Rating Coalition (IARC) rating questionnaire during submission to obtain the appropriate rating."), <https://perma.cc/QHS3-UPG2>, (last visited Oct. 28, 2026).

⁴⁵ Google LLC, *Content Ratings*, Play Console Help ("All apps must have a content rating from the IARC"; ratings are intended to inform consumers, "especially parents"; misrepresentation may result in removal or suspension), <https://perma.cc/RQ22-PHB7>, (last visited Oct. 6, 2026).

⁴⁶ Microsoft Corp., *Age Ratings*, Microsoft Learn, (describing age ratings as "content suitability classifications that indicate the appropriate audience"), <https://perma.cc/9SRG-LKUR>, (last visited Oct. 6, 2026).

⁴⁷ *Id.*

⁴⁸ Microsoft Corp., *Get Started with the Microsoft Store: Frequently Asked Questions*, <https://perma.cc/7X9N-CL6H>, (last visited Oct. 6, 2026) ("Violations of Microsoft Store Policies may result in failed submissions or removal from the Store.").

intense violence, blood and gore, sexual content, or strong language.⁴⁹ Although TikTok’s underlying questionnaire responses are not publicly available, the resulting Teen rating demonstrates that TikTok represented its content and features are mild enough for a middle-school-aged audience.

54. TikTok’s Teen rating is also significant because the IARC questionnaire considers the user-generated content available through the application in determining the app’s rating. The questionnaire asks whether users can freely exchange content they create, including communicating with other users, commenting on content, sharing photographs, or exchanging other user-created material.⁵⁰ It also asks whether users may publicly share nudity or graphic violence and whether content exchanged between users is moderated.⁵¹ These questions matter because the resulting rating reflects not only TikTok’s own content, but its representations about the user-generated content available to platform users.

55. The difference in an app’s rating directly affects children’s access. Apple’s parental controls can prevent children from downloading apps that exceed the maximum age rating selected by their parents and may also prevent those apps from appearing in portions of the App Store. By retaining a 12+ rating, and now a 13+ rating, TikTok remains available under parental-control settings that would otherwise restrict an app rated 16+, 17+, or 18+.⁵² Google Play and Microsoft similarly use age ratings in parental controls that restrict children’s access to apps based on their

⁴⁹ Entertainment Software Rating Board, *Ratings Guide: Rating Categories*, <https://perma.cc/7HZZ-D32W> (last visited Oct. 6, 2026).

⁵⁰ Google LLC, *Online Interaction or Content Exchange*, Play Console Help, <https://perma.cc/XRU8-REMG>, (last visited Oct. 6, 2026).

⁵¹ Google LLC, *Public Sharing of Nudity or Gore*, Play Console Help, <https://perma.cc/73DT-RX92>, (last visited Oct. 6, 2026).

⁵² Apple Inc., *Maintaining a Safe App Store Experience* (Sept. 15, 2025), <https://perma.cc/U9ZM-T2TY> (“Screen Time—Content Restrictions help prevent your kids from downloading apps that exceed the age ratings you have set. They also stop your kids from seeing those apps in certain places in the App Store.”).

maturity level.⁵³ Thus, TikTok’s 12+, 13+, and Teen ratings do more than describe the platform’s content—they allow TikTok to remain accessible to child users who could be prevented from accessing it if the platform were rated for an older audience.

b. Community Guidelines

56. TikTok reinforces its representations that the platform is appropriate for child users through its Community Guidelines. TikTok tells consumers that the Guidelines are intended to help keep TikTok a “safe and positive experience,” “apply to everyone and everything on our platform,” and explain what content is allowed, what content is not allowed, and what content is ineligible for recommendation in the For You Feed.⁵⁴

57. TikTok further represents that it enforces the Community Guidelines through content moderation. TikTok has described its moderation system as including the removal of content that violates its rules and age-gating mature content so that it is viewed only by adults 18 years and older.⁵⁵ TikTok similarly represents that its recommender systems are designed with safety in mind, and that certain content unsuitable for a general audience, which includes child users, is not recommended in users’ For You Feed, or has its recommendation limited.⁵⁶

⁵³ Google LLC, *How to Set Up Content Restrictions on Google Play*, Google Play Help, <https://perma.cc/LK6K-YCV5> (last visited Oct. 6, 2026) (parental controls permit users to “choose the highest content rating” allowed for app and game downloads or purchases); Microsoft Corp., *Get the Microsoft Family Safety App*, Microsoft Support, <https://perma.cc/9M84-P6NA>, (last visited Oct. 6, 2026) (Family Safety can block inappropriate content and notify parents when children seek to download “a more mature app or game from the Microsoft Store with age limits”).

⁵⁴ See TikTok, *Terms of Service*, § 3.4, <https://perma.cc/XAW8-YRRS> (last visited Oct. 6, 2026) (“These Terms and our Community Guidelines, apply to everyone and to all content on the Platform.”). TikTok has also stated that its Community Guidelines are intended to foster a safe and positive experience. See TikTok, *Create, Discover, and Connect on TikTok with Simpler and Stronger Community Guidelines* (Aug. 14, 2025), <https://perma.cc/A5LZ-6LBR>.

⁵⁵ Julie de Bailliencourt, *Helping Creators Understand Our Rules with Refreshed Community Guidelines*, TikTok Newsroom (Mar. 21, 2023), <https://perma.cc/J5X2-PSV8> (describing that part of TikTok’s moderation approach is to remove violative content and restrict mature content “so it is only viewed by adults (18 years or older).”).

⁵⁶ TikTok, *How TikTok Recommends Content*, TikTok Support, <https://perma.cc/49VP-5GL5> (last visited Oct. 6, 2026).

58. The Community Guidelines identify categories of content that TikTok represents it will remove from the platform, restrict to adult users, or make ineligible for recommendation in the For You feed. Those restrictions apply to content concerning, among other things, sexual activity and sexually suggestive behavior, alcohol, tobacco and drugs, suicide and self-harm, disordered eating and body image, and dangerous activities. TikTok further represents that certain content may be permissible in isolation but harmful when repeatedly recommended, including dieting, extreme fitness, sexual suggestiveness, and certain mental health content, and that TikTok interrupts repetitive patterns to prevent users from viewing such content too frequently.⁵⁷

59. These representations are particularly significant to parents. Together with TikTok's age-rating representations, the Community Guidelines convey that although TikTok is a user-generated content platform, TikTok identifies mature and harmful content and either removes it, restricts child users' access to it, or limits its recommendation.

2. TikTok Represents its Safety Features and Parental Controls Protect Child Users

60. TikTok represents that it provides safety features and parental controls designed to protect child users and to enable parents to manage their children's experience on the platform. TikTok has repeatedly promoted these tools as part of its efforts to provide a "safe and age-appropriate experience for teens 13-17," and represents that its parental controls provide parents with "greater oversight" and allow families to establish "guardrails" appropriate for their children.⁵⁸

⁵⁷ TikTok, *Community Guidelines For You Feed Eligibility Standards*, <https://perma.cc/J66T-C2N5> (last visited Oct. 6, 2026).

⁵⁸ Tracy Elizabeth, *Our Work to Design an Age-Appropriate Experience on TikTok*, TikTok Newsroom (May 12, 2021), <https://perma.cc/6QQT-H4QE>; TikTok, *Supporting Youth and Families on TikTok* (Nov. 17, 2020), <https://perma.cc/T7AS-S5LU>.

TikTok further represents that its safety tools give parents “insight into, and control over, how their teens use TikTok.”⁵⁹

61. TikTok promotes Restricted Mode to parents as a means of limiting child users’ exposure to mature content. TikTok tells users that Restricted Mode “limits exposure to content that may not be suitable for everyone” and that users with Restricted Mode enabled “shouldn’t see mature or complex themes,” including sexually suggestive content, profanity, drugs, realistic violence, and other material intended for older audiences.⁶⁰ Restricted Mode is also one of the content controls available to parents through TikTok’s Family Pairing feature.⁶¹

62. TikTok promotes Family Pairing as a parental-control tool that allows parents and guardians to link their accounts to their teens’ accounts and manage a variety of content, privacy, safety, and well-being settings. TikTok has repeatedly described Family Pairing as a means for parents to set “guardrails” for their teens and exercise greater oversight over their experience on the platform.⁶² TikTok has represented that, through Family Pairing, parents can impose screen-time limits, control certain privacy and interaction settings, filter content using keywords, and enable Restricted Mode to limit their teens’ exposure to mature content. TikTok has promoted these tools as providing parents with greater control over their teens’ TikTok experience and “peace of

⁵⁹ TikTok, *TikTok Introduces Family Pairing* (Apr. 15, 2020), <https://perma.cc/8FQM-MDEK> (describing TikTok’s commitment to “giving parents insight into, and control over, how their teens use TikTok”).

⁶⁰ TikTok, *Restricted Mode*, TikTok Support, <https://perma.cc/UF7B-YJAR>, (last visited Oct. 6, 2026); *see also* Global Witness, *TikTok’s Search Algorithm Directs New 13-Year-Old Users to Porn, in Apparent Breach of New UK Law* (Oct. 3, 2025), <https://perma.cc/HP6K-JMA5> (quoting TikTok’s representation that users with Restricted Mode enabled “shouldn’t see mature or complex themes,” including “[s]exually suggestive content”).

⁶¹ TikTok, *Restricted Mode*, TikTok Support, <https://perma.cc/2JML-5CAR>, (last visited Oct. 6, 2026).

⁶² TikTok, *Guardian’s Guide*, <https://perma.cc/WQ6X-8B2K> (updated June 3, 2025) (“Safety tools like TikTok’s Family Pairing features allow families to set parameters” and describing Family Pairing as an opportunity to establish “guardrails”); TikTok, *Supporting Youth and Families on TikTok* (Nov. 17, 2020), <https://perma.cc/T7AS-S5LU>.

mind” that TikTok’s safeguards help ensure child users have positive experiences on the platform.⁶³

63. TikTok also represents that it maintains safeguards designed to protect child users from inappropriate content and interactions on TikTok LIVE. TikTok requires users to be at least 18 years old to broadcast on LIVE and represents that it verifies a user’s age before permitting the user to do so. Although users between 13 and 17 may view LIVE content, TikTok represents that when it identifies a LIVE containing mature or complex themes intended for older audiences, it restricts that LIVE to protect younger viewers. TikTok states that it will not recommend an age-restricted LIVE to users between 13 and 17, will remove younger users who are already viewing the broadcast, and will prevent them from accessing the LIVE through search or a shared link.⁶⁴

64. Unlike prerecorded videos posted to TikTok, LIVE content is created and transmitted as it occurs, and viewers can communicate with the host and other viewers through comments and other interactive features.⁶⁵ TikTok nevertheless represents that LIVE is subject to its Community Guidelines and that a dedicated safety team reviews and moderates LIVE broadcasts to help ensure community safety.⁶⁶

3. TikTok’s Representations are False and Misleading

65. TikTok tells parents that its platform is appropriate for child users and that its safety tools protect them from mature and harmful content. The reality is different. Child users can readily

⁶³ TikTok, *New Ways We’re Supporting Parents and Helping Teens Build Balanced Digital Habits* (Mar. 11, 2025), <https://perma.cc/69QL-QRV7> (stating that TikTok builds safeguards into teen accounts “to help ensure young people have positive experiences on our app -- and to give parents peace of mind”).

⁶⁴ TikTok, *Age-Restricted Content on TikTok LIVE*, TikTok Support, <https://perma.cc/B7B6-3Z9Y> (last visited Oct. 6, 2026).

⁶⁵ TikTok, *What Is TikTok LIVE?*, TikTok Support, <https://perma.cc/5T9U-XRMI>, (last visited Oct. 6, 2026).

⁶⁶ See TikTok, *LIVE Safety Guide*, <https://perma.cc/SV6W-43UB> (last visited Oct. 6, 2026).

encounter content inconsistent with TikTok’s age ratings and Community Guidelines, and the safeguards TikTok promotes to parents, including Restricted Mode, Family Pairing, and its protections for child users on TikTok LIVE, fail to deliver the protections TikTok promises. Moreover, TikTok itself recognized that the difficulty of locating and using these tools further limited their value, stating that the tools were “not always easy to find or understand.”⁶⁷ These are not isolated failures of individual features, but a system-wide failure to protect child users. Together, they undermine TikTok’s broader representation that its platform provides a safe and age-appropriate experience.

a. TikTok’s Community Guidelines are ineffective

66. TikTok’s Community Guidelines do not provide the protections TikTok represents. TikTok tells users that content involving youth sexual and physical abuse, violent and criminal behavior, and dangerous activities and challenges is not allowed and will be removed from the platform. Yet TikTok has knowingly and intentionally permitted that content to remain. Instead of actually removing harmful content as promised, TikTok often merely stopped recommending certain videos in users’ For You feeds.⁶⁸

67. TikTok knew that its failure to enforce the Community Guidelines exposed child users to harmful content. For example, In one internal review, TikTok identified 428 eating disorder and extreme diet and fitness items that violated its policies but had escaped moderation, remained on the platform for a median of 210 days, and continued to be recommended through search.⁶⁹ This was not harmless “leakage.” TikTok internally acknowledged that making eating disorder content accessible to minors could normalize weight loss and influence young users to

⁶⁷ TIKTOK3047MDL-014-00330672.

⁶⁸ See, e.g., TIKTOK3047MDL-060-01110548; TIKTOK3047MDL-078-LARK-01859676.

⁶⁹ TIKTOK3047MDL-078-LARK-01859676.

develop disordered eating.⁷⁰ TikTok thus knew that its failure to enforce its own rules allowed children to continue to encounter content the company had prohibited.

68. TikTok’s treatment of drug-related content reveals the same disconnect between its policies and its actual moderation practices. TikTok’s Community Guidelines stated that TikTok did not allow content showing young people possessing or using alcohol, tobacco products, or drugs. Yet TikTok allowed videos mentioning illegal drugs to remain on the platform. TikTok also allowed videos depicting people pretending to consume drugs, including pretending to snort cocaine or inject heroin, so long as the substance itself was not shown. TikTok did not remove these videos but instead classified them as “Not Recommended” in the For You Feed. But even that limited restriction was not reliably enforced. TikTok later found that 60% of drug related videos delivered to a test account should have been designated “Not Recommended” but had nevertheless been approved for recommendation by its content moderation system.⁷¹

69. TikTok’s Community Guidelines have also failed to protect child users from prohibited content sent through direct messages. TikTok publicly states that its rules apply to “everyone and everything” on the platform and prohibit sexually suggestive conduct involving youth, as well as content showing children possessing or using drugs, alcohol, or tobacco.⁷² Yet those prohibitions have not applied in the same way to content sent through direct messages.⁷³ As a result,

⁷⁰ TIKTOK3047MDL-133-LARK-06873333.

⁷¹ TIKTOK3047MDL-060-01110548.

⁷² TikTok, *Community Guidelines*, <https://perma.cc/3NLN-3TLJ> (last visited Oct. 28, 2026); TikTok, *Safety and Civility*, <https://perma.cc/DQA4-3JDT> (last visited Oct. 6, 2026). Importantly, previous versions of TikTok’s Community Guidelines expressly prohibited content depicting minors possessing or consuming alcohol, tobacco, or drugs. Its revised Guidelines effective September 24, 2026, retain restrictions concerning drugs but prohibit depictions of minors using alcohol or tobacco without expressly prohibiting their possession. See TikTok Inc., *TikTok California AB 587 Report (Q4 2023)*, § “Regulated Goods and Commercial Activities,” subsection “Alcohol, Tobacco, and Drugs” (2024), <https://perma.cc/GKF9-8S75>.

⁷³ TIKTOK3047MDL-042-LARK-00237494.

content TikTok tells parents and child users is forbidden from the platform can still be sent privately from one user to another.

70. TikTok’s moderation system was also overwhelmed by the sheer volume of content it was expected to review. TikTok internally acknowledged that moderators were “overloaded” with manual review tasks, adding that limiting child users’ access to inappropriate content would require an “enormous overhaul” of the moderation process.⁷⁴

71. Public reporting revealed that moderators were expected to review as many as 1,000 videos per day and make rapid decisions about potentially harmful content, including self-harm, suicide, sexual behavior, and drug abuse.⁷⁵ A TikTok content moderator likewise alleged in a 2021 lawsuit that she developed PTSD from repeatedly reviewing graphic and disturbing content, while TikTok required moderators to review videos for no more than 25 seconds and to view three to ten videos simultaneously.⁷⁶ An internal document acknowledges that TikTok’s highly manual moderation process could leave high risk content available for more than twelve hours before any moderation action was taken.⁷⁷ The same document proposed expanding the platform’s personnel base and investing in additional moderation tools but framed the proposal as a “Media Response” measure to prevent negative headlines.

72. TikTok’s staffing estimates for suspected underage account review further illustrate the scale of the company’s moderation problems. Based on its existing moderation queues, TikTok estimated that one full-time moderator could review more than 7,000 suspected underage accounts

⁷⁴ TIKTOK3047MDL-099-LARK-04568048.

⁷⁵ Olivia Carville, *TikTok’s Problem Child Has 7 Million Followers and One Proud Mom*, Bloomberg (Dec. 12, 2022), <https://perma.cc/SVD2-82DM>.

⁷⁶ See Complaint, *Frazier v. ByteDance Inc.*, No. 2:21-cv-09913 (C.D. Cal. Dec. 23, 2021), <https://perma.cc/LP3C-79K9>; see also Clare Duffy & Jennifer Korn, *TikTok Sued by Content Moderator Who Claims She Developed PTSD from Reviewing Disturbing Content*, (Dec. 29, 2021), <https://perma.cc/4BUT-S83Y>.

⁷⁷ TIKTOK3047MDL-060-01110548.

per week.⁷⁸ Assuming an eight-hour workday and five-day workweek, that rate allowed approximately 20 seconds to review each account. That pace required moderators to make consequential decisions about children’s accounts in seconds, leaving little opportunity for meaningful or reliable review.

73. TikTok’s publicly reported “proactive removal” rate similarly creates a misleading picture of its moderation system because it discloses violative content TikTok identifies and removes while it fails to disclose how long the content remained available, how widely it circulated, or how many users saw it before TikTok acted. TikTok acknowledged internally that prohibited content repeatedly escaped its detection and moderation systems, documenting that the violative material continued to be recommended to and viewed by users for months before TikTok removed it.⁷⁹ TikTok also internally acknowledged that its automated content moderation had approved prohibited content without human review.⁸⁰ None of these “misses” or failures are disclosed in TikTok’s public statistics. Thus, TikTok tells consumers how quickly it removes the content it catches but omits how much prohibited content remains on the platform for users, including children, to see.

74. TikTok’s own review of content delivered through its recommendation system demonstrates what those public statistics concealed. Following a Wall Street Journal investigation, TikTok conducted a “postmortem” investigation consisting of a review of 1,278 videos delivered to a test account that had been served content focused on sex and kinks. TikTok determined that 441 of the videos, or 35%, violated its policies, principally because they contained sexually explicit language. Its moderation system had missed 253 of those violating videos. Thus, more than half

⁷⁸ TIKTOK3047MDL-042-LARK-00237491.

⁷⁹ TIKTOK3047MDL-078-LARK-01859676.

⁸⁰ TIKTOK3047MDL-045-LARK-00381555.

of the violations TikTok ultimately identified had escaped moderation and already been delivered through its recommendation system.⁸¹

75. TikTok’s representation that its Community Guidelines apply to “everyone and everything” on the platform is also inconsistent with its internal enforcement practices—certain high-value and popular creators received special treatment from TikTok’s moderation team. TikTok employees disclosed to reporters that the company advised moderators to be “more lenient” for content posted by important creators despite that the content might violate the Community Guidelines.⁸² Employees also disclosed that TikTok routed content from creators with more than five million followers through a separate, more lenient moderation process, and, according to a TikTok manager, sought to keep decisions from moderators in Kuala Lumpur because those moderators “were very-by-the-book.”⁸³

76. TikTok also misrepresents the role of outside experts in its Community Guidelines. TikTok tells consumers that its Community Principles are developed with “[i]nput from experts in online safety, public health, and related fields.”⁸⁴ But TikTok’s internal documents show that certain categories of harmful content remained on the platform despite experts’ warnings. Experts advising the company warned that eating disorder content could normalize weight loss among minors, trigger people in recovery, and encourage young users to develop disordered eating. One expert concluded that showing such content caused “more harm than good” and that making it

⁸¹ TIKTOK3047MDL-060-01110548.

⁸² Hibaq Farah & Dan Milmo, *TikTok Users Including Russell Brand Given Special Status, Messages Show*, Guardian (Dec. 19, 2023), <https://perma.cc/F4F6-YBRJ>.

⁸³ Emily Baker-White, *How TikTok Has Bent Its Rules for Its Top Creators*, Forbes (Sept. 20, 2022), <https://perma.cc/3GFZ-5JB3>.

⁸⁴ TikTok, *Community Principles*, Community Guidelines, <https://perma.cc/AH6S-XQZN> (last visited Oct. 6, 2026).

accessible through a teenager’s For You feed was “more likely to cause harm.”⁸⁵ Substantial quantities of weight-loss, dieting, and eating-disorder content remained on TikTok. In one internal review of 1,166 eating-disorder videos, TikTok found that 88% had been viewed by minors and that 88% of those views came through the For You feed.⁸⁶ TikTok later documented that it had removed only seven of 56 hashtags identified as hosting pro-anorexia content, while 27 weight-loss and dieting hashtags remained.⁸⁷ TikTok thus misrepresents not only the protections provided by its Community Guidelines, but the extent to which those protections reflect the expert advice TikTok tells consumers informs its policies.

b. Child users can Readily Access and are Shown Mature Content

77. TikTok has misled West Virginia consumers about the nature and frequency of mature content available on its platform through the age-rating representations it makes in the Apple App Store, Google Play Store, and Microsoft Store. TikTok’s ratings represent that its platform is appropriate for users as young as 12 or 13, and that the mature content available to those users is sufficiently limited to justify those ratings. Those representations are false and misleading. Publicly available evidence demonstrates that child users can readily encounter mature content on TikTok that is inconsistent with the age ratings TikTok has obtained and continues to display.

78. The fact that the app’s rating has remained at tiers designed to reach middle-school aged children is galling given that TikTok received direct notice that its rating understates the mature content available on the platform. According to *The Washington Post*, Apple reviewed TikTok in 2022 and reportedly determined that the app contained “frequent or intense mature or suggestive content,” which was consistent with a 17+ rating under Apple’s standards at the time.

⁸⁵ TIKTOK3047MDL-133-LARK-06873333.

⁸⁶ TIKTOK3047MDL-084-LARK-03151705

⁸⁷ TIKTOK3047MDL-078-LARK-01859676.

Apple reportedly pressed TikTok to make the changes necessary to comply with the App Store Review Guidelines and resubmit its rating.⁸⁸

79. The *Post* further reported that, instead of raising its rating, TikTok told Apple that it had adopted “aggressive strategies” to filter harmful content. TikTok continued to rate its app at 12+ and continued representing that mature or suggestive content appeared only “infrequently.”⁸⁹

80. Apple’s concerns were corroborated by publicly reported testing. In December 2022, fifteen state attorneys general advised Apple that TikTok contained frequent and intense profanity, sexual content, mature or suggestive themes, and material related to alcohol, tobacco, and drugs. Their findings included instructional drug videos, drinking games, cannabis-edible recipes, vaping demonstrations, sexual material, and videos using explicit lyrics. The attorneys general stated that the content was not merely available through deliberate searches: TikTok suggested it through autocomplete and delivered it through the For You feed, including to accounts registered as 13 years old and accounts using Restricted Mode.⁹⁰

81. Despite Apple’s warning that TikTok contained “frequent or intense mature or suggestive content” and should carry a 17+ rating, TikTok retained its 12+ rating and now retains a 13+ rating. TikTok continues to characterize the relevant content as “infrequent.” The same evidence also undermines TikTok’s Teen rating in the Google Play and Microsoft Stores. The content identified through Apple’s review and the attorney generals’ testing, including sexual content,

⁸⁸ Cristiano Lima-Strong, *Apple Told TikTok It’s Unfit for Young Teens, New LawsUIT Details Allege*, Washington Post (Oct. 31, 2024), <https://perma.cc/G9CF-MNSH>.

⁸⁹ *Id.*

⁹⁰ Letter from Austin Knudsen, Montana Attorney General, and Fourteen Other State Attorneys General to Tim Cook, Chief Executive Officer, Apple Inc. (Dec. 13, 2022), <https://perma.cc/9BF8-CY6J>.

strong language, and other mature material available to 13-year-old users, is the very type of content that distinguishes an ESRB Teen rating from a Mature 17+ rating. Thus, TikTok’s representations concerning the nature and severity of content available to child users are inconsistent with its age ratings across all three major app stores.

c. Restricted Mode Does Not Meaningfully Restrict Mature Content

82. TikTok also misrepresents the effectiveness of Restricted Mode. Independent testing demonstrates that Restricted Mode does not provide the protection TikTok represents. In 2025, Global Witness created seven new TikTok accounts registered as 13-year-old users on factory-reset phones with no search histories and enabled Restricted Mode on every account.⁹¹ TikTok nevertheless suggested sexualized searches to the accounts, including to three accounts the first time the user opened the search bar, before the user had typed anything or selected any videos. All seven accounts encountered pornographic content within a small number of clicks, and one account was only two clicks from pornographic content after logging in.⁹²

83. Global Witness first identified the problem in testing conducted in the spring of 2025 and provided its findings to TikTok. TikTok responded that it had “taken action globally.” Global Witness repeated its testing several months later using four newly created accounts, again registered as 13-year-old users with Restricted Mode enabled. The subsequent testing again found that TikTok suggested sexualized search terms that led child users toward pornographic content.

84. TikTok knew that its representations concerning Restricted Mode were false or misleading. In sworn testimony in 2024, a TikTok corporate representative testified that she recalled reviewing Restricted Mode and concluding that, if TikTok were to package and present it

⁹¹ Global Witness, *supra* note 60.

⁹² *Id.*

as a “very family friendly space,” it was “not meeting expectations that families would expect.”⁹³ TikTok nevertheless continues to promote Restricted Mode as a youth-safety and parental-control feature and continues to represent that users with Restricted Mode enabled “shouldn’t see mature or complex themes.”⁹⁴

85. TikTok represents the feature as a means of limiting child users’ exposure to mature material, while independent testing demonstrates that TikTok’s own search system can affirmatively direct 13-year-old users toward the very content Restricted Mode purportedly protects them from.

d. Family Pairing Does Not Provide the Protections TikTok Represents

86. TikTok promotes Family Pairing as a parental control tool that allows parents to manage their teen’s TikTok experience and to control safety settings, including by using Restricted Mode, but misrepresents its actual utility.

87. Family Pairing is only available for set up on the TikTok mobile app, not on a mobile or desktop browser. In order for the feature to work, parents must download the TikTok mobile app for themselves, create accounts, and then set up Family Pairing.

88. Family Pairing contains significant gaps that undermine its effectiveness as a parental-control tool. Independent testing found that parental controls did not reliably govern the experience of an account identified as belonging to a teen. In one test, an account identified as a teen through Family Pairing retained access to TikTok Shop, an experience TikTok allegedly available only to users 18 and older. The parent account was also unable to place the teen account into Restricted Mode without completely uninstalling TikTok from the teen’s device and logging

⁹³ Deposition of Tracy Elizabeth at 208:1–7 (Mar. 18, 2024), *Indiana v. TikTok*, No. 02D02-2212-PL-000400 (Allen Super. Ct.).

⁹⁴ TikTok, *Restricted Mode*, TikTok Help Center (last visited Oct. 28, 2026), <https://perma.cc/V5Y2-SN44>.

back in.⁹⁵ The researchers concluded that these gaps could give parents a “false sense of security” that Family Pairing and Restricted Mode were making TikTok safer for their teens.⁹⁶

89. Family Pairing also does not prevent a teen from unlinking the paired parent account. In 2025, an independent test using a fictitious 15-year-old account found that the teen account could unlink itself from the parent account within a few taps, without a PIN, password, or parental permission.⁹⁷ TikTok confirmed that teens can unlink Family Pairing, but stated that it sends the parent a push and inbox notification and locks the Family Pairing settings for 48 hours after unlinking.⁹⁸ Thus, although TikTok notifies parents after a teen unlinks the accounts, Family Pairing does not require parental authorization before the teen disables the connection through which the parent exercises those controls.

90. Nor does TikTok permit a parent to exercise ultimate control over whether a child between 13 and 17 years old may continue using the platform. TikTok’s internal guidance provides that it will not delete the account of a user in that age range at the request of the user’s parent or guardian.⁹⁹ Thus, a teen may unilaterally terminate the Family Pairing connection, but the parent cannot require TikTok to terminate the teen’s account.

91. TikTok touts both Restricted Mode and Family Pairing as tools parents can use to ensure their teen’s safe use of the platform.¹⁰⁰ But TikTok fails to disclose that Restricted Mode

⁹⁵ Sarah Perez, *Some Teens Under 18 May Have Have Access to TikTok Shop, Despite Adults-Only Policy*, TechCrunch (July 15, 2024), <https://perma.cc/3JY5-YCH4>.

⁹⁶ *Id.*

⁹⁷ Beth Greenfield, *Will TikTok’s New Parental Control Features Really Work?*, Fortune (Mar. 13, 2025), <https://perma.cc/6VWY-BMJ8>.

⁹⁸ *Id.*

⁹⁹ TIKTOK3047MDL-004-00131967.

¹⁰⁰ See Adam Presser, *New Ways We’re Supporting Parents and Helping Teens Build Balanced Digital Habits*, TikTok, (Mar. 11, 2025), <https://perma.cc/69QL-QRV7> (safeguards for teen accounts are intended to “give parents peace of mind”).

can fail to prevent child users from encountering mature content; that Family Pairing controls have failed to operate as expected in independent testing; that a teen can unlink a paired account without first obtaining the parent’s authorization; or that TikTok will not honor a parent’s request to delete the account of a child between 13 and 17 years old. These omissions are particularly material because TikTok specifically markets Family Pairing to parents seeking greater oversight of, and control over, their children’s use of the platform.¹⁰¹

e. TikTok LIVE Exposes Child users to Inappropriate Content

92. TikTok also misrepresents the safeguards it has put in place to protect child users from inappropriate content on TikTok LIVE. TikTok represents that LIVE is subject to its Community Guidelines, that a dedicated safety team reviews and moderates LIVE broadcasts, and that age restrictions prevent child users from hosting or accessing mature LIVE content.

93. The real-time nature of LIVE presents particular risks for child users because they may be exposed immediately to sexual, violent, drug-related, and other mature content as it is broadcast. TikTok’s internal documents demonstrate that these risks were not hypothetical. Although TikTok represents that users must be at least 18 years old to broadcast on LIVE, its own internal investigations found that child users were accessing LIVE and were being exposed to serious safety risks.

94. A 2022 internal investigation known as “Project Meramec” found that 112 thousand of TikTok LIVES were hosted by users under age 15 in January 2022, and that underage users

¹⁰¹ TikTok, *Supporting Youth and Families on TikTok* (Nov. 17, 2020), <https://perma.cc/T7AS-S5LU> (describing Family Pairing as providing parents “greater oversight” and tools for establishing “guardrails”); TikTok, *Guardian’s Guide*, <https://perma.cc/WQ6X-8B2K> (describing Family Pairing controls).

could “Easily Access Livestream Feed.”¹⁰² TikTok further found that underage hosts were receiving a “significant #” of messages from older users and identified both a “risk of grooming” and that “Live Interaction Enables Exploitation of Live Hosts.”¹⁰³

95. Independent reporting has documented sexualized content involving children on TikTok LIVE. In 2022, Forbes reviewed hundreds of TikTok livestreams and found viewers regularly encouraging young girls to engage in sexually suggestive conduct on camera. In one instance, a user who identified herself as 14 years old broadcast to approximately 2,000 viewers while adult viewers requested nudity and other sexualized conduct.¹⁰⁴

96. TikTok also knew that its LIVE feed lacked protections designed around the age of the viewer. Internally, TikTok acknowledged that it had “[n]o age-related feed strategy.”¹⁰⁵ TikTok recognized that exposing children to sexualized content places them at developmental risk.¹⁰⁶ Yet sexualized content remained a recognized feature of the LIVE environment.

97. TikTok also knew that its own business incentives and recommendation system encouraged the proliferation of sexualized content on LIVE. Project Meramec found that transactional sexual content “hits most of business’ metrics of success” and is “pushed to TopLives” because TikTok’s recommendation algorithm “prioritizes engagement.” TikTok further found that transactional Gifting generated “[s]ignificant [r]evenue” and occurred “[p]rimarily in exchange” for content with nudity and sexual activity. Sexualized content therefore did not merely persist

¹⁰² TIKTOK3047MDL-157-04638890.

¹⁰³ *Id.*

¹⁰⁴ Alexandra S. Levine, *How TikTok Live Became “A Strip Club Filled With 15-Year-Olds,”* Forbes (Apr. 27, 2022), <https://perma.cc/SH6Z-CP9W>.

¹⁰⁵ TIKTOK3047MDL-157-04638890.

¹⁰⁶ TIKTOK3047MDL-010-00329069.

despite TikTok’s design. It performed well under TikTok’s measures of success, generated revenue, and was amplified by TikTok’s algorithm.¹⁰⁷

B. TikTok’s Platform is Designed to Encourage Harmful Compulsive Use

98. TikTok is not merely a passive platform on which users choose how much time to spend. TikTok designs and operates its platform to maximize how frequently users return, how long they remain, and how continuously they consume content. Its recommendation system and other engagement features work together to remove natural stopping points, repeatedly reward continued use, and draw users back to the platform.

99. These design choices pose particular risks to child users, who are less able than adults to regulate their behavior and resist features designed to capture and hold their attention. TikTok has long understood both this vulnerability and the consequences of exploiting it. In its own words, “social media is inherently dangerous,” and “all minors are at risk when they engage on the platform.”¹⁰⁸ Its own research and internal communications demonstrate that TikTok intentionally sought to develop habitual use, knew that compulsive use was widespread on its platform and harmful to child users, and resisted meaningful changes when they threatened engagement and other business objectives.

1. TikTok Designs its Platform to Encourage Compulsive Use

100. TikTok’s efforts to encourage compulsive use are driven by its business model. TikTok generates substantial revenue from advertising, and the longer users remain on the platform, the more opportunities TikTok has to show them advertisements and collect information about their interests and behavior. TikTok has acknowledged internally that its “advertising-based

¹⁰⁷ TIKTOK3047MDL-157-04638890.

¹⁰⁸ TIKTOK3047MDL-004-00144753.

business model encourages optimization for time spent in the app,” which it accomplishes through its recommendation system and the design of new features.¹⁰⁹ As one TikTok employee put it, “We do actually want people to spend as much time as possible on TikTok,” even though doing so “can be in contrast to what is best for your mental health.”¹¹⁰

101. TikTok accordingly designed its platform not simply to attract users, but to keep them using it and repeatedly draw them back. Internal TikTok documents identify the “ultimate goal” of its features, including its recommendation system, as increasing daily active users by attracting new users and retaining existing ones. Brett Peters, TikTok’s Global Head of Creator Advocacy and Reputation, similarly described the company as having “really lofty goals of getting people to be on the app longer” and seeking to provide enough different content that users would “never want to leave.”¹¹¹ That objective expressly extended to children. TikTok told advertisers that users ages 13 to 24 were the company’s “sweet spot.”¹¹²

102. TikTok has been particularly focused on increasing use among children and teens. TikTok’s own research found that daily users under age 18 spent 25% more time on the platform than adult daily users, averaging 106 minutes per day.¹¹³ TikTok tracks child users’ daily and monthly use, watch time, number of videos viewed, and whether they return to the platform, and uses that information to further increase their engagement. TikTok’s internal audience analysis indicated that its youngest users were among the platform’s highest performing demographics.¹¹⁴

¹⁰⁹ TIKTOK3047MDL-153-LARK-07389166.

¹¹⁰ CNN News Central, *Unsealed Video Reveals TikTok Employees Warned Internally About App’s Impact on Teenagers*, (Aug. 21, 2025), <https://perma.cc/G6NR-PVCH>.

¹¹¹ *Id.*

¹¹² TIKTOK3047MDL-085-03619367; TIKTOKMDL3047-016-00353331.

¹¹³ TIKTOK3047MDL-111-LARK-05898269.

¹¹⁴ TIKTOK3047MDL-018-00363174.

103. TikTok pursued increased use even among children under 13. An internal strategy document proposed making Kids Mode, the version of TikTok intended for children under age 13, a “truly compelling experience” that could “attract children.”¹¹⁵ The company acknowledged that excluding that category of users altogether would have a negative impact on its bottom line, identifying “Less DAU [daily active users]” as a disadvantage.¹¹⁶ Instead, TikTok sought to attract more users under age 13 reasoning that children continue to use familiar apps and services as they grow up¹¹⁷

104. TikTok was also well aware that child users are particularly susceptible to the engagement strategies it employed. Internal documents acknowledge that child users are “particularly sensitive to reinforcement in the form of social reward,” “have minimal ability to self-regulate effectively,” and struggle with “impulse control and executive function” required to regulate screen time.¹¹⁸ These were not abstract concerns about children generally—the concerns identified the specific developmental characteristics that made child users more vulnerable to a platform designed around repeated rewards, social feedback, and prolonged use. TikTok nevertheless designed its platform to exploit the very behaviors it knew child users had difficulty controlling.

105. Research commissioned and supported by TikTok reinforced the same point. A 2021 report examining adolescent behavior explained that the brain systems governing emotion and reward undergo significant changes beginning around ages 10 to 12, while the areas involved in judgment and impulse control are still developing. The report explained that this developmental stage is associated with increased novelty-seeking, risk-taking, motivation for social interaction,

¹¹⁵ TIKTOK3047MDL-099-LARK-04568048.

¹¹⁶ TIKTOK3047MDL-004-00290427.

¹¹⁷ *Id.*

¹¹⁸ TIKTOK3047MDL-153-LARK-07389166.

and sensitivity to social evaluation.¹¹⁹ TikTok therefore understood that the very characteristics its platform could use to increase engagement were especially pronounced among its child users.

106. TikTok’s internal data also showed that younger users responded particularly strongly to the platform. One internal review concluded that children aged 13-17 was the company’s largest audience demographic, has the highest engagement rate compared to other age groups, and spends significantly longer time on the app than older generations.¹²⁰

107. A TikTok brand partnerships presentation from the first quarter of 2019 described TikTok’s United States audience as “Generation Z Focused.” It reported that TikTok had 27 million monthly active users in the United States, stated that 60% of its United States audience was between 16 and 24 years old, and reported that United States users opened TikTok more than eight times per day, spent more than 43 minutes per day on the platform, and generated an average of 25 billion video views each month.¹²¹ By June 2019, an updated version of the presentation reported more than 30 million monthly active users in the United States and stated that 69% of TikTok’s United States audience was between 16 and 24 years old. The updated presentation further reported that 27% of TikTok’s audience was between 13 and 17 years old, that users spent more than 46 minutes per day on the platform, and that TikTok generated an average of 37 billion video views each month.¹²²

108. TikTok’s October 2020 internal data showed that 29.88% of its United States users were between 13 and 17 years old and another 27.47% were between 18 and 24, meaning that

¹¹⁹ Zoe Hilton, *Exploring Effective Prevention Education Responses to Dangerous Online Challenges* 18–19, Praesidio Safeguarding (Nov. 2021), <https://perma.cc/8CHF-2BQQ> (report commissioned and supported by TikTok).

¹²⁰ TIKTOK3047MDL-018-00363174.

¹²¹ TIKTOK3047MDL-039-LARK-00215139.

¹²² Garrett Sloane & Lindsay Rittenhouse, *A Leaked Pitch Deck Reveals How TikTok Is Trying to Woo Brands*, Ad Age (Oct. 9, 2019), <https://adage.com/article/tech/leaked-pitch-deck-reveals-how-tiktok-trying-woo-brands/2205906/>; *TikTok Introduction* 11–14 (June 2019), <https://perma.cc/W8KB-X9PJ>.

more than half of its United States audience was between 13 and 24. TikTok further reported that younger users opened the app more frequently, spent more time on it, and watched and interacted with more videos each day. Users between 13 and 17 averaged 246 video views per day, while users between 18 and 24 averaged 257, compared with 180 among users between 25 and 34 and 140 among users 35 and older.¹²³ TikTok thus did not merely know that child users were more susceptible to prolonged and habitual use. It recognized the business value of acquiring and retaining those users early.

109. TikTok did not simply seek greater engagement from child users in the short term. Its internal materials show that TikTok deliberately sought to make repeated use of the platform part of their daily routine. TikTok emphasized repeated use as one of its core value propositions, the goal being to take users “from opening the TikTok app to establishing a habit,” and acknowledging that success means that users “form a habit of coming to TikTok on a regular basis.”¹²⁴ TikTok therefore measured success not merely by whether a user opened the platform or watched a particular video, but by whether the user crossed a threshold associated with repeatedly returning to TikTok.

110. That strategy extended to the child users TikTok sought to attract and retain. In an internal growth plan, TikTok identified an objective of attracting and retaining users with “proven high engagement,” established a numerical target for increasing “teen male users,” and identified

¹²³ TIKTOK3047MDL-018-00363174.

¹²⁴ Deposition of Cormac Keenan at 210:1–18 (Mar. 24, 2025), *In re Social Media Adolescent Addiction/Personal Injury Products Liability Litigation*, No. 4:22-md-03047-YGR (N.D. Cal.), <https://perma.cc/JN6M-LGTT>.

high school boys as a “key population group” for recruitment.¹²⁵ TikTok thus sought both to cultivate habitual use and to expand the population of child users most likely to engage actively and return repeatedly to the platform.

111. Researchers have explained that children’s tendency to seek immediate gratification makes them particularly susceptible to habit-forming rewards and that repeated reward loops can train users to repeat behaviors until those behaviors become habitual.¹²⁶

112. TikTok also presented users’ activity on its platform to prospective advertisers as a “consumer journey” operating as a “flywheel.” TikTok explained that the journey began with users discovering content through the For You feed, continued as they participated and co-created with brands and creators, and culminated when they “take action in the moment.”¹²⁷

113. TikTok then marketed its 13–17-year-old user base to prospective advertisers as their “current and future customers.” TikTok represented that users in that age group comprised 14% of its audience and described young, growing audiences as its “sweet spot” because they were “just beginning to exercise their spending power and form brand preferences and affinities.” TikTok told advertisers that these users were “key to capturing now in order to build loyalty over time.”¹²⁸

114. The loyalty TikTok sought to build had direct economic value. By keeping users engaged and returning repeatedly, compulsive use increased the attention TikTok could monetize. TikTok acknowledged internally that “compulsive usage on TikTok is rampant.”¹²⁹ TikTok itself

¹²⁵ TIKTOK3047MDL-099-LARK-05010219.

¹²⁶ Baroness Kidron, Alexandra Evans & Jenny Afia, *Disrupted Childhood: The Cost of Persuasive Design* at p. 20–21 (June 2018), <https://perma.cc/677Y-CAYW>.

¹²⁷ TIKTOK3047MDL-016-00353331.

¹²⁸ *Id.*

¹²⁹ TIKTOK3047MDL-024-LARK-00043038.

connected that compulsive use to its business model, recommendation system, and feature design, saying that its “advertising-based business model encourages optimization for time spent in the app.”¹³⁰ It also described TikTok as using “coercive design tactics” that limit user agency.¹³¹

2. TikTok Uses Manipulative Tactics to Keep Child users Engaged

a. TikTok’s Recommendation System Maximizes Time Spent

115. TikTok’s recommendation system continuously selects the videos shown in each user’s For You feed based on that user’s behavior. TikTok designed the system to do more than personalize content—the “main goal” of the recommendation system is to increase user retention and time spent.¹³² For TikTok, increased time spent meant increased opportunities to generate advertising revenue. TikTok acknowledged internally that its “advertising-based business model encourages optimization for time spent in the app,” including through its recommendation algorithm and the design of new features.¹³³

116. TikTok’s recommendation system advances those goals by continuously testing and learning what will hold each individual user’s attention. Whether a user watches a video to completion or quickly swipes away provides TikTok with information about that user’s interests, which the system uses to select subsequent videos.¹³⁴ But the user does not know what TikTok will show next. Each swipe brings a surprise, and the possibility that the next video will be especially interesting, entertaining, or rewarding. That possibility encourages another swipe, and then

¹³⁰ TIKTOK3047MDL-153-LARK-07389166.

¹³¹ *Id.*; TIKTOK3047MDL-024-LARK-00043038.

¹³² TIKTOK3047MDL-024-LARK-00040453.

¹³³ TIKTOK3047MDL-153-LARK-07389166.

¹³⁴ TikTok, *How TikTok Recommends Videos #ForYou*, TikTok Newsroom (June 18, 2020), <https://perma.cc/Q3UW-EY5Z>.

another. Meanwhile, each response gives TikTok more information about what captures that particular user's attention, allowing it to further refine the videos it recommends. The result is a self-reinforcing cycle: TikTok gets better at delivering content the user finds rewarding, while the user keeps scrolling, spending more time on the platform to discover what TikTok will show next.

117. The same cycle that keeps users scrolling also brings them back. TikTok uses that cycle to compete for users' attention even after they leave the platform, giving them a reason to return to TikTok rather than spend that time elsewhere. TikTok internally identifies "time spent" and "retention"—whether users return to the platform—as closely related goals of its recommendation system.¹³⁵ Each time a user returns to TikTok, the For You feed offers a new stream of personalized surprises, while TikTok retains what it has already learned about that user and can immediately begin using those signals to select content likely to capture the user's attention. The recommendation system thus works in both directions: it gives users a reason to keep watching once they open TikTok and a reason to return.

118. These tactics are particularly effective for teens. As TikTok itself recognized, child users are especially sensitive to rewards and have less ability to regulate their own screen time.¹³⁶ TikTok's recommendation system takes advantage of both vulnerabilities. The surprise of what comes next supplies a continuing reward, while TikTok's increasingly personalized recommendations make those rewards more likely to capture each teen's attention. And because the feed never runs out of new possibilities, resisting the next swipe, or deciding not to return, requires the very self-control that TikTok knew child users had less ability to exercise.

¹³⁵ Ben Smith, *How TikTok Reads Your Mind*, N.Y. Times (Dec. 5, 2021), <https://perma.cc/F66U-BM67>.

¹³⁶ TIKTOK3047MDL-153-LARK-07389166.

b. TikTok Removes Natural Stopping Points and Friction

119. TikTok makes it especially difficult to break the cycle described above by removing natural stopping points. Videos in the For You feed play automatically, and when one ends, another is immediately available with a single swipe. There is no end of a page, episode, or other natural break that requires the user to decide whether to continue. Instead, stopping requires the user to affirmatively decide to leave TikTok.

120. TikTok went further than simply eliminating natural stopping points within the feed. On some devices, TikTok hid the phone's system clock while the app was in use, removing an ordinary cue that could alert users to how much time had passed.¹³⁷ By making the passage of time less visible while simultaneously providing an uninterrupted stream of new content, TikTok made it easier for users to continue scrolling without recognizing how long they had been doing so. Casinos have long employed a similar strategy, limiting clocks and natural daylight to reduce gamblers' awareness of the passage of time and to encourage continued gambling.¹³⁸

121. TikTok understood the effect of this design. The company recognized that “[i]nfinite scroll, video auto-play and constant notifications” can make it harder for users to manage how much time they spend on the platform, and acknowledged that these “powerful coercive design tactics . . . tend to benefit companies and advertisers more than users.”¹³⁹ For teens, whom TikTok already knew had less ability to regulate their screen time, removing those breaks makes it easier to continue the reward cycle and harder to disengage from it.

¹³⁷ Louise Matsakis, *On TikTok, There Is No Time*, WIRED (Oct. 3, 2019), <https://perma.cc/GZ38-JE9Y>.

¹³⁸ Damien Brevers et al., *Effect of Casino-Related Sound, Red Light and Pairs on Decision-Making During the Iowa Gambling Task*, 31 J. Gambling Stud. 409, 410 (2015).

¹³⁹ TIKTOK3047MDL-153-LARK-07389166.

c. TikTok Uses FOMO to Keep Child users Coming Back

122. TikTok also gives users reasons to return to the platform now rather than later. Some TikTok content and experiences are ephemeral: their value depends on seeing or participating in them while they are happening. TikTok LIVE is the clearest example. A livestream happens in real time, allowing users to watch, comment, interact with creators, and participate alongside other viewers. A user who does not open TikTok while a LIVE is underway may miss that experience entirely.

123. That possibility creates fear of missing out, or “FOMO”—the concern that something interesting, important, or socially rewarding may be happening without the user. Unlike the personalized surprises of the For You feed, which encourage users to keep scrolling once they are on TikTok, ephemeral content creates pressure to return to the platform so they do not miss what is happening there.

124. TikTok understood that this made LIVE particularly “sticky,” or, in other words, making the feature difficult to leave and easy to return to. Internal documents show that TikTok treated LIVE as a growth product, setting targets for livestream penetration and measuring its success through daily active users, watch time, and revenue.¹⁴⁰ TikTok pursued those objectives on a platform that identified users ages 13 to 24 as its “sweet spot,”¹⁴¹ and its own analysis estimated that more than 24 million users under 16 had accessed livestreams during a single 30 day period.¹⁴² By giving child users experiences they could miss if they were not on TikTok at the right time, TikTok created another reason to check the platform repeatedly and make TikTok part of their daily routine.

¹⁴⁰ TIKTOK3047MDL-120-LARK-06181649; TIKTOK3047MDL-120-LARK-06126223.

¹⁴¹ TIKTOK3047MDL-085-03619367.

¹⁴² TIKTOK3047MDL-042-LARK-00237491.

d. TikTok Uses Notifications to Pull Child users Back to the Platform

125. TikTok does not wait for users to decide to return to the platform. Push notifications reach users even when TikTok is closed, using sounds, vibrations, banners, and badges to interrupt what they are doing and draw their attention back to the app. TikTok employees described the overarching goal of push notifications as “to encourage users to open the App more and stay longer.”¹⁴³ TikTok pursued that goal by testing the timing and frequency of notifications to determine the “best push time and the best push count for every user” to maximize daily use and retention.¹⁴⁴

126. Notifications also draw on the same psychology of surprise and reward that makes TikTok’s recommendation system so difficult to put down. A notification may signal something interesting or rewarding is happening on TikTok, for example, that a favorite creator is about to go LIVE, but the user does not know what is waiting until the user checks. Delivered unpredictably, those potential rewards operate much like the intermittent variable rewards used in gambling: the user keeps checking because the next notification might bring something rewarding. TikTok itself described “constant notifications” and the “‘slot machine’ effect” as coercive design tactics used in the TikTok product experience.¹⁴⁵ TikTok also recognized that younger users are “particularly sensitive to reinforcement in the form of social reward” and have “minimal ability to self-regulate effectively.”¹⁴⁶

127. TikTok also uses social interaction itself as a reward. A “Like” is another user’s positive reaction to a video, completed by tapping the heart-shaped button. Comments and follows

¹⁴³ TIKTOK3047MDL-099-LARK-04599758.

¹⁴⁴ *Id.*

¹⁴⁵ TIKTOK3047MDL-153-LARK-07389166.

¹⁴⁶ *Id.*

likewise signal that others have seen, noticed, or responded to a user's content. But those rewards are unpredictable: a user does not know whether a post will receive attention, how much it will receive, or when that attention will come. That uncertainty gives users a reason to keep checking TikTok and encourages them to post again in hopes of receiving another reward.

128. TikTok knew that this form of reward is particularly powerful for child users.¹⁴⁷ The risks of using variable rewards on children were also well understood. Authors of the report titled "Disrupted Childhood: The Cost of Persuasive Design" explained that variable rewards "hold a special thrill" because the anticipation of an uncertain reward itself produces a dopamine response, comparing the experience to a gambler waiting to see where a roulette wheel will stop.¹⁴⁸ The report further explained that, once the reward is received, "the dopamine fades leaving the desire for more."¹⁴⁹ One of the report's co-authors, Alexandra Evans, later became a TikTok executive.

129. Together, these tactics turn notifications into another part of TikTok's reward cycle. Even after a young user puts the app down, TikTok can create anticipation that something new or rewarding is waiting. The only way to satisfy that anticipation is to reopen TikTok, where the user is returned to the personalized, continuously scrolling feed designed to keep them there.

C. TikTok Exposes Child users to Risks of Serious Mental and Physical Harms

130. TikTok's efforts to capture and retain child users' attention have consequences extending far beyond the time children spend looking at a screen. Compulsive use displaces activities essential to their health and development, including sleep, physical activity, schoolwork, time with

¹⁴⁷ *Id.*

¹⁴⁸ Kidron, *supra* note 126.

¹⁴⁹ *Id.*

family, and in-person relationships.¹⁵⁰ TikTok’s social feedback and appearance-altering features expose child users to relentless comparison and evaluation, while its recommendation system can identify and amplify their interests, insecurities, and vulnerabilities. At the same time, TikTok exposes children and teenagers to bullying, harassment, predatory contact, sexual exploitation, and dangerous conduct capable of causing physical injury or death.

131. These harms do not arise independently of TikTok’s design. The same features TikTok uses to maximize engagement—its personalized recommendation system, uninterrupted feed, social rewards, notifications, and frictionless interactions—also shape the harms child users experience. TikTok determines what content appears in the For You feed, how frequently related material is repeated, which social reactions are publicly quantified, when users are prompted to return, and how readily users can interact with one another. TikTok therefore does not merely provide a venue in which harm may occur. Its design choices can create, intensify, and prolong child users’ exposure to those harms.

1. TikTok’s Compulsive Design Displaces Essential Activities

132. Time spent compulsively using TikTok comes at the expense of time spent elsewhere. For children and teenagers, the displaced activities include sleep, physical activity, schoolwork, reading, time with family, and the in-person interactions through which young people develop relationships and social skills.¹⁵¹

133. TikTok understood these consequences. Its own internal assessment acknowledged that compulsive use interferes with “essential personal responsibilities like sufficient sleep, work/school responsibilities, and connecting with loved ones.” TikTok further acknowledged that

¹⁵⁰ See U.S. Dep’t of Health & Hum. Servs., Off. of the Surgeon Gen., *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* 9–10, 13 (2023); TIKTOK3047MDL-024-LARK-00043038.

¹⁵¹ TIKTOK3047MDL-047-LARK-00510814.

compulsive use correlates with “loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety.”¹⁵² These harms do not depend upon a young user encountering a particular video. They result from the excessive and compulsive use that TikTok deliberately designed its recommendation algorithm and coercive features to encourage.

134. Sleep is among the activities displaced by compulsive use. TikTok is available at every hour, supplies content without a natural endpoint, and uses notifications and ephemeral experiences to encourage child users to remain on or return to the platform. TikTok’s own data showed that, in 2022, 19% of users between the age of 13 and 15 and 25% of users between the ages of 16 and 18 used TikTok between midnight and 5:00 a.m.¹⁵³

135. Insufficient sleep poses particularly serious risks during adolescence. Sleep is important to memory formation, neurological development, and emotional regulation. Research has associated sleep deprivation with impaired formation of new memories, social withdrawal and loneliness, and impaired recognition of human emotions.¹⁵⁴ Social media use is also associated with poorer sleep patterns among adolescents, with some research finding progressively greater likelihood of short sleep as social media use increases.¹⁵⁵

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ See Seung-Schik Yoo et al., *A Deficit in the Ability to Form New Human Memories Without Sleep*, 10 *Nature Neuroscience* 385, 385-92 (2007); Eti Ben Simon & Matthew P. Walker, *Sleep Loss Causes Social Withdrawal and Loneliness*, 9 *Nature Communications* 3146 (2018); Els van der Helm et al., *Sleep Deprivation Impairs the Accurate Recognition of Human Emotions*, 33 *Sleep* 335, 335-342 (2010).

¹⁵⁵ See 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); Holly Scott et al., *Social Media Use and Adolescent Sleep Patterns: Cross-Sectional Findings from the UK Millennium Cohort Study*, 9 *BMJ Open* e031161 (2019); Garrett Hisler et al., *Associations Between Screen Time and Short Sleep Duration Among Adolescents Vary by Media Type: Evidence from a Cohort Study*, 66 *Sleep Medicine* 92, 92-102 (2020).

136. Sleep disruption can also compound other mental health risks. TikTok recognized internally that compulsive use correlates with increased anxiety.¹⁵⁶ Research concerning adolescent digital-media use has likewise associated sleep disruption with depression and anxiety, while health authorities have identified insufficient sleep as one of the pathways through which social-media use may affect child users’ mental health and well-being.¹⁵⁷ TikTok considered limiting nighttime notifications to child users, but acknowledged that doing so would have a “[n]egative impact on business metrics.”¹⁵⁸

137. Compulsive use also intrudes upon child users’ education and relationships. Time spent scrolling during school, using TikTok instead of completing homework, or remaining on the platform late at night can interfere with learning and school responsibilities. TikTok itself acknowledged these harms: “compulsive usage correlates with a slew of negative mental health effects like loss of analytical skills, memory formation, contextual thinking, conversational depth, empathy, and increased anxiety.”¹⁵⁹ These cognitive and social skills are important to child users’ success in school and interpersonal development.¹⁶⁰

138. TikTok’s own documents describe how excessive technology use can cause users to deprioritize other important areas of life and base their sense of self-worth upon the number of

¹⁵⁶ TIKTOK3047MDL-024-LARK-00043038.

¹⁵⁷ See Megan A. Moreno & Anna F. Jolliff, *Depression and Anxiety in the Context of Digital Media*, in *Handbook of Adolescent Digital Media Use and Mental Health* 217 (Jacqueline Nesi et al. eds., Cambridge University Press 2022); U.S. Dep’t of Health & Hum. Servs., Off. of the Surgeon Gen., *Social Media and Youth Mental Health: The U.S. Surgeon General’s Advisory* 9–10 (2023).

¹⁵⁸ TIKTOK3047MDL-120-LARK-06098751.

¹⁵⁹ TIKTOK3047MDL-024-LARK-00043038.

¹⁶⁰ See Adele Diamond, *Executive Functions*, 64 *Annual Review of Psychology* 135, 135–36, 152–55 (2013) (explaining that executive functions, including working memory, cognitive flexibility, reasoning, and problem-solving, support learning and academic success); Savannah Boele et al., *Linking Parent–Child and Peer Relationship Quality to Empathy in Adolescence: A Multilevel Meta-Analysis*, 48 *Journal of Youth and Adolescence* 1033, 1033–34, 1049–52 (2019).

“Likes” they receive.¹⁶¹ TikTok nevertheless publicly quantifies Likes, comments, views, and other reactions; uses those reactions as social rewards; and deploys notifications and other prompts to draw child users back to the platform.¹⁶² By publicly displaying the number of reactions each user receives, TikTok converts social attention and approval into visible numerical measurements.

139. The company’s later efforts to purportedly limit screen time did not counteract the platform’s compulsive design. Those measures largely provided child users with information or optional controls while leaving TikTok’s underlying engagement features intact and allowing child users to continue using the platform without interruption. For example, TikTok waited until a child had already spent 100 minutes on the platform in a single day before displaying an optional prompt to set a daily screen time limit. After the global launch, approximately 2.7 million children received the prompt each day, but only approximately 4% enabled a limit through it, while approximately 71% simply closed the notification and continued using the platform.¹⁶³

140. TikTok’s weekly screen time update likewise did not restrict how long children could use the platform. The feature automatically enabled a setting that provided children with information about their use and increased the visibility of TikTok’s existing screen time management page. Testing of the update revealed that the feature had a demonstrably insignificant impact on daily active users, stay duration, or user retention, with differences of less than 0.5% between test and control groups.¹⁶⁴

141. TikTok’s internal analysis reveals why the company disfavored meaningful screen time limits for child users: effective limits would reduce engagement. TikTok estimated that firm

¹⁶¹ TIKTOK3047MDL-125-LARK-06301683.

¹⁶² TIKTOK3047MDL-094-LARK-04039604.

¹⁶³ TIKTOK3047MDL-111-LARK-05857228.

¹⁶⁴ TIKTOK3047MDL-099-LARK-04557708.

daily cap of 120 minutes would reduce child users' stay duration by 25%, while a 90-minute cap would reduce it by approximately 33%. The company identified those potential reductions in stay as the “[b]iggest” disadvantage of firm time limits. Instead, TikTok favored a default setting that child users could disable, which would reduce use by only ten to fifteen minutes, expressly identifying its smaller impact on stay duration as an advantage.¹⁶⁵

142. TikTok’s own documents thus show that it understood both sides of the bargain it imposed upon child users. TikTok knew that its engagement features encouraged compulsive use, and it knew that compulsive use displaced sleep, school responsibilities, and connections with loved ones; correlated with diminished cognitive and social functioning and increased anxiety; and could cause users to measure their self-worth through Likes. TikTok nevertheless continued using personalized recommendations, an endless feed, notifications, and quantified social rewards to increase engagement among child users it recognized as particularly susceptible to those features, and the prompts it provided concerning screen time did not meaningfully reduce or impact use.

2. TikTok’s Appearance Filters Harm Child users’ Mental Health and Body Image

143. TikTok provides users with “filters” and “effects” as its primary tools for editing content before or after it is posted to the platform.¹⁶⁶ “Filters” and “effects” do far more than simply edit a photo or video. They can fundamentally remake a user’s face by lightening and smoothing their skin, whitening their teeth, enlarging their lips, slimming their face, and making their nose appear smaller, while making those alterations extraordinarily difficult to detect. TikTok’s sophisticated technology tracks and alters a user’s face seamlessly as the user moves, eliminating the

¹⁶⁵ TIKTOK3047MDL-004-00151111.

¹⁶⁶ *Effects*, TikTok, available via the WayBack Machine at <https://web.archive.org/web/20250426080948/https://support.tiktok.com/en/using-tiktok/creating-videos/effects> (archived Apr. 26, 2025).

glitches and distortions that can expose a beauty filter at work. The result is a hyper-realistic, digitally manufactured appearance that can be nearly impossible to distinguish from the user's actual face.

144. “Bold Glamour,” one of TikTok’s most dramatic beauty effects, gives users an extensively made-over face: a sharply contoured and slimmer appearance, sculpted cheekbones and jawline, a reshaped nose, fuller lips, defined brows and lashes, smoother skin, and the appearance of professionally applied makeup. Bold Glamour does not simply beautify a user’s face; it effectively replaces it with an idealized one, blending the user’s real face with an AI-generated version of a conventional “supermodel” ideal.¹⁶⁷ This filter has been used millions of times, including by child users in West Virginia.

145. These filters distort child users’ self-image and effectively tell them that their natural features are flawed or inferior, which can lead to significant mental health harm.

146. Teens often seek attention, peer feedback, and social validation through comparison, including by comparing their filtered appearance on TikTok with how they actually look. Those comparisons can distort their self-image and leave them with an increasingly negative perception of their natural appearance. TikTok itself has acknowledged that teens are especially susceptible to these harms because adolescence “is a critical moment of intense identity exploration” and negative views on their appearance “can be hard to move past.”¹⁶⁸

147. TikTok’s recognition of these risks is borne out by research linking appearance altering filters to body image harm. A 2016 survey found that 52% of girls use filters daily, and

¹⁶⁷ Alex Pigman & Glenn Chapman, *Warnings over AI and Toxic Beauty Myths Dog TikTok’s Bold Glamour Filter*, AFP (Mar. 10, 2023), republished by Tech Xplore, <https://perma.cc/6HGP-4DXK>.

¹⁶⁸ TIKTOK3047MDL-014-00330673; TIKTOK3047MDL-111-LARK-05945102.

80% had filtered or retouched their appearance in photos before age 13.¹⁶⁹ The same research found that 77% of teen girls had tried to alter or hide at least one part of their body in photos, and that girls with lower baseline body image were the most likely to believe that their photos did not look good enough without editing.¹⁷⁰ Other studies have linked self-photo editing to body dysmorphic and eating disorder concerns, finding that editing for optimization can encourage child users to focus more closely on perceived flaws and create a fictional, idealized version of themselves that becomes a new standard for their real appearance, increasing pressure to lose weight or restrict eating.¹⁷¹

148. These harms are not limited to girls. Beauty filters can also expose boys to unrealistic appearance ideals, including digitally enhanced standards of muscularity, leanness, facial structure, and skin. Research has associated appearance-focused social media use among adolescent boys with greater body dissatisfaction, pressure to increase muscularity, and disordered eating and exercise behaviors.¹⁷²

149. TikTok has known since at least 2018 that appearance-altering filters can harm young users. In an internal discussion concerning filters that made users appear thinner or taller, TikTok employees expressly identified the “body image” risk but decided that it was an “acceptable risk to take” for the sake of increasing engagement. The discussion focused on monitoring

¹⁶⁹ Dove, *Dove Invites You to Take a Stand and #TurnYourBack to Digital Distortion*, PR Newswire (Mar. 8, 2023), at 4:00 PM), <https://perma.cc/2PCD-DPPF>.

¹⁷⁰ *Id.*

¹⁷¹ See Siân A. McLean et al., *Photoshopping the Selfie: Self Photo Editing and Photo Investment Are Associated with Body Dissatisfaction in Adolescent Girls*, 48 Int’l J. Eating Disorders 1132, 1132–40 (2015); Francesca Gioia et al., *Adolescents’ Selfie-Taking and Selfie-Editing: A Revision of the Photo Manipulation Scale and a Moderated Mediation Model*, 42 Current Psych. 3460, 3460–76 (2023); Makenzie Schroeder & Elizabeth Behm-Morawitz, *Digitally Curated Beauty: The Impact of Slimming Beauty Filters on Body Image, Weight Loss Desire, Self-Objectification, and Anti-Fat Attitudes*, 165 Computers Hum. Behav. 108519 (2025).

¹⁷² Kyle T. Ganson et al., *Use of Photo Filters Is Associated with Muscle Dysmorphia Symptomatology Among Adolescents and Young Adults*, 50 Body Image 101750 (2024).

complaints and avoiding negative publicity rather than preventing the underlying harm. TikTok removed those particular filters only after users complained that they promoted insecurity, anorexia, and the message that users needed to be thinner or taller.¹⁷³ TikTok nevertheless continued deploying appearance-altering filters, which can drive engagement as users increasingly identify with their filtered appearance rather than with their natural selves.¹⁷⁴

150. One of these filters is RETOUCH, formerly called “Beauty” mode. RETOUCH allows users to apply makeup effects, including foundation, contour, and lipstick; structurally reshape their faces by slimming the face or nose; and simulate cosmetic procedures by smoothing and retexturing skin and whitening teeth. But TikTok did not always require users to choose whether to alter their appearance. Internal TikTok documents from May 2023 show that the company made retouching “ON by default for all users (including minors)” in most regions, including West Virginia, automatically applying preset beauty enhancements when users opened TikTok’s in-app camera.¹⁷⁵ TikTok did not notify users or seek consent before deploying the filter.¹⁷⁶

151. TikTok deployed RETOUCH without consulting its own mental health product policy team. That team learned of the change only after a video criticizing the filter went viral, by which time TikTok had fully launched the feature in the markets it classified as “rest of world” and was conducting a 90% traffic test in the United States, Canada, Australia, and New Zealand.¹⁷⁷ After reviewing the feature, TikTok’s Trust and Safety teams determined that RETOUCH crossed

¹⁷³ TIKTOK3047MDL-036-LARK-00150904.

¹⁷⁴ Clara Isakowitsch, *How Augmented Reality Beauty Filters Can Affect Self-perception, in Artificial Intelligence and Cognitive Science: 30th Irish Conference, AICS 2022*, Revised Selected Papers 239, 247–50 (Luca Longo & Ruairi O’Reilly eds., 2023).

¹⁷⁵ TIKTOK3047MDL-054-LARK-00552309.

¹⁷⁶ Pesala Bandara, *TikToker Notices Something Strange About Her Face in the App’s Camera*, PetaPixel (May 26, 2023), <https://perma.cc/GX8F-DJ2Q>; TIKTOK3047MDL-290-LARK-08852028.

¹⁷⁷ TIKTOK3047MDL-054-LARK-00552309.

several policy “red lines,” posed a high risk of severe psychological harm, and had a “high potential” to cause negative body image and increase symptoms of body dysmorphia.¹⁷⁸ Trust and Safety teams also found that the filter directly contradicted recommendations from mental health experts, which were “among the most unanimous set of recommendations” the mental health team “has ever received from external consultations[.]”¹⁷⁹

152. TikTok’s own Trust & Safety team recognized that turning RETOUCH on by default effectively tells users that their unaltered appearance is not attractive enough for TikTok, while depriving them of control over whether and how the platform alters their faces.¹⁸⁰

153. The harms caused by TikTok’s beauty filters affect both the users whose appearances are altered and those who view the resulting content. These filters can cause significant emotional and psychological harm, increasing the risk of eating disorders, depression, anxiety, low self-esteem, and negative body image. A study of 384 teenagers between the ages of 12 and 19 found that TikTok users reported significantly higher levels of social comparison and significantly lower body image scores than teenagers who did not use TikTok.¹⁸¹

154. The consequences can extend beyond dissatisfaction with a user’s appearance. TikTok has also been associated with increased interest in cosmetic procedures, including among young people. The American Society of Plastic Surgeons (“ASPS”) has identified TikTok as a catalyst for cosmetic-treatment trends, with surgeons reporting increased requests for procedures

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ Anas Ibn Auf Abbas Ibn Auf et al., *Social Comparison and Body Image in Teenage Users of the TikTok App*, 15 *Cureus* e48227 (2023).

after those procedures are promoted by influencers on TikTok.¹⁸² ASPS has separately reported a growing number of teenagers undergoing cosmetic procedures and emphasized the need for heightened caution and careful evaluation before performing such procedures on adolescents.¹⁸³ More recently, ASPS has again identified TikTok as driving plastic-surgery trends, including among younger patients, while warning that digitally altered images can create unrealistic expectations about appearance and cosmetic procedures.¹⁸⁴

155. TikTok knew that its appearance-altering filters posed particular risks to child users and knew what it could do to reduce those risks. Its own employees proposed educating users about image disorders, raising awareness about low self-esteem caused by excessive filter use, and placing body-image and mental-health warnings on filters.¹⁸⁵ TikTok nevertheless continues to promote beauty filters to child users despite knowing the risks they pose and failing to disclose them. By withholding material information about the known dangers of these features, TikTok deprives child users and their parents of the information necessary to make informed decisions about whether and how to use the platform.

3. TikTok Amplifies Harmful Content to Vulnerable Child users

156. TikTok's recommendation system can rapidly expose child users to content concerning eating disorders, self-harm, suicide, and unhealthy body image. Because the For You feed becomes personalized in response to each user's activity, an initial interaction with such material

¹⁸² Kayla Peterson, *Circle of Influence: How Social Media Influencers Are Shaping Plastic Surgery Trends*, Am. Soc'y of Plastic Surgeons (Sept. 19, 2023), <https://perma.cc/R932-EAUF>.

¹⁸³ *American Society of Plastic Surgeons Weighs in on Growing Popularity of Teen Plastic Surgery*, Am. Soc'y of Plastic Surgeons (Aug. 22, 2018), <https://perma.cc/7PNX-75G4>.

¹⁸⁴ Ariel Frankeny, *The Prevalence of TikTok and Its Impact on Plastic Surgery Procedures*, Am. Soc'y of Plastic Surgeons (Mar. 11, 2024), <https://perma.cc/8PTD-6NP3>.

¹⁸⁵ TIKTOK3047MDL-111-LARK-05945102; TIKTOK3047MDL-054-LARK-00552309.

can lead TikTok to recommend additional content concerning the same subject.¹⁸⁶ TikTok itself has acknowledged that recommendation systems optimized for personalization and relevance can produce an “increasingly homogenous stream of videos,” sometimes called a “filter bubble.”¹⁸⁷

157. TikTok internally referred to this process as a “rabbit hole.” In a July 2020 presentation titled “Project Bubble,” TikTok defined a rabbit hole as occurring when its recommendation system introduces a user to a new category of content based on the user’s engagement and then recommends that category with increasing frequency until it becomes the majority, or even the entirety, of what the user sees.¹⁸⁸ TikTok explained that Likes, shares, comments, completed views, and similar interactions signal the user’s interest in a subject and cause the recommendation system to deliver more videos concerning the same subject. TikTok recognized that, unless the similarity of successive recommendations was constrained, a user could theoretically remain inside the resulting content bubble indefinitely.¹⁸⁹

158. TikTok also understood that rabbit holes could expose users to harmful material they would not otherwise encounter and could transform content that posed relatively little risk if viewed infrequently or in isolation into a virtually endless stream of toxic content. TikTok warned that its recommendation system could concentrate borderline content, videos that violated TikTok’s policies but had been moderated incorrectly, and videos that had not yet accumulated enough views to trigger moderation. In one internal example, TikTok reviewed 127 recently watched videos from a user’s For You feed and found that 73 concerned conspiracy theories. Fifty of those

¹⁸⁶ TikTok, *How TikTok Recommends Videos #ForYou* (June 18, 2020), <https://perma.cc/Q3UW-EY5Z>.

¹⁸⁷ *Id.*

¹⁸⁸ TIKTOK3047MDL-002-00077196.

¹⁸⁹ *Id.*

videos had never reached the applicable moderation process, 44 had been designated “Not Recommended” but reached the user before TikTok acted, and seven had reached moderation but were moderated incorrectly.¹⁹⁰ TikTok therefore knew its recommendation system could repeatedly deliver harmful content before its moderation systems could catch or restrict it.

159. In 2022, the Center for Countering Digital Hate (“CCDH”) tested the filter bubble process using eight new TikTok accounts in the United States, United Kingdom, Canada, and Australia, all registered as 13-year-old users. Four accounts used randomly generated female usernames, while four used usernames containing the term “loseweight.” During each account’s first 30 minutes, researchers watched for ten seconds and “liked” every recommended video they identified as concerning body image, mental health, or eating disorders, while immediately skipping all other videos.¹⁹¹

160. Under those test conditions, TikTok recommended suicide-related content within approximately two and a half minutes and eating-disorder content within eight minutes. On average, TikTok recommended body-image or mental-health content every 39 seconds.¹⁹² The accounts whose usernames included “loseweight” received approximately three times as many eating disorder, self-harm, and suicide videos overall, and approximately twelve times as many self-harm and suicide recommendations as the standard teen accounts.¹⁹³

161. The material recommended to the “loseweight” accounts included content concerning “thinspiration,” appetite suppression, disordered eating, methods of self-harm, and suicidal thoughts or plans. Of the 39 suicide-related videos delivered to those accounts, six discussed a

¹⁹⁰ *Id.*

¹⁹¹ Center for Countering Digital Hate, *Deadly by Design: TikTok Pushes Harmful Content Promoting Eating Disorders and Self-Harm into Young Users’ Feeds* 7, 9-11 (Dec. 15, 2022), <https://perma.cc/8U8Q-YFCL>.

¹⁹² *Id.* at 14, 19–20.

¹⁹³ *Id.* at 24-25.

desire or plan to attempt suicide. In one instance, TikTok delivered three videos concerning suicide plans to the same account within one minute.¹⁹⁴

162. Research involving actual TikTok users revealed TikTok’s capacity to amplify appearance and eating-related content to vulnerable users. A 2024 study analyzed videos delivered to 42 TikTok users with eating disorders and 49 users without eating disorders over a one-month period. The researchers analyzed the videos delivered to those users and classified appearance-oriented, dieting, exercise, and “toxic eating disorder” videos principally through hashtags associated with those subjects.¹⁹⁵

163. After adjustment for age and gender, a video delivered to a user with an eating disorder was 146% more likely to be appearance-oriented, 335% more likely to concern dieting, 142% more likely to concern exercise, and 4,343% more likely to contain hashtags associated with content explicitly glorifying or encouraging eating disorders or extreme dieting.¹⁹⁶

164. The differences in what users “Liked” were too small to explain the much larger differences in what TikTok recommended. Users with eating disorders were 23% more likely than control users to “like” dieting videos, but TikTok’s algorithms were 335% more likely to deliver such videos to them.¹⁹⁷

165. The two studies used different methods but identified the same underlying risk. Together, the studies show that TikTok’s recommendation system can repeatedly deliver harmful content to users whose activity or characteristics signal an interest in, or vulnerability to, that content.

¹⁹⁴ *Id.* at 26-34.

¹⁹⁵ Scott Griffiths et al., *Does TikTok Contribute to Eating Disorders? A Comparison of the TikTok Algorithms Belonging to Individuals with Eating Disorders Versus Healthy Controls*, 51 *Body Image* 101807 (2024).

¹⁹⁶ *Id.* at 5-6 & tbls. 2-3.

¹⁹⁷ *Id.* at 5-6, 8-9, & tbls. 4-5.

166. These risks are particularly significant because TikTok does not simply display content selected by its users. As the research described above demonstrates, TikTok’s recommendation system determines what users see and can disproportionately amplify appearance, dieting, and eating-disorder content to users who are already vulnerable to it.¹⁹⁸

167. TikTok admitted in 2021 that it had no means of determining when a user had entered a filter bubble or whether the bubble was harmful. The company recognized that identifying and breaking harmful bubbles or clusters was needed to reduce exposure to inappropriate content, but at the same time worried whether breaking harmful bubbles would “negatively impact the adult user experience” and wondered how it should balance the safety risks against the “benefits of bubbles such as product stickiness.”¹⁹⁹ TikTok thus recognized both that harmful recommendation loops required intervention and that the same loops benefited the company by making its platform harder to leave.

168. Two years later, little had changed. Through testing performed in 2023 under the name “Project Argus,” the company deployed a test profile for a 16-year-old boy located in the United States on the live platform in real time. A dense filter bubble of suicide, self-harm, and eating disorder content formed after approximately 1.5 hours of scrolling and using search terms containing keywords related to those harms.²⁰⁰

4. TikTok Promotes Dangerous Conduct that Causes Real World Injury

169. TikTok’s recommendation system can influence what child users do and believe, not just what they watch. That risk is particularly apparent in TikTok “challenges,” which call on users to perform an activity and post a video of themselves doing it. Some challenges involve

¹⁹⁸ See Griffiths et al., *supra* note 195.

¹⁹⁹ TIKTOK3047MDL-060-01110548.

²⁰⁰ TIKTOK3047MDL-078-LARK-01818485.

dances or other harmless conduct, but others encourage users to perform dangerous, destructive, or illegal acts, sometimes resulting in serious physical injury or death. Challenge videos are among the most popular content on TikTok, and the platform’s recommendation system can rapidly spread them to users.²⁰¹

170. TikTok also knew that suicide and self-harm hoaxes presented a related but distinct danger. Unlike challenges, which call on users to record themselves performing an activity, online hoaxes are fabricated stories, warnings, or threats designed to make users believe that something frightening is real, or, in some cases, to perform self-harm. For example, the “Jonathan Galindo” hoax falsely warned TikTok users that a sinister figure using a distorted image of the Disney character Goofy was contacting children online and coercing them into increasingly dangerous tasks, culminating in self-harm or suicide. While the Galindo matter was confirmed as a hoax, the fear it created for some child users was very real. Publicity surrounding the supposed threat increased interest in the figure and encouraged copycats to create fake Galindo profiles and contact users for the purpose of frightening them.²⁰² The fabricated challenge produced real fear even though the original claims were false

171. TikTok’s internal research found that only about one-third of teenagers categorized the hoaxes they encountered as clearly fake or unbelievable, indicating that child users had difficulty distinguishing fabricated content from genuine threats.²⁰³ TikTok also considered whether discussing or identifying particular suicide and self-harm hoaxes could heighten interest in them

²⁰¹ See Lynnette Hui Xian Ng et al., *Will You Dance to the Challenge? Predicting User Participation of TikTok Challenges*, (Dec. 26, 2021), <https://perma.cc/P6TF-74RQ>.

²⁰² klicksafe, *Current False Reports About Dangerous Challenges* (July 21, 2020), <https://perma.cc/F23W-UA7U>.

²⁰³ TIKTOK3047MDL-023-00677516.

or seed suicidal or self-harm ideation in young people who had never previously contemplated it.²⁰⁴

172. Although the form of participation differs, neither danger is confined to passive viewing—both challenges and hoaxes invite imitation and increased engagement. Challenge participants imitate the depicted activity; hoax participants repeat or recreate the fabricated claim, warning, or prank. Each imitation produces another video capable of reaching additional users. TikTok’s social reward features encourage that imitation.

173. TikTok fosters real-life imitation of these unsafe acts by purposely targeting children on the platform, including those whose age has not been sufficiently verified. TikTok does this by selecting and repeatedly delivering content to draw users back to the platform again and again. That operational manipulation becomes even more dangerous when coupled with TikTok’s social reward enticements that children receive from real-life participation in challenges and hoaxes they later post online.

174. Users who participate in challenges or hoaxes can receive views, Likes, comments, followers, and wider distribution of their videos. TikTok knew that child users are particularly sensitive to those forms of social reward and more likely than adults to engage in risk-taking behavior without fully considering the consequences.²⁰⁵ Internal TikTok documents explained why child users participate, identifying challenges as opportunities to obtain social validation, acceptance, and belonging; impress friends and others; demonstrate courage and determination; test the physical abilities and limits of their maturing bodies; learn how platforms and algorithms operate; and learn how to be successful online. TikTok identified similar motivations for engaging

²⁰⁴ *Id.*

²⁰⁵ TIKTOK3047MDL-024-LARK-00043044; TIKTOK3047MDL-004-00318045.

with hoaxes, including social validation, acceptance, belonging, the perceived consequences of nonparticipation, demonstrating courage, and making sense of frightening or complex emotional experiences.²⁰⁶

175. Material circulated internally within ByteDance made the connection between dangerous conduct and TikTok’s rewards even more explicit: it described users as undertaking extreme challenges “more to get likes, consents and followers” than to test their limits and warned that the prospect of attainable fame could be psychologically destabilizing for child users who were unable to manage popularity of that magnitude.²⁰⁷ Yet TikTok combined challenges and hoaxes with the same quantified rewards and recommendation features it uses to increase engagement throughout the platform.

176. The risks created by that combination were not theoretical. Some TikTok challenges encouraged child users to imitate dangerous acts that could result in catastrophic injury or death. The “Blackout Challenge,” also known as the choking or pass-out challenge, dared child users to see how long they could deprive themselves of oxygen before losing consciousness. Participants attempted the challenge by recording themselves as they held their breath, or while they choked themselves with a shoelace or some other ligature. Strangulation can interrupt blood flow and oxygen delivery to the brain, causing unconsciousness within seconds; if the obstruction continues, cerebral infarction, widespread brain-cell death, permanent brain damage, and death can follow within minutes.²⁰⁸

²⁰⁶ TIKTOK3047MDL-023-00677516.

²⁰⁷ TIKTOK3047MDL-202-04847728.

²⁰⁸ James R. Gill & Susan F. Ely, “Forensic Pathologist Testimony, Part 1: Common Questions and Considerations,” 15 *Academic Forensic Pathology* 28, 34 (2024); Mypinder S. Sekhon, Philip N. Ainslie & Donald E. Griesdale, “Clinical Pathophysiology of Hypoxic Ischemic Brain Injury After Cardiac Arrest: A ‘Two-Hit’ Model,” 21 *Critical Care* 90, at 2 (2017).

177. An internal ByteDance email specifically identified the Blackout Challenge as a dangerous TikTok challenge involving self-induced asphyxiation. The same email identified the “Bright Eye Challenge,” which called on users to apply a mixture containing bleach, hand sanitizer, and shaving foam to an eye in an attempt to alter the color of the iris and warned that both challenges could cause lethal harm.²⁰⁹ The Blackout Challenge has been linked to the deaths of young participants. In March 2021, the family of a 12-year-old Colorado boy reported finding him unconscious with a shoelace around his neck and said they believed he had attempted the challenge. Doctors later determined that the boy was brain dead.²¹⁰

178. Other challenges converted the same drive for attention and imitation into criminal conduct endangering participants and the public. The “Kia Challenge,” circulated through videos using the #KiaBoys hashtag, encouraged users to steal certain Kia and Hyundai vehicles, take them on joyrides, and record and publish their exploits.²¹¹ Videos circulated on TikTok demonstrated how to exploit the absence of engine immobilizers in some models, transforming vehicle theft and reckless driving into conduct performed for online attention. In March 2025, Charleston police investigated three Kia break-ins, including one completed theft, in which windows were broken and steering columns were tampered with. A Charleston police sergeant attributed the vehicles’ vulnerability in part to social-media trends, and the affected neighborhood was only one manifestation of a trend associated with a more than 1,000-percent increase in Kia thefts between 2020 and 2023.²¹²

²⁰⁹ TIKTOK3047MDL-202-04847728.

²¹⁰ KCNC Staff, “Boy, 12, Brain Dead After Trying Tiktok Choking Challenge, Family Says,” WSAZ, Mar. 30, 2021, <https://perma.cc/G4DC-K6VV>.

²¹¹ Chris DiLella & Andrea Day, “TikTok Challenge Spurs Rise in Thefts of Kia, Hyundai Cars,” *CNBC*, Sept. 8, 2022, <https://perma.cc/SRQ4-U44P>.

²¹² Joseph DiCristofaro, “Charleston Police Investigate Spree of Kia Theft Linked to Social Media Trend,” WCHS, Mar. 26, 2025, updated Mar. 27, 2025, <https://perma.cc/A3A5-XF7L>.

179. The “Devious Licks” Challenge similarly turned theft and property destruction into a competition for online attention. A “lick” is a slang term for a successful theft or a quick way to get money. The Devious Licks challenge encouraged teens to steal or damage school property and then display the stolen objects or resulting destruction on TikTok. What began with relatively small items like stealing hand sanitizer bottles quickly escalated into a competition as participants tried to outdo one another by stealing larger, more conspicuous, and more difficult objects or causing more extensive damage.²¹³ The challenge reached schools throughout West Virginia. As part of the challenge, students removed sinks, faucet handles, and broke soap dispensers in bathrooms at Morgantown High School in Morgantown, West Virginia; removed an entire sink, hand-sanitizing stations, and soap dispensers at South Harrison and Liberty high schools in Harrison County, West Virginia; and damaged a soap dispenser at Spring Valley High School in Wayne County, West Virginia.²¹⁴

180. TikTok’s internal records confirm both the scale of the Devious Licks challenge and how much of the platform’s response was reactive rather than preventative. A Trust & Safety brief reported that TikTok removed 200,352 videos associated with Devious Licks. Approximately 95,000 were automatically removed within 24 hours of upload and with no views, but approximately 80,000 were removed through “manual reactive sweeps,” meaning that the videos remained available to inspire others until TikTok affirmatively removed them. Roughly 2,560 of

²¹³ Daniel A. Domenech, “Our Concerns About Social Media’s Major Downsides,” *School Administrator*, Nov. 1, 2022, <https://perma.cc/4MAE-KYJD>.

²¹⁴ “Devious Licks Have Arrived,” *Morgantown Magazine*, Sept. 29, 2021, <https://perma.cc/97WQ-CJRQ>; Jasmin Adous, “‘Devious Licks’ TikTok Challenge Put Harrison County Officials on Watch,” *WDTV*, Oct. 7, 2021, <https://perma.cc/8FQK-VQ7Y>; WSAZ News Staff, “Spring Valley High School Reports Damage Connected to Viral Social Media Challenge,” *WSAZ*, Sept. 16, 2021, <https://perma.cc/KVF5-5S8M>.

the manually reviewed videos had already accumulated at least 1,000 views before they were pulled from the platform.²¹⁵

181. The “Chromebook Challenge” encouraged students to jam metal objects or other conductive material into school-issued computers to cause them to short circuit or even ignite. In May 2025, students at River View High School and Sandy River Middle School in McDowell County, West Virginia attempted to damage school-supplied Chromebooks after viewing challenge videos on TikTok.²¹⁶

182. The same cycle of imitation and social reward that encouraged the proliferation of challenge videos also allowed frightening hoaxes to spread. In the “Cat in the Hat” trend, users employ artificial-intelligence to generate doorbell-camera or staged surveillance videos depicting a live-action version of the character watching homes or “coming after” particular people. Some versions included the names of intended targets, some threats involved homes or schools, and some provided specific details about a child’s residence intended to make the threat appear genuine. In September 2026, an investigation in Ritchie County resulted in charges being filed against a juvenile who had created content as part of the hoax, while Wood County school officials warned parents that the hoax had affected several neighboring West Virginia school districts.²¹⁷ The trend exemplified a danger TikTok had already examined internally: fabricated and frightening content

²¹⁵ TIKTOK3047MDL-004-00145062.

²¹⁶ Charles Owens, “Dangerous TikTok Trend Causing Problems in McDowell County Schools,” *Beckley Register-Herald*, May 14, 2025, <https://perma.cc/A75D-ESGN>.

²¹⁷ WDTV News Staff, “Petition Filed Against Juvenile in Ritchie County for ‘Cat in the Hat’ TikTok Trend,” WDTV, Sept. 1, 2026, <https://perma.cc/QX9K-WWHK>; Cassidy Fury, “Wood County Schools Warns Parents of Scary ‘Cat in the Hat’ TikTok Trend,” WTAP, Sept. 2, 2026, <https://perma.cc/QM56-N5NR>.

could prompt child users to respond to, reproduce, and circulate the underlying claim while attempting to determine whether it was real, and warning videos and comments could themselves become important sources through which teenagers encountered the hoax.²¹⁸

183. Although TikTok has represented that dangerous challenges and illegal behavior “will be removed” and that its safety teams would “work tirelessly” to enforce its rules,²¹⁹ its own data on the Devious Licks challenge demonstrate that prohibiting a challenge did not prevent users from uploading related videos on a massive scale, or that a substantial portion of efforts to remove such videos depended on reactive manual searches after the trend already took hold.²²⁰

184. The delay in removing challenge videos serves TikTok’s economic interests. Each imitation video could generate yet more videos and additional views, Likes, comments, shares, and time spent. TikTok’s internal strategy acknowledged that its “advertising-based business model encourages optimization for time spent in the app” and treated Likes, comments, shares, and favorites as measures of active engagement.²²¹ TikTok therefore benefits from the engagement generated by dangerous challenge and hoax content for as long as that content remains available, even if TikTok later removes it.

185. These consequences were foreseeable. TikTok knew how its recommendation system spreads content, knew that visible social rewards encourage users to imitate popular conduct, and knew that children and teenagers are especially sensitive to social approval and prone to risk-taking. TikTok’s own internal research also addressed the risks presented by challenge and hoax

²¹⁸ TIKTOK3047MDL-023-00677516.

²¹⁹ TIKTOK3047MDL-141-LARK-07144015.

²²⁰ TIKTOK3047MDL-004-00145062.

²²¹ TIKTOK3047MDL-153-LARK-07389176.

content. TikTok nevertheless continued operating the architecture capable of turning dangerous, destructive, and illegal conduct into a widely distributed competition for attention.

186. TikTok publicly represents that its Community Guidelines prohibit content showing or promoting dangerous activities and challenges. But those representations do not disclose the role TikTok's own features play in propagating that content. Nor do they disclose that dangerous challenge videos may be recommended to child users who did not search for them. By representing that it removes prohibited content and operates its recommendation system with safety in mind, TikTok gives parents the misleading impression that child users will be protected from dangerous challenges before those challenges cause real-world harm.

5. TikTok Exposes Child users to Harmful Interactions with Others

187. The danger to child users is not limited to the content TikTok places before them or the conduct that content encourages. TikTok also exposes child users to harmful interactions with other people. The same features that enable users to find an audience, communicate, and receive social feedback also make children visible and accessible to peers, strangers, and adult predators. The danger is therefore not merely what children encounter on TikTok, but whom TikTok enables to encounter them.

188. TikTok facilitates interaction through public profiles, follows, comments, direct messages, downloads, and livestreamed conversations, among other things. Its recommendation system supplies the initial connection by introducing users to videos and creators they did not search for or choose to follow. TikTok's recommendation system can and does recommend a young user's video to adult users the child does not know and never intended to reach.

189. These risks are not hypothetical. Child users are routinely subjected to bullying, harassment, rumors, and threats on TikTok. In a 2025 survey, 72% of teenage TikTok users described harassment and bullying on the platform as a problem for people their age. Fifteen percent reported that someone had called them an offensive name on TikTok, 10% reported that someone had spread a rumor about them, and 5% reported being physically threatened. Altogether, 18% had personally experienced at least one of those forms of harassment on TikTok.²²²

190. Bullying and harassment are only some of the dangers created when TikTok connects child users with strangers. Once TikTok introduces a young user's video to an adult stranger, the platform offers several ways for the stranger to pursue further access to the child. The stranger can visit their profile, watch other videos, follow the account, leave comments, or attempt direct contact. The young user's handle or username, clothing, surroundings, captions, and conversations may reveal where they live or attend school, giving predators the information needed to locate, groom, and eventually exploit the child.

191. A report prepared by the UK Online CSEA Covert Intelligence Team ("OCCIT") found that sex offenders were actively using TikTok to locate and abuse children and to connect with other offenders. During only a few days of observing offender activity, OCCIT found hundreds of TikTok accounts devoted to the sexualization of children. Those accounts were not hidden; they were readily found through TikTok's search tools.²²³

²²² Michelle Faverio, Eugenie Park & Jeffrey Gottfried, *Teens' Experiences on TikTok, Instagram and Snapchat*, Pew Research Center 10, 46 (Apr. 15, 2026), <https://perma.cc/44QS-8YBC>.

²²³ UK Online CSEA Covert Intelligence Team, *TikTok Abuse* 1, Report No. 148-3602026 (undated), <https://perma.cc/RU4P-WGDU>; Sarah Knapton, "Five-Year-Olds 'Create Pornographic TikTok Content to Fund Video Games,'" *The Telegraph* (Mar. 14, 2026) <https://perma.cc/YMJ5-F4EQ>.

192. TikTok did more than make these accounts easy to find. After OCCIT investigators spent only a short time interacting with them, TikTok began recommending similar accounts, accounts belonging to actual children, and sexual search terms used by other users. TikTok’s suggested videos also showed real children and revealed identifying information, including school uniforms and home addresses. TikTok’s recommendation system responded to demonstrated interest in the sexualization of children by directing users to more of the same kinds of videos, and to accounts belonging to actual children.²²⁴

193. OCCIT reported that offenders described TikTok as a favored platform for locating victims of online sexual exploitation, including blackmail and extortion. TikTok thus supplied both the means of finding children and the channels for initiating their exploitation.²²⁵

194. One of the gravest forms that such exploitation can take is sextortion. An offender uses deception to obtain an explicit image or video from a child and then threatens to distribute it unless the child pays money, provides gift cards, or complies with additional demands, which can include providing more explicit images. Payment does not necessarily end the threat; offenders sometimes distribute the material even after the child pays.²²⁶

195. The scale and consequences of financial sextortion are staggering. In December 2022, the FBI, Homeland Security Investigations, and the National Center for Missing & Exploited Children reported that, during the preceding year, law enforcement had received more than 7,000 reports of financial sextortion involving at least 3,000 children, primarily boys. More than a dozen

²²⁴ See *TikTok Abuse*, *supra* note 223.

²²⁵ *Id.*

²²⁶ Federal Bureau of Investigation, Homeland Security Investigations & National Center for Missing & Exploited Children, “FBI and Partners Issue National Public Safety Alert on Financial Sextortion Schemes” (Dec. 19, 2022), <https://perma.cc/22B4-TRHC>.

victims had died by suicide. Offenders had targeted children as young as 10, often using fake accounts to approach them through social media, gaming, and video chat platforms.²²⁷

196. Subsequent research by Thorn and NCMEC confirmed both the scale of the problem and its concentration among teenage boys. During the final year studied, NCMEC received an estimated 812 sextortion reports per week, including approximately 556 reports involving financial or likely financial sextortion. Among child victims whose age and gender were reported, 90% were boys between the ages of 14 and 17. And where reports identified how the offender obtained the compromising material, 82.3% involved catfishing or sexting.²²⁸

197. TikTok knew that adults were using its platform to contact, groom, and exploit children. Its internal Project Meramec investigation found that underage LIVE hosts received a significant number of direct messages from older users, identified that such contact presented a “risk of grooming,” and concluded that “Live Interaction Enables Exploitation of Live Hosts.”²²⁹

198. Project Meramec also documented how LIVE interactions facilitated exploitation. TikTok found that comments and direct messages were used to make requests of and harass LIVE hosts. It further found that hosts used TikTok’s features to share information about payment platforms and redirect users to “riskier/higher revenue platforms.” TikTok thus provided not only the initial access to vulnerable hosts, but also the means to make demands, arrange payment, and move the interaction into riskier settings.²³⁰

199. TikTok understood that grooming commonly progressed from an initial connection to private communication. In June 2020, TikTok identified “predation, grooming, and facilitating

²²⁷ *Id.*

²²⁸ Thorn & National Center for Missing & Exploited Children, *Trends in Financial Sextortion: An Investigation of Sextortion Reports in NCMEC CyberTipline Data* at 6, 9-14 (June 2024), <https://perma.cc/XHG5-S35U>.

²²⁹ TIKTOK3047MDL-157-04638890.

²³⁰ *Id.*

access to CSAM” as its “biggest problems” involving child sexual exploitation. TikTok nevertheless admitted that it did “not proactively prevent known sex offenders” reported to the company by users, law enforcement, or the media from accessing its platform.²³¹ Four months later, TikTok acknowledged that “most predatory behavior occurs in DMs” and that most predators and victims mutually follow one another, allowing predators to access direct messages after circumventing TikTok’s age gate.²³²

200. TikTok also understood that grooming could give a predator access to children beyond the initial target. In August 2022, TikTok’s Minor Safety personnel recommended restricting a proposed real-time photo-sharing feature to adults because of child sexual exploitation and CSAM concerns. Product personnel nevertheless pressed for the feature to be made available to users as young as 13 and suggested that access could be limited to mutual followers. A Minor Safety employee warned that mutual following did not eliminate the danger: the concern was grooming, because once a predator “pick[s] the lock,” TikTok opens the door to “a network of potential victims.”²³³

201. After gaining access to a child, predators use a variety of tactics to induce the child to perform sexual or compromising acts on TikTok LIVE, including attention, pressure, or virtual Gifts. TikTok’s internal Project Meramec put the company on notice that its Gifts feature was being used to purchase nudity and sexual activity from LIVE hosts while generating significant revenue for the company, yet TikTok continued to operate the feature.²³⁴ OCCIT observed offend-

²³¹ TIKTOK3047MDL-042-LARK-00237494.

²³² TIKTOK3047MDL-099-LARK-04568048.

²³³ TIKTOK3047MDL-047-LARK-00511183.

²³⁴ TIKTOK3047MDL-157-04638890.

ers rewarding children for particular acts and seeking footage they could record and retain. Children responded by changing poses, adjusting camera angles, or removing clothing to obtain additional Gifts. In some instances, the conduct escalated to explicit sexual acts that offenders recorded and redistributed.²³⁵

202. TikTok’s own records document how quickly sexual material involving a child could spread once it reached the platform, and how slowly TikTok responded. In November 2019, a TikTok employee reported internally that nude content involving a 13- or 14-year-old child had been leaked on the platform. Although the employee reported and escalated the content, TikTok had taken no action 23 hours later. Meanwhile, other accounts were saving and reuploading the material, and users were requesting it in the comments. One uploader reportedly received only a one-week suspension, while a predator TikTok had previously banned appeared to have created additional accounts. The employee described TikTok’s child-safety response as “severely lacking.”²³⁶

203. Predators did not need a child to perform sexual acts to exploit them. TikTok’s internal assessment warned that “[p]redators can download innocuous content featuring minors” and acknowledged that its download restriction depended on the age of the account holder—not the age of the child depicted in the content. TikTok also admitted that it had the “same problem” experienced by other platforms involving pedophilic comments on otherwise innocent content featuring children.²³⁷

²³⁵ UK Online CSEA Covert Intelligence Team, *TikTok Abuse* 1, Report No. 148-3602026 (undated), <https://perma.cc/RU4P-WGDU>.

²³⁶ TIKTOK3047MDL-066-LARK-00942348.

²³⁷ TIKTOK3047MDL-042-LARK-00237494.

204. The danger extended beyond individual downloads and comments. TikTok identified compilation accounts that collect and aggregate content depicting children as part of the “high risk trends” involving livestreams, predatory comments, and account-level activity. TikTok admitted that its investigation had uncovered only “the tip of the iceberg” and that its Minor Safety personnel were “overloaded with manual review” while attempting to identify and ban large groups of predatory accounts.²³⁸

205. TikTok also knew that exploitation could move beyond its platform and into spaces where it was even more difficult to detect or stop. TikTok classified external links to CSAM as a priority risk and acknowledged that “[p]ushing users offsite is always high risk for children but very difficult to enforce on.” Yet TikTok described preventing links to known CSAM sites as only the “bare minimum” protection required.²³⁹

206. These dangers persisted while TikTok lacked basic systems for identifying, reporting, and measuring child sexual exploitation. In June 2020, TikTok admitted that it was underreporting CSAM, did not report CSAM or grooming content in the Asia-Pacific region, and had no daily reports for monitoring CSAM and grooming trends. TikTok also did not measure whether its systems were proactively identifying such content.²⁴⁰

207. TikTok knew what it should have been doing to address these dangers. Its internal plans identified automated reporting to NCMEC, improved image-hashing software, grooming and

²³⁸ TIKTOK3047MDL-099-LARK-04568048.

²³⁹ TIKTOK3047MDL-042-LARK-00237494.

²⁴⁰ *Id.*

predator-detection models, review of direct messages, and specialized investigation and moderation teams as “critical” protections, but acknowledged that such systems and teams still needed to be created or developed.²⁴¹

208. The protections TikTok had deemed “critical” remained ineffective years later. In January 2023, a TikTok employee acknowledged that TikTok Now had been launched on the rationale that the company needed to consider “business growth” even with “lower safety.” Child safety became the product’s “biggest issue risk,” and TikTok was still trying to address the resulting image-based risks.²⁴² In November 2023, a parent reported that their eleven-year-old child had a TikTok account, that a suspected pedophile had used the platform to send the child inappropriate messages, and the predator attempted to arrange an in-person meeting with the child.²⁴³

209. OCCIT’s investigation confirmed how these failures operated together in practice. Predators did not have to encounter children by chance. TikTok’s search and recommendation systems helped them find children and accounts sexualizing children; comments and direct messages gave them channels for establishing contact; LIVE and virtual Gifts enabled them to pressure children into sexual conduct; and TikTok’s download and livestream features allowed the resulting material to be recorded, preserved, and circulated. The exploitation OCCIT documented was not merely misconduct that happened to occur on TikTok. TikTok’s own systems facilitated each stage, from locating a child to contacting, grooming, exploiting, recording, and redistributing the child’s content.²⁴⁴

²⁴¹ TIKTOK3047MDL-099-LARK-04568048.

²⁴² TIKTOK3047MDL-081-02993554.

²⁴³ TIKTOK3047MDL-290-LARK-08852029.

²⁴⁴ UK Online CSEA Covert Intelligence Team, *TikTok Abuse* 1, Report No. 148-3602026 (undated), <https://perma.cc/RU4P-WGDU>.

D. TikTok in West Virginia

1. TikTok Recommends Inappropriate Content to West Virginia Children

210. The State conducted its own investigation into the kinds of content TikTok delivers. Using two test accounts—one with the age and gender of a 13-year-old girl, the other with those of a 35-year-old woman—the State examined content presented by the app. Testing was conducted back to back on two identical, new devices using the same cellular network and the same location settings.

211. Both test accounts focused primarily on what videos appeared on the “For You” feed as the State’s investigator scrolled through the videos TikTok selected, without interacting with any particular video or creator, and without conducting any search.

212. The character of the content TikTok delivered was vastly different between the two test accounts. The adult account’s experience largely reflected ordinary interests and everyday activities. TikTok’s recommendations to the adult account included recipe and cooking videos, content about West Virginia restaurants and attractions, and content featuring local businesses, including videos about a local café and pastry shop, a well-known hot dog vendor, and the local farmers’ market. Other recommended videos included lighthearted family videos, such as a video with a toddler wearing a large backpack and a laughing baby, and videos concerning lawn care and ways to create patterns in the grass. As the investigator scrolled through the For You feed on the adult account, TikTok repeatedly showed content about food, local interests, home, and family.

213. The experience TikTok delivered to the child account presented a stark contrast. Sexual content, substance use, and dangerous conduct were recurring features of the child account’s feed, appearing throughout the investigator’s ordinary scrolling. TikTok delivered the

overwhelming majority of this content directly through the For You feed, without any search. The examples below illustrate the nature and range of that content.

214. TikTok delivered videos to the child account that embedded sexual references in otherwise benign scenes and messages. One paired serene footage of Niagara Falls with vulgar sexual audio: “Jiggle my balls to Niagara Falls. When I see you, I’m not just going to touch you.” Another showed a shirt displaying the words “TREAT HER WITH COMPASSION,” with selected letters printed in red. Read together, the red letters spelled “EAT HER ASS.” See Figure A. TikTok’s recommendation system nevertheless delivered this sexual message to a 13-year-old.

Figure A.



215. TikTok’s recommendation system also delivered videos that used ordinary objects and familiar characters to simulate sexual activity. One video showed two \$20 bills folded to resemble people, one on hands and knees and the other standing behind it. A person repeatedly

moved the upright bill against the other to simulate intercourse beneath the caption “teaching my money how to multiply.” See Figure B below. Another showed a french fry being repeatedly inserted into a hamburger to simulate penetration. A third moved a knife into the opening of a bread roll in the same manner. Another video showed a Kermit the Frog puppet repeatedly moving its arm back and forth toward its groin to simulate masturbation. In a further example, a person repeatedly stroked a churro in a manner that simulated masturbation; a displayed comment reinforced the sexual meaning by claiming that its author had just performed the act on himself.

Figure B.



216. Other videos delivered by TikTok’s algorithm conveyed sexual messages through dialogue and staged reveals. In a video filmed at Texas Roadhouse, a man held two cups of honey butter and asked a woman whether he could put it on “them.” The woman looked down at her

breasts and nodded, supplying the sexual meaning of the exchange. Two other videos presented sequences of “five places to eat.” Each video showed images of four different fast food chain restaurants, then revealed a bedroom as the fifth location, which served as a reference to oral sex.

217. Additional videos presented sexual imagery through food, tourist photographs, familiar fictional characters, and drawings in school materials. One video panned along the length of a cake shaped like a penis, progressively revealing its form as the camera moved. Another video turned photographs of the Leaning Tower of Pisa into a sexual joke. It first displayed tourists posing for the familiar illusion of holding up the tower beneath the words “Everyone else’s pictures...” It then switched to a photograph captioned “Vs mine,” showing a man laying on his back in the foreground with the tower extending upwards between his legs to depict the tower as an oversized penis.

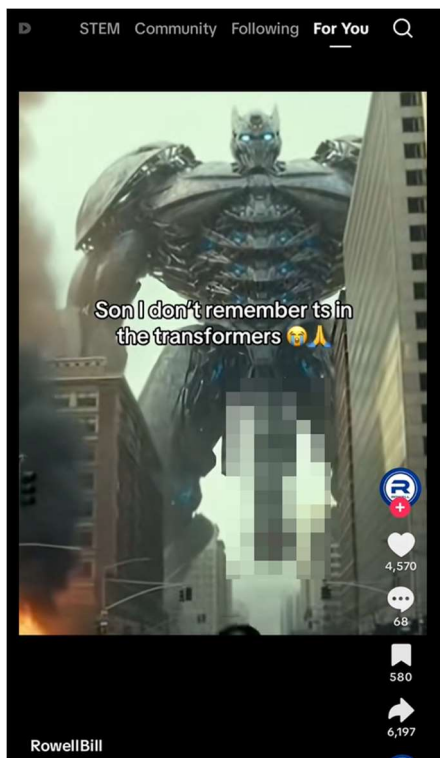
218. Another video displayed an open textbook containing a passage about King Kong and vocabulary exercises about films. The textbook pages included a photograph of a roaring gorilla with its mouth open wide. A pencil drawing added across the printed pages depicted a nude male human figure with a penis extending into the gorilla’s open mouth, while an anthropomorphized male kangaroo figure penetrated the human from behind. *See Figure C.* The drawing depicted bestiality, specifically both oral and anal sex between a human and an animal. The caption, “ayo teach check my hbs book,” framed the drawing as something discovered in another student’s textbook.²⁴⁵

²⁴⁵ Kawter Abed, *What does HBS mean on TikTok?*, Dexerto (Mar. 17, 2025), <https://perma.cc/7SZT-7D7T>.

[illegible]

²⁴⁶ See TIKTOK3047MDL-157-04638890.

Figure D



220. TikTok’s selection and delivery of the sexualized material described above conflicts with its public representations about the content teenagers would encounter on the platform. In its December 2022 announcement, *Strengthening enforcement of sexually suggestive content*, TikTok stated that its policies excluded even “borderline” or “suggestive” content from For You recommendations. It identified adult innuendo, profanity, and sexually suggestive content as themes its Content Levels system was designed to prevent from reaching accounts aged 13 to 17.²⁴⁷ Despite its claim that the Content Levels system would help to create “a more appropriate and comfortable experience for teen account holders,” TikTok repeatedly delivered sexual messages,

²⁴⁷ TikTok, *Strengthening enforcement of sexually suggestive content* (Dec. 30, 2022), <https://perma.cc/CM8Q-98C7>.

simulated intercourse and masturbation, and images of genitalia to an account used by a 13-year-old girl.²⁴⁸

221. TikTok’s stated restrictions extended beyond recordings of actual sexual activity. Its Community Guidelines expressly prohibits depictions of penetrative and oral sex, including digital and illustrated images, and separately prohibits depictions of bestiality.²⁴⁹ The textbook drawing delivered to the child account depicted both: a nude male human figure engaged in oral sex with a gorilla while an anthropomorphized male kangaroo penetrated the human figure from behind. TikTok’s recommendation system selected and delivered a graphic depiction of bestiality to a child in violation of its own policies.

222. TikTok also defines sexually suggestive acts to include movements “imitating sexual acts,” including thrusting and sexualized interactions with objects. Its guidelines state that sexually suggestive acts involving adults were restricted to adult audiences and ineligible for For You feed recommendation.²⁵⁰ Here again, the videos TikTok chose to show to a child contained content the company claimed is not allowed on its platform. The videos using folded currency, a french fry and hamburger, a knife and bread roll, a churro, and a Kermit the Frog puppet repeatedly simulated intercourse or masturbation. Their sexual meaning arose from the same kinds of movements TikTok identified in its policies. Nevertheless, TikTok selected and delivered them through the child account’s For You feed.

223. These recommendations also contradict TikTok’s representations about its enforcement systems. TikTok described investments in automated detection intended to prevent suggestive content from being recommended to or searchable by teenagers and claimed that it had blocked

²⁴⁸ *Id.*

²⁴⁹ TikTok, *Community Guidelines*, “Sensitive and Mature Themes,” <https://perma.cc/H2Z5-KMXH>.

²⁵⁰ *Id.*

teen accounts from viewing more than one million overtly sexually suggestive videos in a single month.²⁵¹ The State’s testing reveals that TikTok overstates the effectiveness of its enforcement efforts; recurring sexual content was delivered to a child user during ordinary scrolling, without searching for it. TikTok itself selected and displayed sexualized content that expressly violates its policies.

224. While sexualized content represented the largest share of inappropriate content TikTok delivered to the child account, TikTok also allowed the child account to view videos about drugs and alcohol. One video depicted a thick white cloud spreading across the ground while a prolonged shrieking sound played on the audio. The on-screen text states “me when bro fails to hold his blinker in after the principal walked in.” *See* Figure E.

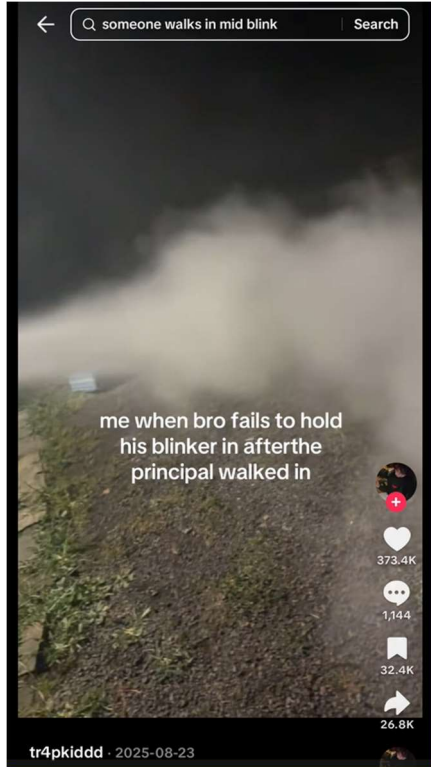
225. The term “blinker” is used on TikTok and other social media to refer to a prolonged, continuous draw from a vape until the device’s indicator light begins blinking.²⁵² In this context, the spreading cloud served as an exaggerated visual representation of exhaled vape aerosol in front of the school principal, making vaping at school the joke. The post included the hashtag #penjamin, which refers specifically to vape cartridges containing the hallucinogen THC.²⁵³ The date stamp on the post indicates this video was initially uploaded on August 23, 2025—approximately one year before the State performed its testing—and has been “Liked” more than 370 thousand times.

²⁵¹ TikTok, *Strengthening enforcement of sexually suggestive content* (Dec. 30, 2022), <https://perma.cc/CM8Q-98C7>.

²⁵² Killingly Youth Substance Prevention Coalition, *Coalition Welcome Packet & Vaping Dictionary*, at 12 (United Services), <https://perma.cc/74YE-LLTP>.

²⁵³ Crew, *THC Vapes*, at 3 (Apr. 2024), <https://perma.cc/NYT4-WHT8>.

Figure E



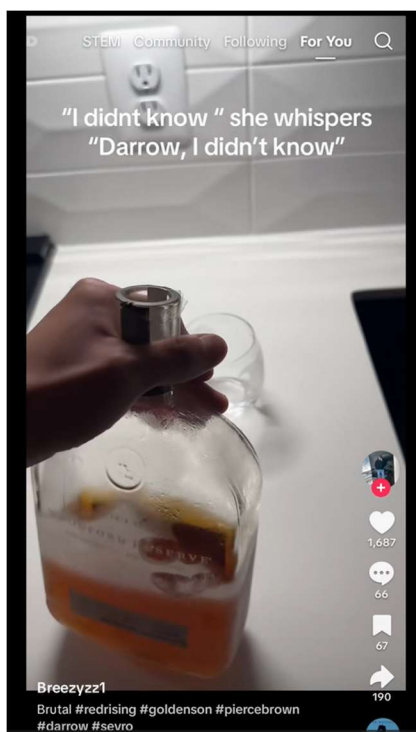
226. Another video presented in the child account's For You feed displayed the caption "Yarts haven't really affected my life," referring to THC vape cartridges.²⁵⁴ Behind that caption, a male figure acted visibly intoxicated, letting his eyelids droop, rolling his eyes upward, and making exaggerated facial movements. The video was accompanied by a clip from 03 Greedo's song titled "Substance (we woke up)," with the lyrics: "*We woke up, intoxicated off of all type of drugs; I'm never sober each time I'm in love.*"

227. Another video delivered to the child account shows a person drinking alcohol on screen. The video displays a quote from *Golden Son* in the *Red Rising* book series by Pierce Brown: "'I didn't know,' she whispers. 'Darrow, I didn't know.'" It then transitions to a person pouring

²⁵⁴ SouthLight Healthcare, *A Parent's Guide to Teens and Vaping* (Aug. 15, 2025), <https://perma.cc/8VBC-S2C8>.

whiskey and drinking it, presenting alcohol consumption as an appropriate response to the passage's emotional impact. *See* Figure F. TikTok also selected a video comparing drawing while drunk with drawing while high. The text “Drunk vs. Geeked” appears across the top of the screen above a man holding two sheets of paper. “Geeked” is a slang term for being high.²⁵⁵ He turns each sheet to reveal a different drawing, presenting the contrasting illustrations as examples of how his drawing changes under the influence of different substances.

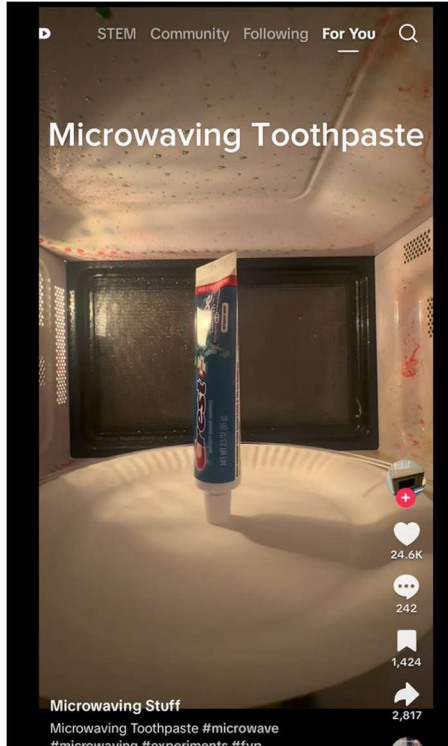
Figure F



228. TikTok also recommended videos depicting potentially dangerous activities that could encourage imitation. In one such video, a full tube of Crest toothpaste is microwaved until the contents burst from the packaging. *See* Figure G. The video bears the hashtag #experiments.

²⁵⁵ Tom Dalzell ed., *The Routledge Dictionary of Modern American Slang and Unconventional English*, at 425–426 (Routledge 2009).

Figure G



229. As with the sexualized content, TikTok’s selection and delivery of material involving drugs, alcohol, and potentially dangerous activities runs afoul of the company’s own policies and contradicts its public representations.

230. TikTok’s guidelines has classified content showing or promoting cannabis or cannabis-related items as both age restricted and ineligible for recommendation on the For You feed.²⁵⁶ Nevertheless, TikTok chose to display a video that joked about concealing a vape with a THC cartridge from a school principal to an account operated by a 13-year-old child. TikTok also chose to recommend a video depicting a man acting high, coupled with text—“Yarts”—which clearly refers to THC vaping cartridges, and an audio track with lyrics about waking up intoxicated after taking “all kinds of drugs.” The video presented these drug-related thematic elements as

²⁵⁶ TikTok, *Community Guidelines: Regulated Goods and Commercial Activities*, “Regulated Goods and Services” (effective Sept. 13, 2025), <https://perma.cc/7QJ7-RTAK>.

entertainment, bringing the video within TikTok’s restriction on showing or promoting cannabis-related content in the For You feed and to viewers under 18.²⁵⁷ The same can be said for TikTok’s recommended “Drunk vs. Geeked” video – by comparing the results of drawing while drunk and while high treated drug use as a source of amusement, promoting recreational intoxication in a video TikTok selected for the 13-year-old account’s For You feed.

231. TikTok’s Content Levels policy reserves adult alcohol use for viewers 18 and older,²⁵⁸ but the recommendation system nevertheless delivered a video depicting a person drinking hard liquor to deal with strong emotions resulting from reading a book passage.

232. TikTok prohibits readily imitated activities that could cause significant physical harm and classifies “[c]ontent showing activities that may lead to moderate physical harm” as restricted to users 18 and older and ineligible for the For You feed.²⁵⁹ Nevertheless, TikTok chose to deliver a video depicting an easily replicated and dangerous experiment involving microwaving toothpaste. The hashtag “#experiment” reinforces that invitation, framing the activity as something to try. The video omits the hazards behind the spectacle—some toothpaste tubes, and many tubes of personal care products, contain an aluminum barrier sandwiched between layers of plastic to preserve freshness of the product inside. Aluminum can cause electrical arcing, or sparking, inside a microwave, and those sparks can ignite surrounding materials.²⁶⁰ Heating a sealed container can cause the item to explode, potentially blowing off the door, while handling the heated container or

²⁵⁷ TikTok, *Community Guidelines: Regulated Goods, Services, and Commercial Activities*, “Regulated Goods and Services” (effective Sept. 24, 2026), <https://perma.cc/R4JF-NYC6>.

²⁵⁸ TikTok, *Content Levels on TikTok Posts*, “Age-restricted content level,” <https://perma.cc/ZH24-7KA7>.

²⁵⁹ TikTok, *Community Guidelines: Mental and Behavioral Health*, “Dangerous Activity and Challenges” (effective Sept. 24, 2026), <https://perma.cc/WN68-7QAP>.

²⁶⁰ Satoshi Horikoshi et al., *Application of Variable Frequency Microwaves in Microwave-Assisted Chemistry: Relevance and Suppression of Arc Discharges on Conductive Catalysts*, 10 *Catalysts* 777, 1, 8–9 (2020).

its contents can cause burns.²⁶¹ The danger therefore extends beyond watching what happens inside the microwave to removing and handling the tube afterward. Rather than restricting this readily imitated, potentially dangerous activity, TikTok recommended it to a child.

233. The examples above illustrate the wide gulf between the content TikTok recommends to parents and children, even for new users with no developed personalization profile. TikTok does not disclose this difference. As such, parents are left to decide whether to allow their children to access TikTok not knowing that the experience they evaluated is not representative of what their child will receive.

2. West Virginia and its Children Suffer Real Harms from Platforms Like TikTok

234. Exposure to inappropriate content that TikTok itself selects and delivers is not the only harm children may suffer from using the platform. Children sometimes imitate dangerous conduct they see on TikTok, while predators exploit the access to children the platform provides for grooming, sextortion, and other abuse. Both the content TikTok recommends and the access to children it provides can have serious real-world consequences.

235. The viral challenges described above have caused concrete harm in West Virginia schools. In 2021, students participating in the “Devious Licks” challenge removed hand sanitizer stations and soap dispensers from South Harrison and Liberty high schools. At one school, a student brought a toolkit into a restroom and removed an entire sink.²⁶² In 2025, students at Sandy River Middle School and River View High School in McDowell County participated in the “Chromebook Challenge,” which encouraged students to insert metal objects into Chromebook

²⁶¹ University of California, Berkeley, Office of Environment, Health & Safety, *Microwave Oven Safety Guidelines*, <https://perma.cc/G6LV-4DQV>.

²⁶² Jasmin Adous, ‘Devious Licks’ TikTok Challenge Put Harrison County Officials on Watch, WDTV (Oct. 7, 2021), <https://perma.cc/8FQK-VQ7Y>.

ports, creating the risk of sparks, battery ignition, fire, or explosion. In the aftermath, McDowell County Schools performed inspections of school-issued equipment and adopted additional security measures, steps that would not have had to be taken but for the viral TikTok challenge students attempted to imitate.²⁶³

236. TikTok content has also frightened West Virginia children and disrupted schools and communities. In 2026, accounts associated with the “Cat in the Hat” TikTok trend sent children menacing messages, claimed that the character was coming after particular people, and included details about children’s homes to create the impression that someone was watching them. Incidents were reported in several West Virginia counties, including Ritchie and Mason Counties. The Ritchie County Sheriff’s Office investigated one reported incident and filed a juvenile petition, while Wood County Schools warned families about the trend to prevent fear and disruption in its schools.²⁶⁴ Although the supposed threats were fabricated, the fear they caused, and the responses they required from families, schools, and law enforcement, were real.

237. Harmful content is only one way TikTok exposes children to danger. TikTok also places children within reach of adults who use public videos and interactions to identify potential victims, assume false identities or shared interests, make direct contact, build trust, and then escalate to sexual requests, threats, or attempted in-person meetings. These are not hypothetical possibilities. Documented cases in neighboring states demonstrate how predators have used the platform to exploit vulnerable children.

²⁶³ Charlie Boothe, *McDowell County Schools See Incidents of TikTok ‘Chromebook Challenge’*, WVVA (May 12, 2025), <https://perma.cc/H88G-BPJK>.

²⁶⁴ Cassidy Fury, *Wood County Schools Warns Parents of Scary ‘Cat in the Hat’ TikTok Trend*, WTAP (Sept. 2, 2026), <https://perma.cc/QM56-N5NR>; WDTV News Staff, *Petition Filed Against Juvenile in Ritchie County for ‘Cat in the Hat’ TikTok Trend* (Sept. 1, 2026), <https://perma.cc/QX9K-WWHK>.

238. In Virginia, Andrew Joseph Fernandez used a private TikTok message to contact a nine-year-old girl. Fernandez falsely claimed to be a child named “Levi” who had attended her school. He then quickly sexualized the conversation, sent the child an explicit video, directed her to keep the exchange secret, and attempted to persuade her to create sexual material by promising her a “lucrative modeling audition.”²⁶⁵ Investigators found that Fernandez had engaged in similar conduct with several other children, some of whom complied with his requests. Fernandez was arrested and was ultimately sentenced to forty years in federal prison.²⁶⁶

239. Other offenders have used TikTok to intensify their coercion and distribute sexual material depicting children. After Ohio resident Brian Grinnell coerced a girl under the age of twelve into creating sexually explicit photographs and videos, he contacted her friends on TikTok and threatened to post a nude video unless the child resumed communicating with him. Grinnell then posted sexually explicit videos of the child on TikTok. When another child begged him not to post additional videos, Grinnell demanded a topless video of that child begging him to stop and then posted another video after she threatened to contact the police. Grinnell was sentenced to more than ten years in federal prison.²⁶⁷

240. West Virginia children face these dangers while registered sex offenders are present on TikTok. Public reports and law enforcement actions have identified at least five registered sex offenders who maintained TikTok accounts while living in West Virginia. Several allegedly failed to report those accounts as required by law. Authorities alleged that one registered sex offender had maintained an unreported TikTok account for approximately three years and had posted videos

²⁶⁵ U.S. Attorney’s Office, Eastern District of Virginia, *Virginia Beach Man Sentenced to 40 Years in Prison for Attempting to Coerce Children to Send Child Sexual Abuse Material* (Mar. 12, 2025), <https://perma.cc/M4QE-THMU>.

²⁶⁶ *Id.*

²⁶⁷ U.S. Attorney’s Office, District of Connecticut, *Ohio Man Sentenced to 10 Years for Coercing Minor to Send Him Sexually Explicit Videos, Posting Them on TikTok* (Dec. 14, 2021), <https://perma.cc/5PQ3-UN64>.

to it.²⁶⁸ These incidents establish that known sex offenders are present on the platform and can use the same accounts, content, and communication features available to other TikTok users, including the ability to contact child users.

241. West Virginia prosecutions also demonstrate how easily an adult can use a false identity and seemingly ordinary online interactions to gain a child's trust. A former Kanawha County elementary school counselor posed online as an eighteen-year-old boy and persuaded multiple girls to record and send him sexually explicit videos. He also recorded more than 100 conversations with two girls who were approximately twelve years old, including one of his former students, and received videos of the girls performing "TikTok" style dances while wearing sports bras and shorts.²⁶⁹

242. Other offenders have used online relationships to coerce West Virginia children and seek access to them in person. Registered sex offender Alex Kai Tick Chin coerced one West Virginia girl into sending sexually explicit images by threatening to harm himself if she did not comply. Chin used similar threats while soliciting nude images from a second West Virginia girl. He later drove from California to West Virginia in a van equipped with a mattress and attempted to meet both children.²⁷⁰ In another case, a Beckley man asked a fifteen-year-old girl through social media to send him a video of herself engaged in sexual activity and arranged to meet her for sex.

²⁶⁸ See WDTV News Staff, *Fairmont Man Accused of Soliciting Teen* (Apr. 5, 2022), <https://perma.cc/LS2J-97PA>; Matt Harvey, *Sex Offender Jailed on Nearly \$300,000 Bond on Harrison (West Virginia), Marion Charges*, WV News (Feb. 2, 2024), <https://perma.cc/Q2GS-V38X>; Nicki Skinner, *Grafton, West Virginia Man Sentenced to Probation for Failing to Register Social Media Account as Sex Offender*, WV News (Aug. 25, 2025), <https://perma.cc/X54A-4U76>; Lootpress News Staff, *Unreported TikTok Account Leads to Arrest During Sex Offender Check in Fayetteville* (Jan. 7, 2026), <https://perma.cc/D56C-2542>; Matt Harvey, *Meigs County, Ohio, Sex Offender Faces 6 Sex Registry Charges in Harrison County, West Virginia*, WV News (Feb. 6, 2026), <https://perma.cc/YG7J-67XW>.

²⁶⁹ U.S. Attorney's Office, Southern District of West Virginia, *Former Pinch Elementary Counselor Pleads Guilty to Child Exploitation Crimes* (June 13, 2022), <https://perma.cc/Q668-U864>.

²⁷⁰ U.S. Attorney's Office, Southern District of West Virginia, *Registered Sex Offender Sentenced to 37 Years in Prison for Child Exploitation Crimes* (Apr. 28, 2025), <https://perma.cc/77HZ-K6L5>.

He was arrested when he arrived at the meeting location and was later sentenced to thirty years in prison.²⁷¹

243. The consequences can be fatal when a predator obtains sexual material and uses the threat of exposure to overwhelm a child with fear and shame. This can occur even if the predator is thousands of miles away. In 2018, a twelve-year-old West Virginia girl died by suicide after Alexander McCartney, a U.K. resident, used a false identity to persuade her to send a topless photograph over social media. McCartney then revealed his deception, demanded more explicit material, threatened to send the photograph to her father, and imposed an online countdown as the child pleaded with him to stop. McCartney later pleaded guilty to manslaughter, blackmail, and numerous child exploitation offenses and was sentenced to at least twenty years in prison.²⁷²

244. In November 2025, a fifteen-year-old Kanawha County student died by suicide within hours after an unknown person targeted him in what investigators identified as an online sextortion scheme. The person posed as a local seventeen-year-old girl, obtained an intimate image from the child, and demanded \$500. During the final twenty minutes before his death, the child reportedly received approximately 120 messages, including messages telling him that his life was over and that he should die.²⁷³

245. These West Virginia cases demonstrate the devastating consequences that can follow when an adult locates a child online, conceals the adult's identity, establishes private contact, obtains sexual material, and uses shame or threats to compel further conduct. TikTok provides

²⁷¹ U.S. Attorney's Office, Southern District of West Virginia, *Beckley Man Sentenced to 30 Years in Federal Prison for Child Pornography Offense* (Sept. 10, 2021), <https://perma.cc/7YW9-TA96>.

²⁷² David Blevins, *UK's Worst Catfish Jailed After Driving Father and Daughter to Take Own Lives*, Sky News (Oct. 25, 2024), <https://perma.cc/M7HP-S7T2>.

²⁷³ Charna Flam, *15-Year-Old Dies 3 Hours After Family Claims He Was Targeted in Sextortion: "They Say It's Suicide, But in My Book It Is 100% Murder"*, People (Dec. 9, 2025), <https://perma.cc/E2EU-AYBX>.

predators with the means to carry out that same progression. As alleged above, TikTok knew that predators were using its videos, comments, direct messages, LIVE broadcasts, Gifts, and download features to identify and exploit children, while failures in its age assurance, moderation, and safety systems left children exposed. The State's testing demonstrates that West Virginia children continue to encounter an online environment in which TikTok's promised protections fail and the tools predators use remain available.

E. TikTok's Conduct Violates West Virginia Law

246. TikTok has committed numerous violations of the West Virginia Consumer Credit and Protection Act through the design and operation of its online platform, and additional violations will become known as discovery progresses. The following conduct is included among the company's many violations:

247. TikTok engaged in unfair or deceptive acts or practices in each instance where it relied on West Virginia users' self-reported birthdates, failed to verify parental consent, unreasonably failed to prevent or detect users who evaded age restrictions, or declined to implement measures to reliably identify children where such measures would have a negative or neutral effect on platform growth.

248. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented that the platform was appropriate for West Virginia users as young as 12 or 13 though ratings displayed in app stores by falsely claiming that the platform contained only limited mature content and by downplaying or denying that children could readily encounter frequent or intense mature content, including but not limited to intense sexual, drug-related, and profane content.

249. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented that its Community Guidelines protected West Virginia children by stating prohibited content would be removed, restricted, age-gated, or not recommended on the For You feed while allowing eating disorder, drug related, sexually explicit, and other prohibited content to remain available and to continue to be recommended to children.

250. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented the scope and consistency of its enforcement of its Community Guidelines by failing to consistently apply its policies to direct messages and by providing popular creators more lenient treatment than what TikTok's own rules require.

251. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented the effectiveness of its moderation system by omitting from its public communications how long prohibited content remained available, how widely it circulated before removal, how much violative content escaped detection or was incorrectly approved for public viewing, including by West Virginia children.

252. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented how faithfully it followed hired experts' recommendations, including by misrepresenting that expert input informed its Community Guidelines while allowing harmful eating disorder and weight loss content available despite experts' warnings that exposing children to such content was likely to cause harm.

253. TikTok engaged in unfair or deceptive acts or practices in each instance where it deceptively marketed Restricted Mode as a meaningful safeguard against mature content despite that the company knew that children using the feature could still be directed toward sexualized searches and material.

254. TikTok engaged in unfair or deceptive acts or practices in each instance where it omitted that Family Pairing was difficult to initiate, did not reliably control a child's experience, could be unlinked by the child without parental authorization, and did not permit a parent to require deletion of a 13- to 17-year-old child's account.

255. TikTok engaged in unfair or deceptive acts or practices in each instance where it misrepresented that age restrictions and dedicated moderation protected children on LIVE despite knowing that underage children hosted livestreams, older users could contact them, sexualized livestreaming involving child users remained prevalent, and TikTok's recommendation and Gifts systems promoted and monetized sexual conduct.

256. TikTok engaged in unfair or deceptive acts or practices in each instance where it unfairly targeted young users, including children in West Virginia, for increased engagement on the platform despite knowing the risks of compulsive use.

257. TikTok engaged in unfair or deceptive acts or practices in each instance where it designed features and systems to encourage compulsive use, including but not limited to design and system features such as endless feed, autoplay, removal of time cues, unpredictable rewards, social feedback, and push notifications to prolong use and repeatedly draw children back to the platform, despite knowing the resulting compulsive use could displace sleep, schoolwork, relationships, and other essential activities.

258. TikTok engaged in unfair or deceptive acts or practices in each instance where it offered ineffective screen time management measures, rejected or disfavored stronger measures because doing so would reduce engagement, and failed to disclose that its so-called well-being tools left the platform's compulsive design intact.

259. TikTok engaged in unfair or deceptive acts or practices in each instance where it automatically activated beauty filters to alter child users' appearances without their knowledge or consent, continued deploying beauty filters after recognizing their risks to body image and mental health, and each time it failed to disclose these known risks to child users and parents.

260. TikTok engaged in unfair or deceptive acts or practices in each instance where it repeatedly amplified harmful content to children, including vulnerable children in West Virginia, while knowing that its systems could not reliably identify or break harmful "bubbles" created by such content, and for failing to disclose this risk to child users and parents. The types of content include but are not limited to content involving eating disorders, self-harm, suicide, and body image.

261. TikTok engaged in unfair or deceptive acts or practices in each instance where it designed and operated recommendation and social reward systems to promote imitation and escalation of dangerous challenges and frightening hoaxes, by applying largely reactive moderation, and by allowing dangerous content to accumulate substantial exposure before removal, if it was removed at all. TikTok represented such dangerous content would be removed or restricted, but the company nevertheless failed to disclose to child users and parents that its recommendation system continued to spread such content.

262. TikTok engaged in unfair or deceptive acts or practices in each instance where it unfairly and deceptively misrepresented that its platform was safe despite its features and overall platform design made children visible and accessible to child predators. Features such as search, recommendations, profile, commenting, and direct messages enabled predators to locate and exploit children, including children in West Virginia.

263. TikTok engaged in unfair or deceptive acts or practices in each instance where it unfairly and deceptively misrepresented that its platform protected children from exploitation. The company knew that predators were using the platform, knew that its personnel were overwhelmed, failed to prevent known sex offenders from returning, responded slowly to sexual material involving children, and failed to implement child safety systems it had identified as critical when such systems would impact engagement.

264. TikTok engaged in unfair or deceptive acts or practices in each instance where it unfairly prioritized engagement, growth, revenue, and reputation over child safety. TikTok resisted stronger age assurance, content moderation, screen-time restrictions, safer filters, and other protections when those measures threatened the company's bottom line or its public perception. TikTok failed to disclose to child users and parents that it put profits before the safety of its most vulnerable users.

V. CAUSE OF ACTION

Violations of the West Virginia Consumer Credit and Protection Act

265. The State repeats and realleges the allegations contained in paragraphs 1 through 264 above as if fully set forth herein.

266. The WVCCPA prohibits an entity from using "unfair methods of competition and unfair or deceptive acts or practices in the conduct of any trade or commerce." W. Va. Code § 46A-6-104.

267. TikTok's conduct, as alleged herein, involves "trade or commerce" within the meaning of the WVCCPA.

268. TikTok’s statements, omissions, actions, and inactions, as detailed above, constitute unfair or deceptive acts or practices prohibited by the WVCCPA. These include, but are not limited to, the following:

- a. Using an age-assurance system it knew could not reliably identify children;
- b. Misrepresenting the age appropriateness of the platform through app-store ratings;
- c. Misrepresenting that its Community Guidelines protect children while allowing prohibited content to remain available;
- d. Misrepresenting the scope and consistent application of its Community Guidelines;
- e. Misrepresenting the effectiveness of its content moderation system;
- f. Misrepresenting the role of outside experts in informing its policies and practices;
- g. Falsely representing that Restricted Mode was a meaningful safeguard against mature content;
- h. Falsely representing that Family Pairing gave parents meaningful oversight and control of their child’s experience on the platform;
- i. Misrepresenting the protections afforded to children using TikTok LIVE;
- j. Unfairly targeting children for increased engagement despite knowing their developmental vulnerabilities;
- k. Designing TikTok to induce excessive and compulsive use by children while failing to disclose the risk of harm such use may cause;
- l. Misrepresenting the effectiveness of screen-time measures while simultaneously resisting implementation of protections that would materially reduce child use;
- m. Unfairly applying appearance-altering filters to children without notice or consent;
- n. Employing a content recommendation system capable of placing children into harmful content loops or “rabbit holes” while failing to disclose risks;
- o. Designing and operating features that amplified dangerous challenges and frightening hoaxes;
- p. Making children visible and accessible to predators through platform design and features while misrepresenting the platform’s safety;
- q. Failing to implement protections it knew would help to prevent child exploitation; and

- r. Unfairly prioritizing engagement, growth, revenue, and reputation over child safety.

269. The acts or practices described herein occurred in the course of trade or commerce as defined by W. Va. Code § 46A-6-102(6).

270. These acts or practices injured the State, consumers in the State, and its most vulnerable citizens: children. The Defendants' actions are a direct and proximate cause of those injuries.

PRAYER FOR RELIEF

The State respectfully requests that the Court render judgment in the State's favor and enter an Order:

- a. Finding that the Defendants have violated the WVCCPA by committing unfair or deceptive acts and practices in the course of trade or commerce in violation of W. Va. Code § 46A-6-104, as set forth above;
- b. Upon a finding that each Defendant engaged in a course of repeated and willful violations of the WVCCPA, assessing civil penalties of up to \$5,000.00 for each violation pursuant to W. Va. Code § 46A-7-111;
- c. Requiring the Defendants, pursuant to W. Va. Code § 46A-7-108, to pay restitution of all money and property acquired from West Virginia residents by means of acts or practices declared unlawful by W. Va. Code § 46A-6-104;
- d. Requiring the Defendants, pursuant to W. Va. Code § 46A-7-108 and the principles of equity, to disgorge all profits derived from West Virginia by means of acts or practices declared unlawful by W. Va. Code § 46A-6-104;
- e. Enjoining the Defendants, their agents, employees, and all other persons acting for or on their behalf, directly or indirectly, from violating the WVCCPA, including prohibiting deceptive representations concerning platform safety;
- f. Requiring the Defendants to implement effective age verification and age-appropriate safeguards for child users, including but not limited to parental controls, usage restrictions, crisis-response protocols, child predator detection measures;

- g. Requiring the Defendants to clearly, prominently, and timely disclose known or reasonably foreseeable risks of platform use to users, particularly child users;
- h. Requiring the Defendants to submit to independent monitoring to ensure compliance with any injunctive relief awarded;
- i. Awarding the State its costs, including the reasonable fees of its attorneys and special assistant attorneys general, taxed against Defendants under W. Va. Code §§ 46A-7-108 and 59-2-18 and applicable law, and, its expert-witness and investigation expenses, and pre- and post-judgment interest at the highest lawful rates, all to be paid by Defendants in addition to, and not from, any other relief awarded;
- j. Declaring that each Defendant is jointly and severally liable for all penalties and other monetary relief awarded; and
- k. Granting such other appropriate equitable relief to secure complete justice in this matter.

Respectfully submitted,

**JOHN B. MCCUSKEY,
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